

URBIS

# EAST WALKER STREET PLANNING PROPOSAL

173-179 WALKER STREET  
& 11-17 HAMPDEN STREET,  
NORTH SYDNEY





**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Stephen White
Senior Consultant	Sophy Purton
Project Code	SA6726
Report Number	Final

# TABLE OF CONTENTS

Executive Summary .....	i
1. Introduction .....	1
1.1. Overview .....	1
1.2. Report Structure.....	1
2. Site & Surrounding Context .....	3
2.1. The Locality.....	3
2.2. East Walker Street Precinct .....	5
2.3. Surrounding Context .....	10
2.4. Surrounding Road, Rail & Bus Network.....	12
2.4.1. Road.....	12
2.4.2. Heavy Rail.....	12
2.4.3. Metro Rail.....	12
2.4.4. Bus .....	12
3. Statutory Planning Framework .....	14
3.1. North Sydney Local Environmental Plan .....	14
3.1.1. Land Use Zone .....	14
3.1.2. Height of Buildings .....	15
3.1.3. Floor Space Ratio .....	16
3.1.4. Heritage Conservation .....	16
4. Local Strategic Planning Background .....	18
4.1. Stage 1 Ward Street MasterPlan (2016).....	18
4.2. Stage 2 Ward Street Precinct Masterplan (2018) .....	19
5. Planning Proposal History .....	22
5.1. Overview .....	22
5.2. Council Resolution .....	22
5.3. Planning Panel Decision .....	23
6. Preparation of Revised Planning Proposal .....	24
6.1. Review & Engagement Process .....	24
6.1.1. Collaboration with Council .....	24
6.1.2. Planning Panel Criteria .....	34
6.2. Reference Scheme Guidance.....	37
6.2.1. Stage 2 Ward Street Precinct Masterplan .....	37
6.2.2. Design Principles .....	37
6.3. Reference Schemes .....	39
6.3.1. Reference Design .....	40
6.3.2. Special Provisions Reference Design.....	40
6.4. Separate Land Holdings Study .....	41
6.5. Development Overview .....	43
6.5.1. Land Use.....	44
6.5.2. Height and built form .....	44
6.5.3. Public domain and landscape outcome .....	45
6.6. Draft DCP Controls .....	46
6.7. Public Benefit Offer .....	47
7. Planning Proposal.....	48
7.1. Overview .....	48
7.2. Part 1 – Objectives and Intended Outcomes .....	48

7.3.	Part 2 – Explanation of proposed provisions .....	48
7.4.	Part 3 – Justification of Proposal .....	50
7.4.1.	Section A – Need for the Planning Proposal .....	52
7.4.2.	Section B – Relationship to Strategic Planning Framework .....	55
7.4.3.	Section C – Environmental, Social and Economic Impact.....	73
7.4.4.	Section D – State and Commonwealth Interests.....	85
8.	Part 4 – Mapping.....	87
9.	Part 5 – Community Consultation .....	89
9.1.	Community Engagement .....	89
9.2.	Meeting 1 – Early Engagement with Council.....	90
9.3.	Meeting 2 – Concept Refinement with Council.....	90
9.4.	Public Consultation .....	90
10.	Part 6 – Project timeline.....	91
11.	Conclusion .....	92
Disclaimer	94	
<b>Appendix A</b>	Urban Design Report	
<b>Appendix B</b>	Draft DCP	
<b>Appendix C</b>	Survey Plan	
<b>Appendix D</b>	Stakeholder engagement report	
<b>Appendix E</b>	Draft VPA	
<b>Appendix F</b>	Traffic Impact Assessment	
<b>Appendix G</b>	View Impact assessment	
<b>Appendix H</b>	Heritage Impact ASsessment	
<b>Appendix I</b>	Site Isolation and Consolidation Assessment	
<b>Appendix J</b>	Landscape Design Report	
<b>Appendix K</b>	Environmental Site Assessment	
<b>Appendix L</b>	Aeronautical Impact Assessment	
<b>Appendix M</b>	Wind Impact Assessment Report	
<b>Appendix N</b>	Economic Impact Assessment	
<b>Appendix O</b>	Hydraulic Report	
<b>Appendix P</b>	Letter of Advice- LEP Clause	
<b>Appendix Q</b>	Letter of Planning Opinion	
<b>Appendix R</b>	LEP, SEPP65 & DCP Compliance	

## FIGURES:

Figure 1: Aerial image of the East Walker Street Precinct .....	ii
Figure 2: Site location and context plan .....	4
Figure 3: Surrounding development activity .....	4
Figure 4: Aerial image of the Precinct .....	6
Figure 5: Birds eye view of the Precinct from the western side of Walker Street.....	7
Figure 6: The Precinct as viewed from the south-west, demonstrating the sloping topography and the sites relationship with the heritage listed wall .....	8
Figure 7: The Precinct as viewed from the Ward Street Precinct, noting the topographical change .....	8
Figure 8: Existing residential flat building located at 11 Hampden Street .....	9
Figure 9: Existing detached dwelling house located at 17 Hampden Street .....	9
Figure 10: The Precinct as viewed from the corner of Hampden Street and Walker Street in the north .....	10
Figure 11: The Precinct in relation to the future North Sydney CBD and Ward Street, as viewed from the north-east.....	11
Figure 12: Surrounding transport map.....	13



Figure 13: NSLEP 2013 Land Zoning Map.....	14
Figure 14: NSLEP 2013 Height of Buildings Map .....	15
Figure 15: NSLEP 2013 Floor Space Ratio Map.....	16
Figure 16: NSLEP 2013 Heritage Map .....	17
Figure 17: Ward Street Precinct .....	18
Figure 18: Ward Street Precinct Masterplan Analysis.....	19
Figure 19: Miller Street Square (Option 1).....	20
Figure 20: Central Square (Option 2) .....	20
Figure 21: Design principles used to inform building envelopes .....	38
Figure 22: East Walker Street Properties .....	39
Figure 23: Potential building envelope for two towers under the Reference Design .....	40
Figure 24: Potential building envelope where utilising the incentive provisions.....	41
Figure 25: Potential building envelope where development is carried out independently .....	42
Figure 26: Development staging pattern .....	42
Figure 27: Height in context, as viewed from the north .....	45
Figure 28: Height in context, as viewed from the south .....	45
Figure 29: Walker Street public domain improvements.....	46
Figure 30: Proposed building envelope achievable under the additional local provisions .....	49
Figure 31: Sieving analysis illustrating the limited availability for high density residential redevelopment .....	60
Figure 32: North-south section illustrating the building height in comparison to the North Sydney skyline .....	63
Figure 33: Proposed building envelope, demonstrating the transition from west to east.....	76
Figure 34: East-west section through the site confirm the height transition from west to east .....	76
Figure 35: Solar access study showing the priority zones .....	78
Figure 36: View sharing analysis.....	80
Figure 37: Proposed open space strategy.....	83
Figure 38: LEP Mapping amendments .....	88
Figure 39: Summary of community consultation outcomes.....	89

## TABLES:

Table 1: Specialist consultant reports.....	2
Table 2: Land holdings .....	5
Table 3: R4 High Density Residential zone objectives and permissibility .....	14
Table 4: Council's reasons for not proceeding to Gateway .....	22
Table 5: Matters raised by the Panel for consideration within future Planning Proposal .....	23
Table 6: Response to changes requested by Council.....	24
Table 7: Additional studies requested by Council .....	26
Table 8: Response to Council Resolution .....	30
Table 9: Summary of engagement .....	33
Table 10: Response to Panel Decision .....	34
Table 11: Key numerical details .....	43
Table 12: Proposed DCP key numerical controls.....	46
Table 13: Summary of assessment criteria .....	50
Table 14: Strategic planning background .....	52
Table 15: Consistency with the Greater Sydney Region Plan.....	55
Table 16: Consistency with the North District Plan .....	59
Table 17: Achieving the outcomes of the Strategic Plan.....	63
Table 18: Relevant SEPPs applicable to the Planning Proposal .....	66
Table 19: Consistency of the Planning Proposal with the applicable s9.1 Ministerial Directions.....	68

Table 20: Compliance with the NSDCP 2013.....80

Table 21: Indicative Project timeline .....91





# EXECUTIVE SUMMARY

## DOCUMENT CONTROL

This report has been amended since the original publication in March 2019, following the Panel's recommendation to amend the proposed 'Special Provisions Clause' to remove reference to the bonus FSR of up to 6.9:1. Reference has also been made to the draft DCP for the East Walker Street Precinct, noting that this will be further developed and refined following the issue of a Gateway Determination.

## OVERVIEW

This report has been prepared by Urbis Pty Ltd on behalf of Avenor Pty Ltd (the proponent), to initiate an amendment to the North Sydney Local Environmental Plan 2013 (*NSLEP 2013*). The amendment relates to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney and referred to herein as the East Walker Street Precinct (the Precinct).

The intended outcome of this Planning Proposal is to:

- Establish a maximum height of RL133 for the Precinct; and
- 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 relating to overshadowing, community infrastructure and an additional height provision associated with amalgamation of all lots within the Precinct (refer to *Section 7.2 Part 1 – Objectives and Intended Outcomes* of this report).

Redevelopment of the Precinct would be guided by the proposed draft amendments to the *North Sydney Development Control Plan 2013* (NSDCP 2013), within Part C– Character Statements, Section 2.4 Hampden Neighbourhood, which includes insertion of East Walker Street Precinct as a sub-precinct

The draft DCP controls include building setbacks, street wall heights, podium setbacks and separation distances. These draft controls will be finessed as part of the planning proposal process and following the issue of a Gateway Determination.

In accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979*, this report has been prepared to assist Council in the preparation of a Planning Proposal to amend the planning controls under *NSLEP 2013* for the Precinct.

## THE PRECINCT

The East Walker Street Precinct comprises seven lots, located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The Precinct is bound by Hampden Street in the north, Warringah Highway in the east, Berry Street in the south and Walker Street in the west.

The existing improvements on the site include five residential flat buildings each of three to four storeys and two single dwelling houses.

A Planning Proposal was submitted to North Sydney Council and subsequently assessed by the Sydney North Planning Panel in 2017/2018 for the 173-179 Walker Street properties (previous planning proposal). The proposal was deemed by the Panel to have strategic merit. The Panel provided a list of items to be addressed in a revised planning proposal to be submitted for the whole East Walker Street Precinct.



Figure 1: Aerial image of the East Walker Street Precinct



## STRATEGIC AND PLANNING CONTEXT

In accordance with the NSLEP 2013, the Precinct is zoned R4 High Density Residential, has a maximum building height control of 12m. No FSR provision applies to the site.

The site does not contain any heritage items nor is it located in a heritage conservation area.

Residential flat buildings and neighbourhood shops are permitted with consent in the zone. Redevelopment of the Precinct for high density residential land uses is consistent with the objectives of the zone. The proposed reference schemes include an exemplar urban design strategy that will deliver a range of built forms which positively respond to the surrounding natural and heritage values of the streetscape. Importantly, the proposal has been designed to achieve a holistic planning approach, forming a nexus to the adjacent Ward Street Precinct and North Sydney CBD.

## STRATEGIC MERIT TEST

The Panel determination of the previous Planning Proposal confirmed that the Planning Proposal has strategic merit, for the following reasons:

- Aligns with the State planning strategic goals which seeks to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- Capitalises on existing and planned infrastructure with sustainable benefits by reducing reliance on private vehicular transportation, being strategically located 200m from the Victoria Metro Station and 600m from the North Sydney Train Station.
- Supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the draft North District Plan.
- Provides for additional housing stock in the R4 High Density Residential zone, adjacent to a centre which has limited future potential to supply growing demand.

## SITE SPECIFIC MERIT TEST

The Planning Proposal demonstrates that it has site-specific merit as:

- The Precinct creates one of the largest, encumbered residential zoned development parcels on the periphery of the CBD;
- The Precinct has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land;
- Massing is in keeping with the existing bulk and scale of adjacent buildings and the nearby North Sydney Centre, rather than relying on future development plans to provide urban context.
- Envelope massing process was based on urban design principles undertaken by North Sydney Council for the Ward Street Precinct Masterplan to ensure continuity between the Precinct and the surrounding area;
- Built form testing was based on more detailed design principles that account for the feedback provided by North Sydney Council in its report on the previous planning proposal and incorporated the feedback from the community in the public consultation process;
- No site isolation would occur as a result of the proposed planning changes. The Walker Street properties and Hampden Street properties are capable of being redeveloped in their own right and in compliance with SEPP65 and ADG;
- It is located within an area undergoing a period of regeneration and revitalisation, characterised by tower style development, commensurate with the height and density proposed on the site;
- Achieves an appropriate built form and scale that reflects the vision for North Sydney and the Ward Street precinct which is expressed by local planning policy, draft precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
- The concept proposal is compliant with the ADG design and amenity criterion, including building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage (Part 3 and Part 4); and
- The density on the site results in the ability to provide significant social and community benefits unrivalled to other private developments within the Ward Street Precinct.

The Planning Proposal meets the site-specific merit criteria set by the Sydney North Planning Panel in its rezoning review of the previous planning proposal in April 2018, including:

- ✓ The planning proposal should incorporate the current site and the adjacent properties on Hampden Street;
- ✓ Consolidation of the site with the adjacent properties on Hampden Street;
- ✓ The site is more suited to residential than commercial use;
- ✓ Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street;
- ✓ Views from the west should be maximised through the site;
- ✓ Vehicle and pedestrian access into and around the site should be further reviewed including consultation with RMS;
- ✓ Public consultation should be undertaken prior to consideration of a further proposal;
- ✓ Overshadowing east of the freeway should be minimised;
- ✓ Any future proposal should include a draft DCP; and
- ✓ Provision of well-connected open space on the site.

## PROPOSED LEP AMENDMENTS

This Planning Proposal seeks to amend clause 4.3 height of buildings and clause 4.4 floor space ratio and introduce a new Section 6.20 East Walker Street Precinct and a new Special Provisions map, within the *NSLEP 2013*. Specifically, the proposed LEP amendments seek to:

- Establish a maximum height of RL133 for the Precinct; and
- 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 (refer to *Section 7.2 Part 1 – Objectives and Intended Outcomes* of this report).



To assist in conceptualising the character of the envisaged development, reference schemes have been prepared by SJB (**Appendix A**) which are supported by amendments to the North Sydney DCP (**Appendix B**).

## SITE SPECIFIC DCP

At the request of the Panel, a site specific DCP has been prepared to accompany the Planning Proposal (**Appendix B**). The DCP provides specific building envelope controls that will guide future development on the site.

These controls have been designed to ensure a sympathetic relationship with the heritage items to the north and north-west of the site, adequate separation distances, consolidation of communal open space, activation of the East Walker Street and Hampden Street neighbourhood. The draft site specific DCP will be refined and updated as part of the planning proposal process and following the issue of a Gateway Determination.

## ASSESSMENT

In summary, the site will achieve the following key planning outcomes with resultant community benefits:

- The proposal is consistent with *Sydney Region Plan – A Metropolis of three cities* which supports growth within strategic centres:

The Planning Proposal maximises residential floor space on the periphery of a major centre, taking advantage of the significant new transport infrastructure investment. The proposed residential floor space will contribute to the amenity, night time economy and commercial sustainability of the North Sydney Central Business District (CBD). It would generate new employment during and post construction, open space, pedestrian linkages and housing opportunities, including 230 - 300 new dwellings within walking distance of major employment, retail, health and education facilities and excellent public transport connectivity.

- Consistent with emerging character of the North Sydney CBD

The skyline of North Sydney is undergoing a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre with the global economic arc. The primary objective of this Planning Proposal is to realise a high-quality redevelopment that will make a meaningful contribution to the growth and enhanced physical quality of North Sydney as the principle economic engine of the North Shore. The proposed built forms seek to promote taller building forms commensurate with the identified development trends in North Sydney. Redevelopment of the Precinct will also leverage off significant investment in the current and future transport infrastructure accessible to the site, providing increased residential and employment opportunities in well serviced locations.

- Unencumbered Precinct redevelopment

The Precinct comprises an area of 3,949m<sup>2</sup>, with the Planning Proposal including specific provisions that will incentivise amalgamation. This results in one of the largest privately owned unencumbered residential development blocks within the 800m walking catchment of both the North Sydney Train Station (600m) and the Victoria Cross Metro Station (200m), which began early works in August 2017.

Holistic redevelopment of the Precinct has enabled the site constraints to be effectively identified and managed within each of the proposed reference schemes. This includes balancing solar access, overshadowing, view sharing, heritage and traffic and parking.

The Precinct has been identified by Council as being suitable for increased height and density and is one of the few residential zoned blocks that is not unencumbered by large strata title allotments, heritage affectations or non-residential land uses (schools, churches and other institutions).

- Public domain improvements:

The proposal delivers public domain improvements including the provision of a shared-zone within Walker Street and Hampden Street, a new pocket park at the eastern end of Hampden Street and a linear park along the Walker Street frontage. Upgrades to the public domain will encourage pedestrian activity and vibrancy.

The public domain improvements are consistent with the principles and ideologies within the Stage 1 Public Domain Strategy for the NS CBD.

- Other Public benefits:

Redevelopment of the Precinct will include the delivery of significant community infrastructure through the voluntary planning agreement (VPA) mechanism for development contributions. This includes:

- 5% of the new dwellings dedicated to Affordable Rental Housing in accordance with the *North Sydney Council Affordable Housing Strategy* (AHS) 2013; and
- Monetary Contribution for social and community infrastructure works at a rate of \$15,100 per additional net dwelling, located on land at 173-179 Walker Street.

## RECOMMENDATIONS

Following our analysis of the site and its surrounding context and the applicable State and local planning policies, it is demonstrated that there is clear planning merit to the Planning Proposal. It is therefore recommended that this Planning Proposal be favourably considered by North Sydney Council and that Council resolve to forward it to the Department of Planning and Environment for Gateway Determination in accordance with the *Environmental Planning and Assessment Act, 1979* to prepare the necessary LEP amendment.





# 1. INTRODUCTION

## 1.1. OVERVIEW

This planning proposal has been prepared by Urbis Pty Ltd to initiate an amendment to the *North Sydney Local Environmental Plan 2013* relating to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney (East Walker Street Precinct).

This report has been prepared on behalf of Avenor Pty Ltd (Avenor) (“the applicant”) and Oxley Holdings Limited (Oxley) for Walker Street No. 100 Pty Ltd (owner). Walker Street No. 100 Pty Ltd is a subsidiary company of Oxley Holdings Limited.

This Planning Proposal seeks to deliver on the objectives of the Greater Sydney Region Plan and North District Plan by enabling the orderly and economic development of a Precinct on the periphery of a strategic CBD centre that is intended to be revitalised into a vibrant and active commercial and retail precinct that will contribute to Sydney’s vision as a global economic corridor. Redevelopment of the Precinct will supply an appropriate level of residential floor space that will contribute to and support a sustainable, resilient and vibrant commercial core.

The intended outcome of this Planning Proposal is to:

- Establish a maximum height of RL133 for the Precinct; and
- 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 overshadowing, community infrastructure and additional height associated with total precinct amalgamation (refer to *Section 7.2 Part 1 – Objectives and Intended Outcomes* of this report).

Redevelopment of the Precinct would be guided by the proposed draft amendments to the *North Sydney Development Control Plan 2013* (NSDCP 2013), within Part C– Character Statements, Section 2.4 Hampden Neighbourhood, which includes insertion of the East Walker Street Precinct as a sub-precinct

The draft DCP controls include specific building setbacks, street wall heights, podium setbacks and separation distances. The draft DCP will be refined and updated as part of the planning proposal process and following the issue of a Gateway Determination.

The proposal does not seek to amend the current R4 High Density Residential zone under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013). The proposed redevelopment of the Precinct is consistent with the objectives of the R4 High Density Residential zone.

The Precinct represents a significant opportunity for urban renewal, strategically located within the walking catchment of the North Sydney train Station (600m) and being within 200m to the planned Victoria Cross Metro Station. The Precinct is also located on the periphery of the B3 Commercial Core, with the North Sydney CBD located 50m from the residential lobby. This unique and unrivalled residential block allows for future development to form a nexus to the Ward Street Precinct, resulting in a holistic planning approach to urban renewal within the area and delivering upon the vision of an active, walkable and well-connected community, where people live, work and play.

An intensification of residential development within the Precinct will contribute to the revitalisation of the existing commercial centre into a sustainable, vibrant, safe and active 18-hour global destination. A high-level of internal and external amenity, new landscaped open space and pedestrian linkages will support the evolution of the North Sydney CBD into a greener and cleaner world class business, entertainment and community precinct.

## 1.2. REPORT STRUCTURE

This Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “A guide to preparing planning proposals” issued by the Department of Planning and Environment (August 2019).

It includes the following:

- Section 1: Introduction
- Section 2: Description of the Precinct and it's context;
- Section 3: Statutory Planning Framework;
- Section 4: Local Strategic Planning Background;
- Section 5: Planning Proposal history;
- Section 6: Preparation of revised Planning Proposal
- Section 7: Planning Proposal
- Section 8: Mapping to accompany the proposal;
- Section 9: Description of the community consultation process; and
- Section 10: An approximate project timeline.

This Planning Proposal is accompanied by a range of plans and specialist reports, including:

Table 1: Specialist consultant reports

Report	Consultant	Appendix
Urban Design Report	SJB	Appendix A
Draft DCP	Urbis	Appendix B
Survey Plan	LTS Lockley	Appendix C
Community Consultation Outcomes	KJA	Appendix D
Draft VPA	Mills Oakley / Urbis	Appendix E
Traffic Impact Assessment	Arup	Appendix F
View Impact Analysis	Richard Lamb	Appendix G
Heritage Impact Assessment	Weir Phillips	Appendix H
Site Isolation and Consolidation	Urbis	Appendix I
Landscape Concept Report	Aspect Studies	Appendix J
Environmental Study	Aargus	Appendix K
Aeronautical Impact Assessment	Strategic Airspace	Appendix L
Wind Impact Assessment	Windtech	Appendix M
Economic Impact Assessment	Hill PDA	Appendix N
Hydraulic Report	Harris Page and	Appendix O
Valuation	CBRE	Appendix P
Letter of Advice- LEP Clause	Mills Oakley	Appendix P
Letter of Planning Opinion	Order Architects	Appendix Q
LEP, SEPP65 and DCP Compliance	Urbis	Appendix R



## 2. SITE & SURROUNDING CONTEXT

### 2.1. THE LOCALITY

The East Walker Street Precinct is located within the suburb of North Sydney. North Sydney CBD is Australia's 9<sup>th</sup> largest commercial core and Sydney's 3<sup>rd</sup> largest, with over 800,000m<sup>2</sup> of commercial floor space, generating approximately 60,400 jobs (2016).

The North Sydney CBD specialises in financial and professional services, media and telecommunications. The commercial core is centred amongst a diverse range of land uses, including business and retail uses, educational facilities, church's and residential land uses of varying densities.

The suburb is bisected east-west by the Warringah Freeway, resulting in a predominance of residential land uses located on the eastern side of the Warringah Freeway, separated from the commercial core, mixed use precinct and key transport nodes.

Emerging development: The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor. These factors include, inter alia:

- The state government's commitment to the Sydney metro line and the presence of the Victoria Cross Metro Station on Miller Street and its associated over station development project;
- Amendment No. 23 to the NSLEP 2013 which permitted significant height uplift within the B3 Commercial Core zone;
- The Ward Street Precinct Masterplan which includes a number of key sites set for increased development scale, including the Council owned car park, and potentially the Ausgrid site;
- Recent development activity which includes a number of prominent mid to large scale developments being approved and constructed within the immediate locality, as illustrated in Figure 2 below.

The surge in recent development activity, combined with the anticipated growth arising from the Ward Street Precinct Masterplan and amendments to the NSLEP 2013 will rejuvenate and revitalise the locality to create an active and vibrant precinct. This Planning Proposal aligns with the emergence of North Sydney as a global destination and provides an ideal opportunity for residential floor space to activate and compliment the commercial core.

Figure 2: Site location and context plan

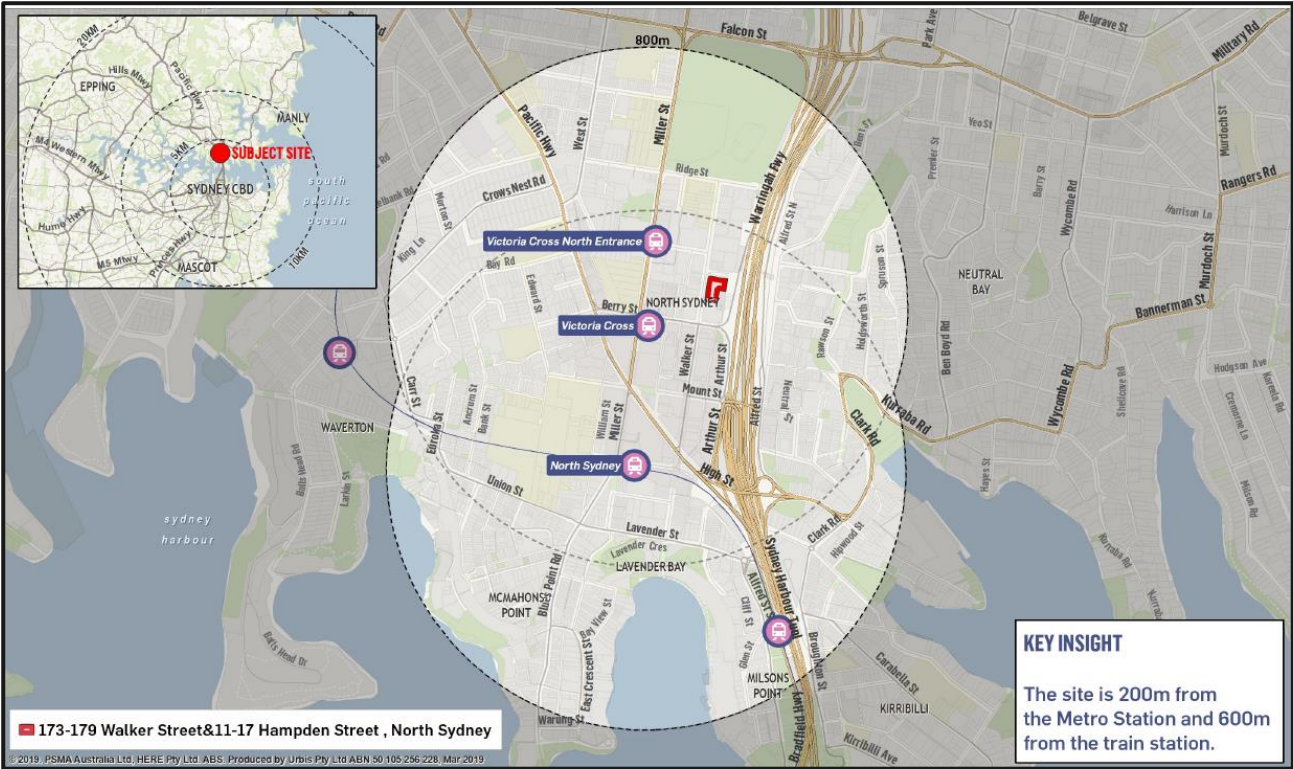
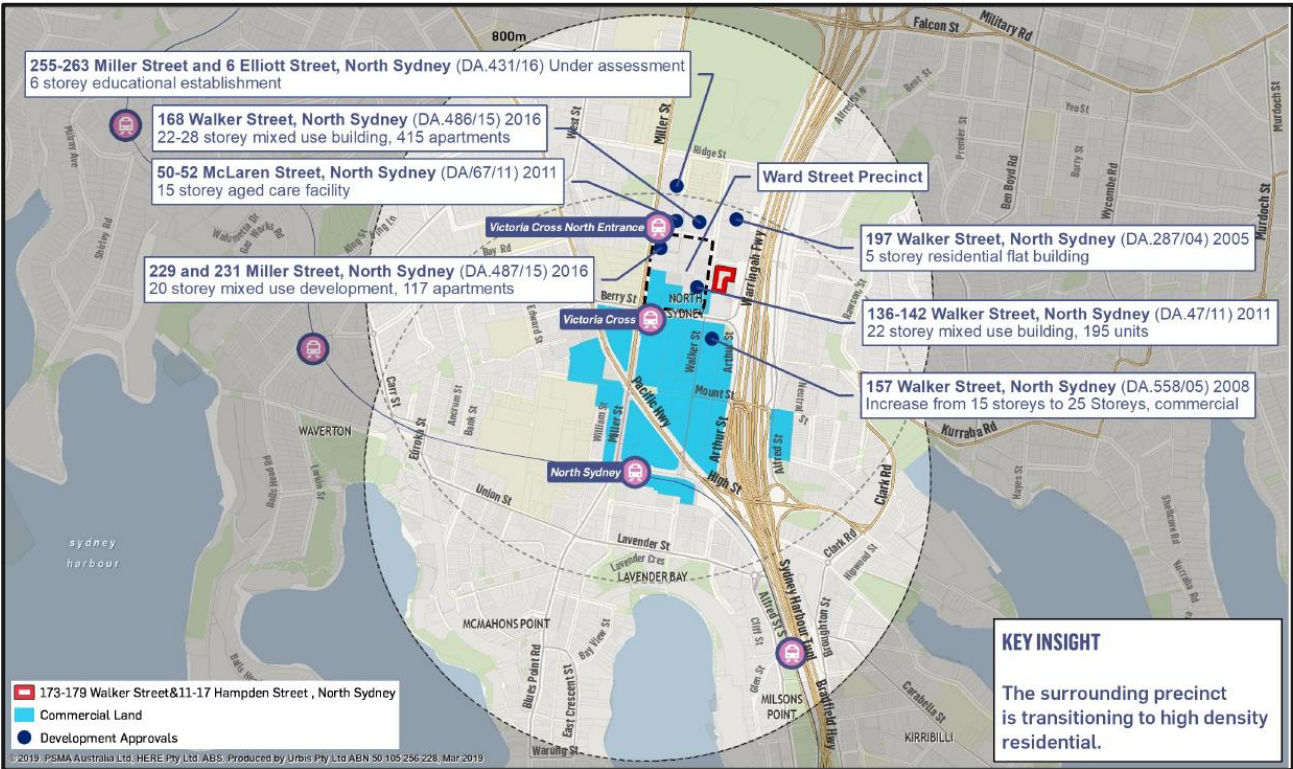


Figure 3: Surrounding development activity



## 2.2. EAST WALKER STREET PRECINCT

The East Walker Street Precinct comprises seven lots, located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The precinct is bound by Hampden Street in the north, Warringah Highway in the east, Berry Street in the south and Walker Street in the west.

The precinct comprises a total site area of 3,949m<sup>2</sup>. The street addresses, legal description and description of existing development on each lot is described in Table 2 below. An aerial image of the precinct and precinct photos are provided in Figures 4-10 overleaf.

Table 2: Land holdings

Address and legal description	Existing development and access arrangements
173 Walker Street (SP 11082) 517.82m <sup>2</sup>	<ul style="list-style-type: none"> <li>Three storey residential flat building comprising 6 strata titled units.</li> <li>Pedestrian access to the second floor, with on-street parking provided along Walker Street</li> </ul>
175 Walker Street (SP 86752) 505.69m <sup>2</sup>	<ul style="list-style-type: none"> <li>Three storey residential flat building comprising 6 strata titled units.</li> <li>Pedestrian access to the second floor, with on-street parking provided along Walker Street.</li> </ul>
177 Walker Street (SP 9808) 506.06m <sup>2</sup>	<ul style="list-style-type: none"> <li>Three storey residential flat building comprising 6 strata titled units.</li> <li>Pedestrian access to the second floor, with on-street parking provided along Walker Street</li> </ul>
179 Walker Street (SP 64615) 809.33m <sup>2</sup>	<ul style="list-style-type: none"> <li>Three storey residential flat building comprising 6 strata titled units.</li> <li>Pedestrian access to the second floor, with on-street parking provided along Walker Street</li> </ul>
11 Hampden Street (Lot 1 in DP119732) 800m <sup>2</sup>	<ul style="list-style-type: none"> <li>Part three, part four storey residential flat building comprising 19 apartments</li> <li>Vehicular access off Hampden Street</li> </ul>
15 Hampden Street (Lot 1 in DP591516) 542m <sup>2</sup>	<ul style="list-style-type: none"> <li>Single storey detached dwelling</li> <li>Vehicular access off Hampden Street</li> </ul>
17 Hampden Street (Lot 2 in DP591516) 267m <sup>2</sup>	<ul style="list-style-type: none"> <li>Single storey detached dwelling</li> </ul>

As illustrated on the accompanying survey plan (**Appendix C**), the Precinct has a varied topography, declining by approximately 8m from the western boundary (RL57) to the eastern edge of the precinct (RL49). The residential flat buildings fronting Walker Street are situated 3m below the street level, with pedestrian access being direct into the second storey.



A number of mature, established trees exists along the eastern / rear boundaries. These trees are not of any significant cultural or heritage value, with preliminary investigations confirming the appropriateness for tree removal.

The Precinct is not encumbered by any easements or the like.

Figure 4: Aerial image of the Precinct





Figure 5: Birds eye view of the Precinct from the western side of Walker Street





Figure 6: The Precinct as viewed from the south-west, demonstrating the sloping topography and the sites relationship with the heritage listed wall



Figure 7: The Precinct as viewed from the Ward Street Precinct, noting the topographical change





Figure 8: Existing residential flat building located at 11 Hampden Street



Figure 9: Existing detached dwelling house located at 17 Hampden Street





Figure 10: The Precinct as viewed from the corner of Hampden Street and Walker Street in the north



## 2.3. SURROUNDING CONTEXT

The precinct is located to the north-west of the North Sydney CBD and to the east of the Ward Street Precinct. The area is at the preliminary stages of urban renewal, which is set to transform the largely unattractive CBD and surrounds into a world class commercial destination, supported by a range of retail and residential uses. This transition is being supported by current development activity, recent approvals and further planned development, within the North Sydney CBD and the Ward Street Precinct.

The planning framework at both a State and Local Government level seeks to transition the area from an older style commercial precinct into a thriving mixed-use area, which retains and strengthens the commercial core for long-term employment growth supported by a mix of surrounding land uses.

The surrounding area is described as follows:

- **North:** The northern side of Hampden Street is a row of two storey heritage listed terrace houses. These terrace dwellings are screened from the precinct at the street level by the dense mature vegetation that is established within the median strip, separating the northern and southern sides of Hampden Street.
- **East:** To the east of the precinct, at 88 Berry Street, is an 8 storey residential flat building which separates the southern part of the precinct from the on-ramp to the Warringah Highway. The north eastern portion of the precinct adjoins the vegetated corridor, separating the residential land from the on-ramp. The Western Harbour Tunnel project includes upgrades to portion of the Warringah Freeway, which runs parallel to the precinct.
- **South:** To the south of the precinct, on the corner of Berry Street and Walker Street is Century Plaza, a 21 storey mixed use building comprising commercial office space at the lower levels with residential above.



- **West:** The Precinct adjoins Walker Street on the western side, with the roadway dissected by a heritage listed retaining wall. On the western side of Walker Street is the Ward Street Precinct, comprising a 22 storey mixed use building at 136-142 Walker Street and a 10 storey building at 144-150 Walker Street.

Figure 11: The Precinct in relation to the future North Sydney CBD and Ward Street, as viewed from the north-east





## **2.4. SURROUNDING ROAD, RAIL & BUS NETWORK**

The Precinct is well connected to significant road and rail infrastructure including the Freeway, heavy rail and metro rail, making this one of the most accessible locations. North Sydney's transport statistics confirm that 71.3% of residents and 71.1% of workers either walking, cycling or using public transport to travel (Source: *North Sydney CBD Transport Masterplan*).

### **2.4.1. Road**

The precinct is located to the west of the Warringah Freeway and to the north of the Pacific Highway with access to the on ramp approximately 100m and 450m south of the precinct, respectively.

The Warringah Freeway provides direct and convenient access to the Sydney CBD in the south and Artarmon in the north west, where it then transitions into the Lane Cove Tunnel and intersects with the Pacific Highway.

### **2.4.2. Heavy Rail**

The Precinct is located 600m north of North Sydney Station, Sydney's 5<sup>th</sup> busiest station with an approximate 52,000 patrons per day (Environmental Impact Assessment, Sydney Metro). Frequent trains provide a 10 minute connection between North Sydney Station and the Sydney CBD. The train line also connects residents / workers to Berowra in the north and Parramatta in the west.

### **2.4.3. Metro Rail**

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north-west to Bankston in the south-west. Early works for the Victoria Cross Metro Station began in September 2017 with the service expected to be operational in 2024. Trains will depart every 4 minutes, connecting North Sydney to Martin Place in 5 minutes and the Sydney CBD in 9 minutes. The Metro provides a 60 % increase in the number of trains in the peak periods and caters for an extra 100,000 customers per hour.

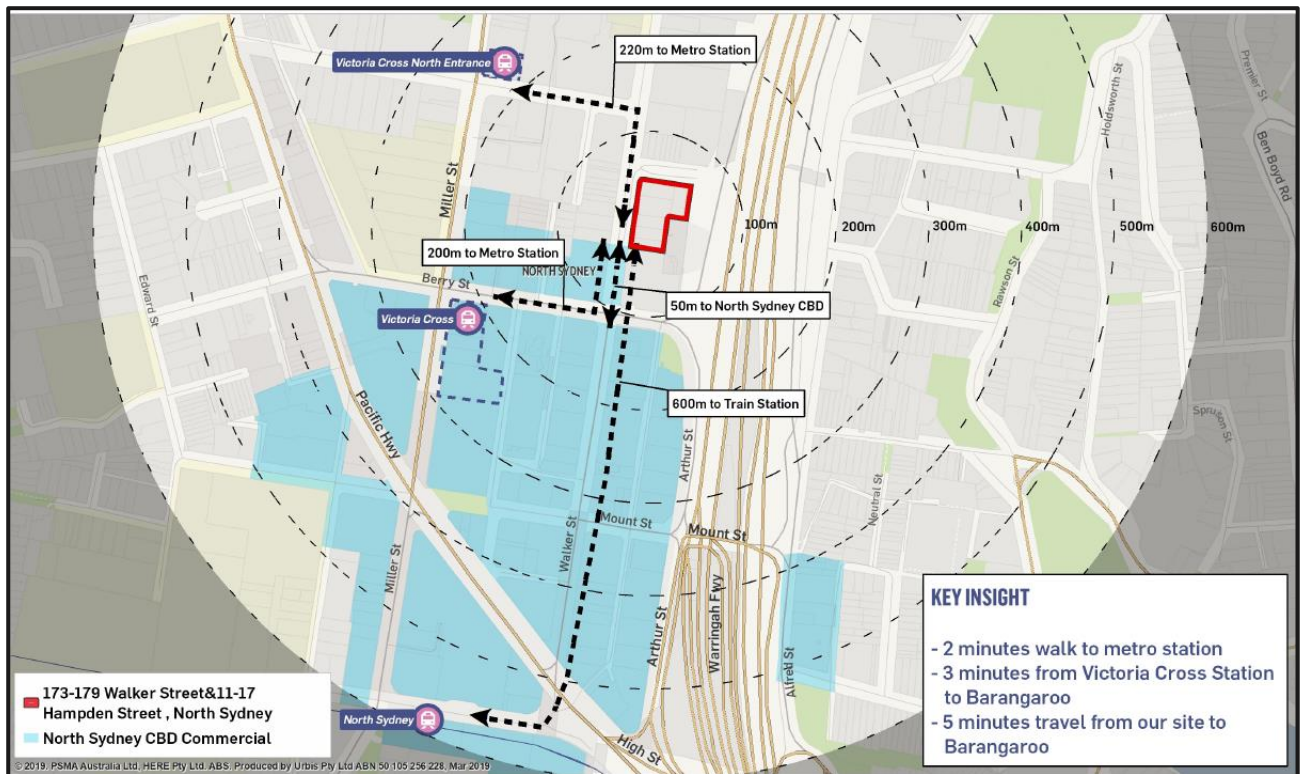
Victoria Cross will be accessed via the pedestrian plaza opening up onto Miller, Denison and Berry Streets. A secondary pedestrian entrance will be located at 50 McLaren Street, providing for underground connectivity between the two access points. This puts the Precinct within 200m of the Metro station.

The station will create a new transport focus on the northern side of the North Sydney CBD providing much needed infrastructure to revitalise the area into an 18 hour economy, fostering greater connectivity to other nearby strategic centres, within the global economic arc.

### **2.4.4. Bus**

A number of different bus routes service North Sydney, with bus stops located along Miller Street in the west. The redevelopment of Ward Street Precinct will allow for direct pedestrian connectivity to the Miller Street bus stops. Buses connect the precinct to Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

Figure 12: Surrounding transport map



## 3. STATUTORY PLANNING FRAMEWORK

### 3.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN

The *North Sydney Local Environmental Plan 2013* (NSLEP 2013) is the principal Environmental Planning Instrument governing and guiding development within North Sydney LGA. The NSLEP was gazetted on 13 September 2013.

#### 3.1.1. Land Use Zone

In accordance with the NSLEP 2013, the Precinct is zoned R4 High Density Residential. Table 3 details the zone objectives and land use permissibility.

Figure 13: NSLEP 2013 Land Zoning Map

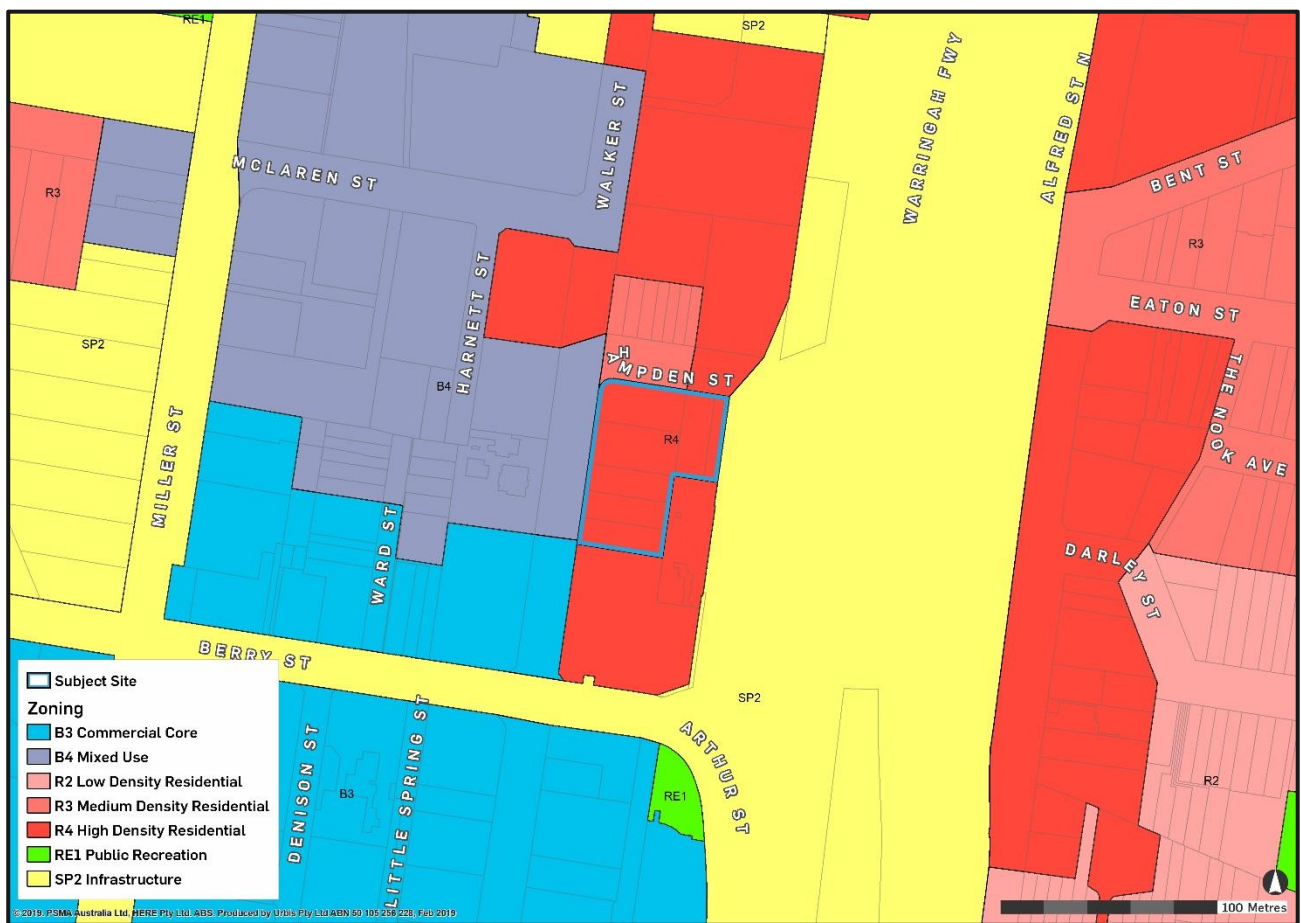


Table 3: R4 High Density Residential zone objectives and permissibility

<p><b>1. Objectives of zone</b></p>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high density residential environment.</li> <li>To provide a variety of housing types within a high density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.</li> </ul>
-------------------------------------	---

	<ul style="list-style-type: none"> <li>To ensure that a reasonably high level of residential amenity is achieved and maintained.</li> </ul>
2. Permitted without consent	Environmental protection works
3. Permitted with consent	Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; <b>Residential flat buildings</b> ; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing
4. Prohibited	Any development not specified in item 2 or 3

### 3.1.2. Height of Buildings

Pursuant to Clause 4.3. of the NSLEP2013, the Precinct is subject to a maximum building height control of 12m, as illustrated in Figure 14 below.

Figure 14: NSLEP 2013 Height of Buildings Map





### 3.1.3. Floor Space Ratio

In accordance with the *NSLEP 2013* Floor Space Ratio Map – Sheet FSR\_002A, the Precinct is not encumbered by an FSR control.

Figure 15: NSLEP 2013 Floor Space Ratio Map



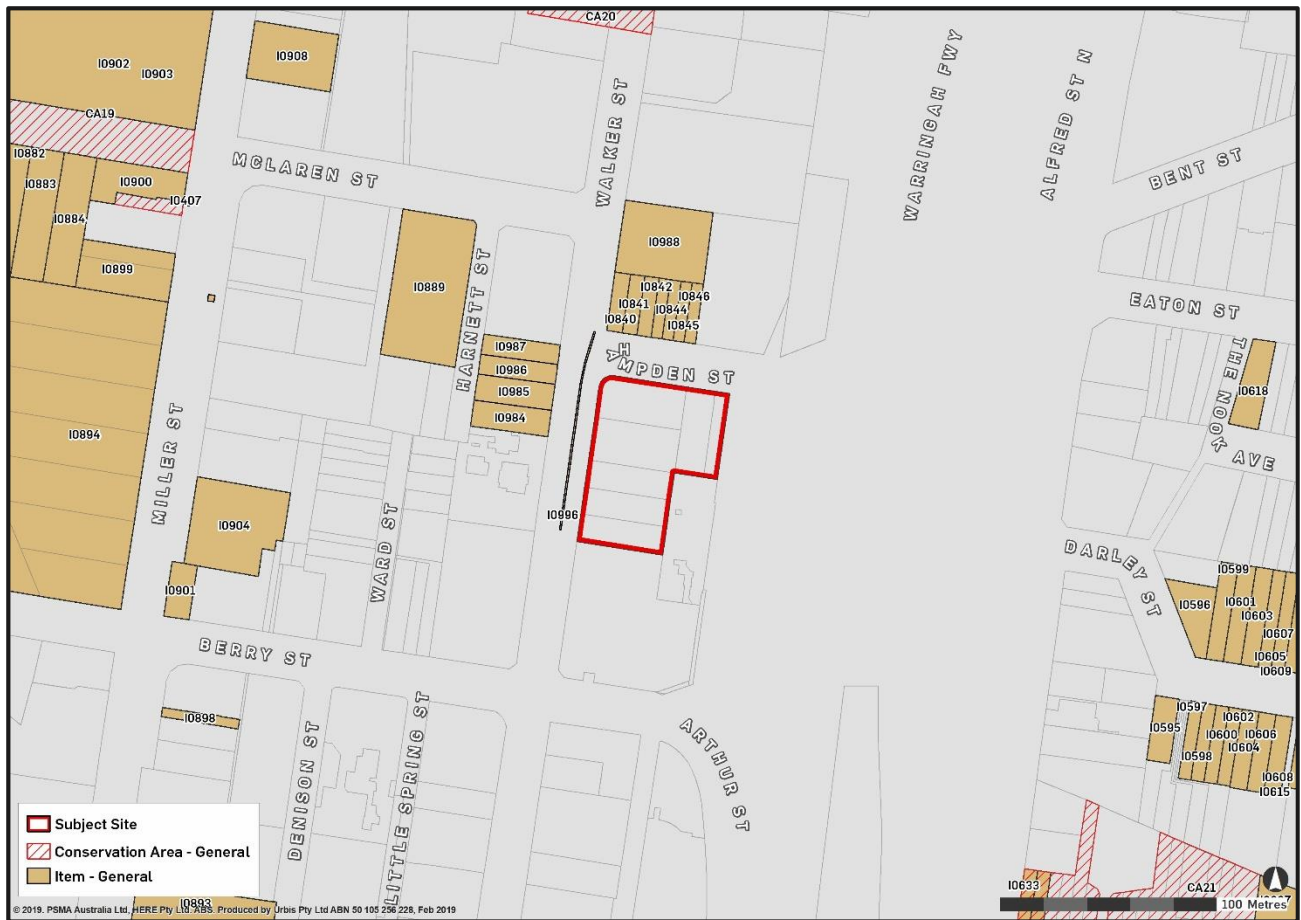
### 3.1.4. Heritage Conservation

In accordance with the *NSLEP 2013*, the Precinct is not encumbered by any heritage affectations nor is it located within a heritage conservation area.

A number of heritage items are located to the north and east of the Precinct and include:

- **Item 996** Stone Wall within the Walker Street and Hampden Street road reserve;
- **Items 984-987** Heritage listed dwelling houses at 144-150 Walker Street; and
- **Items 840-846** Heritage listed Victorian Terraces at 2-14 Hampden Street.

Figure 16: NSLEP 2013 Heritage Map



## 4. LOCAL STRATEGIC PLANNING BACKGROUND

### 4.1. STAGE 1 WARD STREET MASTERPLAN (2016)

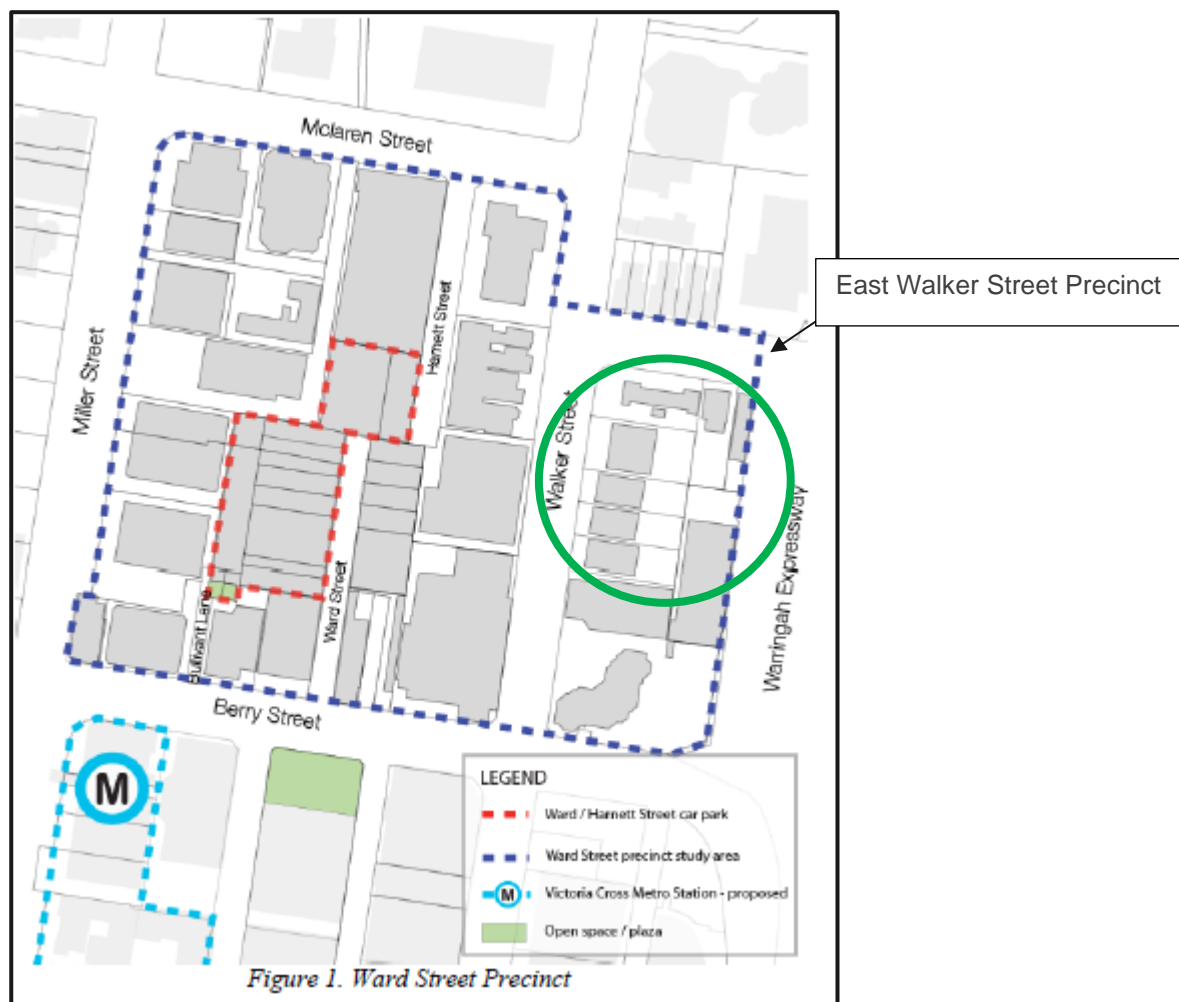
North Sydney Council identified significant opportunity for urban renewal and transformation within and around the Ward Street precinct, as a result of the termination of the Wilson car park lease, the introduction of the Metro Station and the partial decommission of the Ausgrid substation.

To facilitate and guide future development, Action 2.1.2.1.5 of the North Sydney Council Delivery Program 2013/2014 – 2016/2017 required the preparation of the Ward Street Precinct Masterplan.

Master planning for the area began in August 2015 however it wasn't until 26 April 2016 that Council sought expressions of interest from external consultants to assist in the preparation of the Ward Street Precinct Masterplan.

On 14 June 2016, the Ward Street Precinct Masterplan preliminary report was presented to Councillors, which included the East Walker Street Precinct within the precinct study area (Figure 17).

Figure 17: Ward Street Precinct



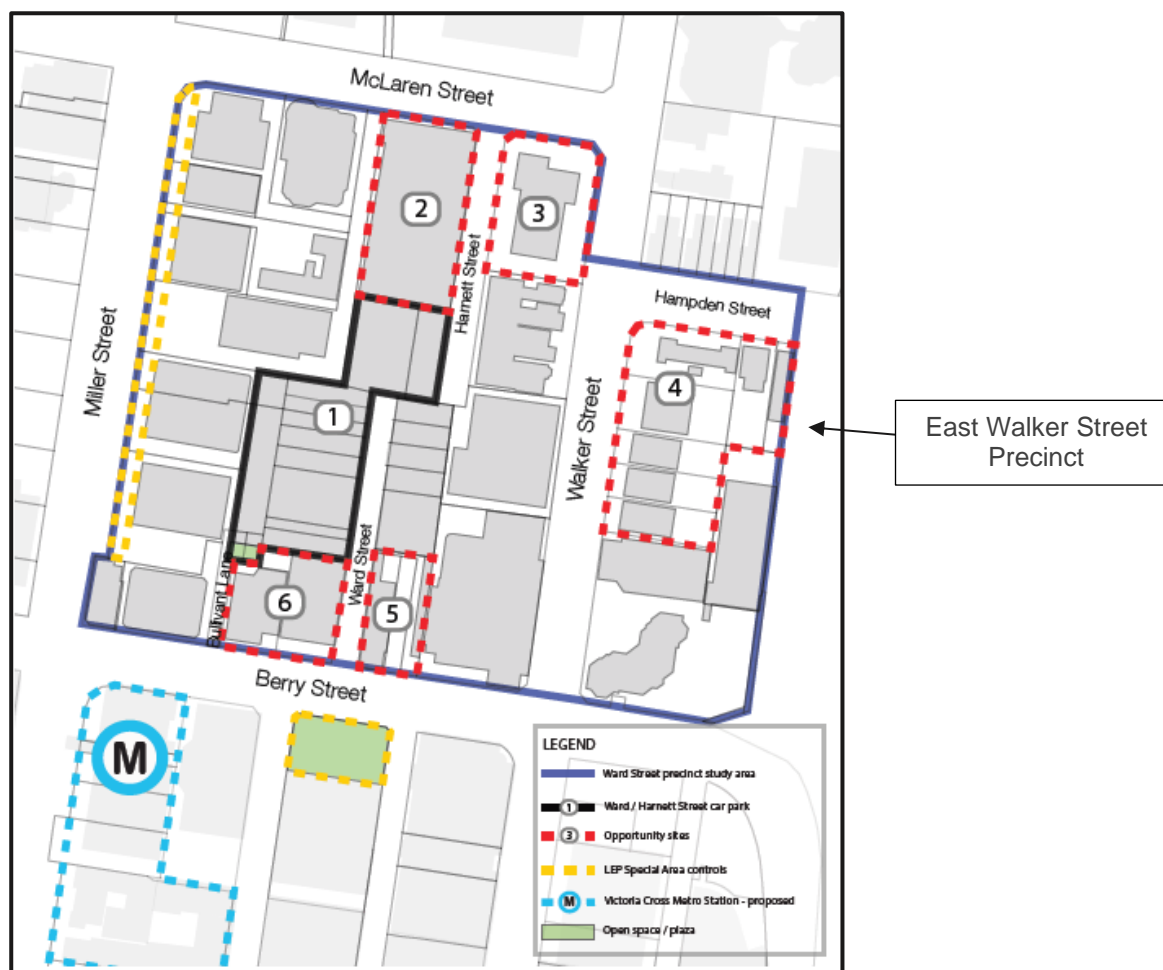
Source: North Sydney Council Report, Item CiS04, dated 14/06/16

On 8 November 2016, the Ward Street Precinct Masterplan was presented to the Design Excellence Panel. The concept scheme included a number of indicative building envelopes, including a *dual tower outcome on the eastern side of Walker Street, with potential for parking within a podium level.*

Commentary from the panel on the reviewed scheme for East Walker Street stated that *"the sites need to be evaluated in terms of the public benefit that would derive from development against traffic, parking and view loss impacts in developments of this scale."*

On 5 December 2016, the Ward Street Precinct Masterplan was presented to Council, identifying the subject site as an opportunity site, ready for redevelopment. Opportunity sites are identified as sites that are relatively unconstrained and where land is underutilised within the context of its locality and proximity to the Centre and the amenity offered by it.

Figure 18: Ward Street Precinct Masterplan Analysis



Source: North Sydney Council, Attachment to CiS06, dated 5/12/16

Whilst the site was identified at the outset as an opportunity site, Council concurred with the Design Excellence Panel and concluded that *“the investigation of this site has been deferred to future discussion with relevant landowners who may seek to initiate a planning proposal,”* (North Sydney Council Report, Item CiS06, dated 5/12/16).

At considerable time and cost, Walker Street No. 100 Pty Ltd proactively sought to facilitate Council’s vision to unlock the area and realise its opportunity through direct acquisition of the properties. The procurement and amalgamation of the majority of the identified east Walker Street opportunity area by Walker Street No. 100 Pty Ltd has removed the key barrier to achieving the redevelopment vision.

## 4.2. STAGE 2 WARD STREET PRECINCT MASTERPLAN (2018)

Following the completion of Stage 1 of the Ward Street Mast Plan, Council elected to engage new consultants, taking on board feedback to develop a new masterplan, known as stage 2 masterplan.

The draft Stage 2 Ward Street Precinct Masterplan (WSMP) was publicly exhibited between the 7 August and 8 October 2018. Included in the draft Stage 2 WSMP were two masterplan options: Miller Street Square (Option 1) and Central Square (Option 2). Each option was designed based upon the following built form criteria:



- Overshadowing
- Separation
- Heritage Impact
- Address
- Area
- Daylight
- Views

The Miller Street Square option provided A grade office space, a balance of uplift across the precinct, a range of land uses and a greater proportion of open space, incorporating a central civic square and a linear park along Miller Street.

The Central Square option sought to deliver B grade commercial space and focused heights and densities at the northern end of the Ward Street Precinct. This outcome provided a smaller consolidated civic space within the centre of the precinct, restricting future development to the north.

Urbis, on behalf of Avenor Pty Ltd, prepared a submission on the draft Stage 2 WSMP, indicating support for Option 1 as it delivered the greatest community benefits whilst also being able to accommodate a greater proportion of commercial floor space.

Figure 19: Miller Street Square (Option 1)

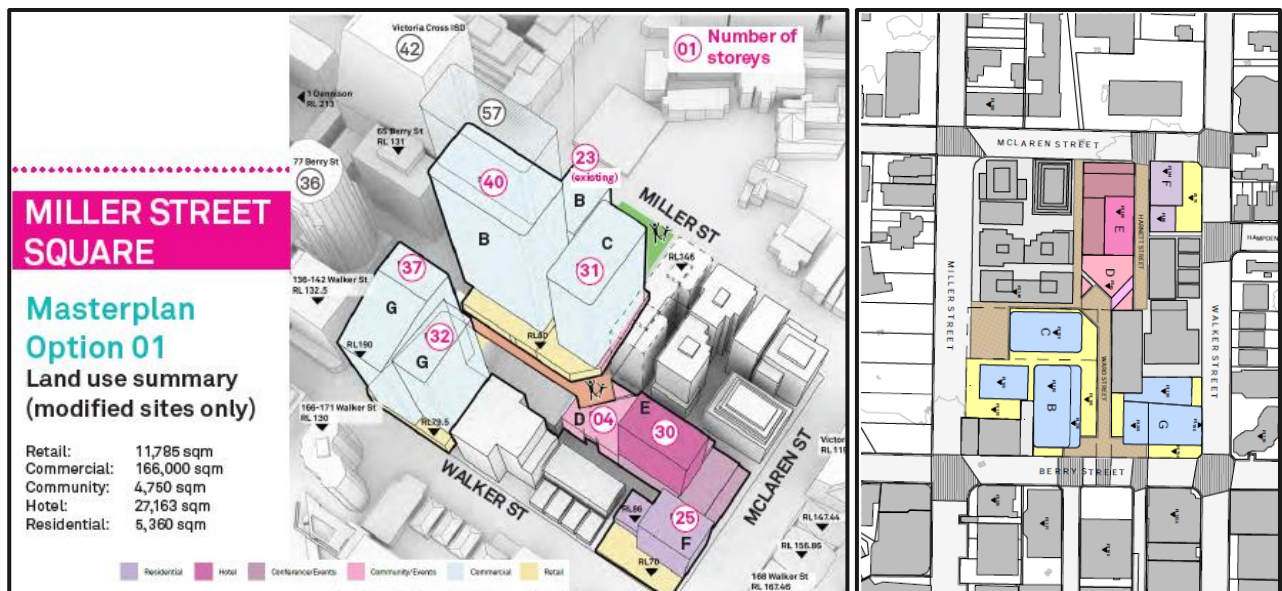
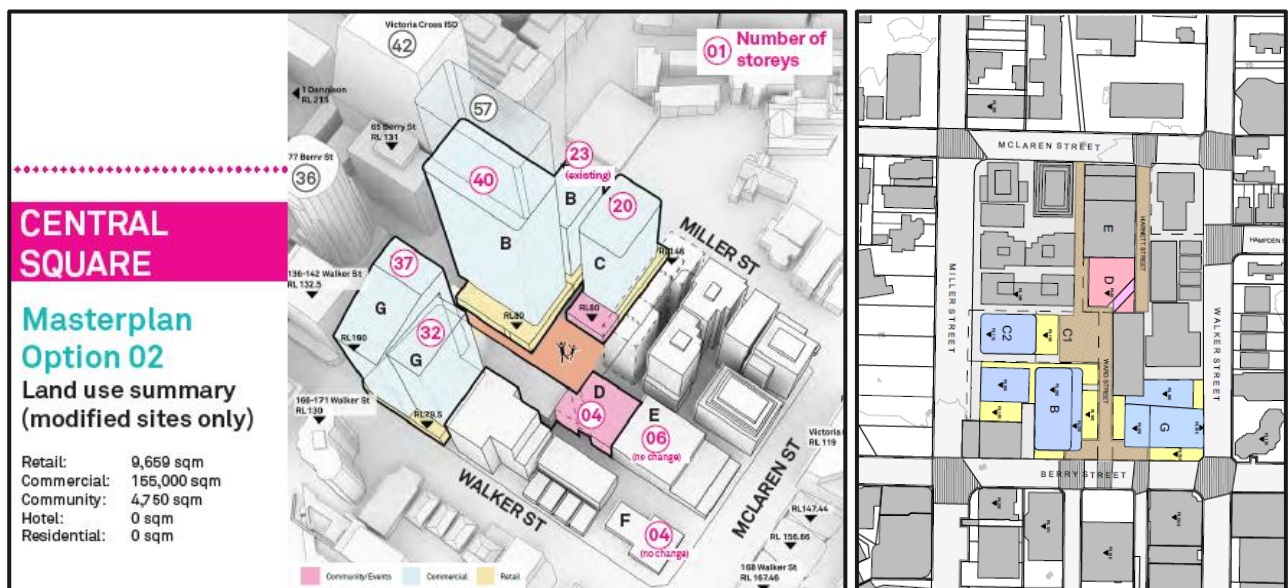


Figure 20: Central Square (Option 2)



The WSMP Urban Design Study concluded that:

Option 1 scored best on the Built Form and Open Space criteria (9 green & 3 amber scores, resulting in:

- *Excellent solar access to primary square* ✓
- *Civic scale to Miller Street* ✓
- *Tower frontage to miller Street* ✓
- *Challenging amalgamation* ✗

Option 2 scored less well on the Built Form and Open Space criteria (5 green & 7 amber scores), resulting in:

- *Solar access to public space challenging in mid-winter* ✗
- *visibility of public space from Miller Street not automatic* ✗
- *All tower frontages to Berry Street* ✗
- *Easy amalgamation* ✓

Council officers resolved to recommend endorsement of Masterplan Option 2, with the following refinements:

- *2,449m<sup>2</sup> of additional public open space (from Option 02) with public sanitary facilities provided. Total open space throughout precinct: 5,418m<sup>2</sup> (includes laneways)*
- *Any additional uplift on Site B over RL230 is subject to further public benefit analysis.*
- *Expansion of Eat Street to include additional laneway link from Miller St down into Central Square on south side of Site C.*
- *No uplift on 41 McLaren Street (Site E) and 45 McLaren Street (Site F) due to adverse impacts to public spaces and adjoining residential areas.*
- *Site C to gain an additional 5,800sqm<sup>2</sup> in GFA and revised from 20 storeys to 28 storeys (no adverse impacts on Berry Street and Miller St special areas, public spaces and adjoining residential areas). Total GFA from 17,600m<sup>2</sup> to 23,400m<sup>2</sup>.*

Given this Planning Proposal is of a height and scale in keeping with the existing urban context and does not rely on the WSMP progressing to fit the surrounding city scape, Council's revised Stage 2 WSMP is significant as it now establishes a clear plan in terms of land use, open space and connections and building scale in the Ward Street Masterplan. At the time of the original Planning Proposal, the outcomes on Ward Street were far less certain. The WSMP has enabled the project team to incorporate the future land use, built form and open space outcomes in the planning for the Precinct.

It is acknowledged that, at the meeting on 25 February 2019, Councillors resolved to defer the Stage 2 Ward Street Precinct Masterplan to enable further consideration and review of 45 McLaren Street and the reduction of the 57-storey proposal at Site B. This is unlikely to alter the resolution of Councils decision in regards to adopting Masterplan Option 2 and the refinements above.

## 5. PLANNING PROPOSAL HISTORY

### 5.1. OVERVIEW

On 20 October 2017, the applicant lodged a site-specific Planning Proposal over land at 173-179 Walker Street, North Sydney. The Planning Proposal sought to amend the NSLEP 2013 by:

- Amending the NSLEP 2013 *Height of Buildings Map* to permit a maximum building height of RL210 (equivalent to 47 storeys); and
- Amending the NSLEP 2013 *Floor Space Ratio Map* to provide for a Floor Space Ratio of 13.63:1.

The Planning Proposal was accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA), which included the following public benefits:

- 5% of residential apartments to be transferred to Council for use as affordable rental accommodation, in accordance with the North Sydney Affordable Housing Strategy 2015;
- Dedication of 1,515m<sup>2</sup> GFA to Council for community facilities uses; and
- Provision of a public park through the dedication of 865m<sup>2</sup> of landscaped open space fronting Walker Street.

A rezoning review request was lodged with the Department of Planning and Environment on 30 January 2018, as Council had failed to determine the application within 90 days.

The Sydney North Planning Panel reviewed the Planning Proposal and determined that whilst the site has strategic merit, there were additional site-specific considerations that needed to be explored and addressed.

### 5.2. COUNCIL RESOLUTION

On 19 February 2018, ahead of the Sydney Planning Panel meeting, Council resolved not to support the Planning Proposal for the following reasons:

Table 4: Council's reasons for not proceeding to Gateway

Issue
1. <i>The opportunities and impacts of revised planning controls are better considered and managed on a precinct-wide basis</i>
2. <i>The cumulative impacts of intensive development across the precinct can be more adequately addressed area wide. This is especially relevant given the subject site is located in a precinct that is affected by an interrelationship of traffic, heritage, view sharing and solar access constraints.</i>
3. <i>Site-specific changes to planning controls may pre-empt or be contrary to the desired outcomes of the WSP Masterplan/ proposed East Walker Street Precinct Study</i>
4. <i>Site-specific planning proposals divert resources away from precinct planning, slowing the process and resulting in inequitable outcomes within the precinct.</i>
5. <i>It would be inconsistent with the objectives of the Environmental Planning &amp; Assessment Act 1979 to promote the orderly and economic use of land</i>
6. <i>It is inconsistent with the objectives set out in the relevant regional and draft district plans applying to the land</i>
7. <i>Issues in relation to overshadowing, heritage, traffic, site isolation and view loss have not been demonstrated as being acceptable</i>



## Issue

8. *It is difficult to determine if the proposed public benefits identified within the Planning Proposal is reasonable to the requested uplift that the Planning Proposal seeks. Further, the request for the exclusion of Section 94 contributions is inconsistent with Council's established policy position.*

## 5.3. PLANNING PANEL DECISION

On 30 January 2018, the proponent lodged a request for a Rezoning Review (RR\_2018\_NORTH\_001\_00) with the Department of Planning and Environment (DP&E).

On 11 April 2018, the Sydney North Planning Panel considered the request and determined that the proposal had demonstrated strategic merit but not site-specific merit. Accordingly, the Planning Proposal did not proceed to Gateway.

The Panel encouraged the proponent and Council to collaborate to resolve concerns in relation to height, site consolidation, overshadowing and access and traffic.

In particular, the following key items were identified by the Panel as requiring further consideration prior to the preparation of any future Planning Proposal:

Table 5: Matters raised by the Panel for consideration within future Planning Proposal

Matters to address
1. <i>The planning proposal should incorporate the current site and the adjacent properties on Hampden Street</i>
2. <i>Consolidation of the site with the adjacent properties on Hampden Street</i>
3. <i>The site is more suited to residential than commercial use.</i>
4. <i>Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street</i>
5. <i>Views from the west should be maximised through the site</i>
6. <i>Vehicle and pedestrian access into and around the site should be further reviewed including consultation with RMS</i>
7. <i>Public consultation should be undertaken prior to consideration of a further proposal</i>
8. <i>Overshadowing east of the freeway should be minimised</i>
9. <i>Any future proposal should include a draft DCP</i>
10. <i>Provision of well-connected open space on the site</i>

## 6. PREPARATION OF REVISED PLANNING PROPOSAL

### 6.1. REVIEW & ENGAGEMENT PROCESS

Following the Rezoning Review, the project team undertook a comprehensive review of the stakeholder feedback obtained since precinct planning began in 2016. This review established the key site-specific considerations that need to be investigated and resolved. Identification of these issues provided a clear pathway for subsequent stakeholder engagement and planning discussions.

The comprehensive review included, among other strategic plans and relevant planning documents, feedback from:

- Public submissions on the North Sydney Council Stage 1 Ward Street Precinct Masterplan
- Public submissions on the initial Planning Proposal
- Department of Planning and Environment's report on the initial Planning Proposal
- North Sydney Council's report on the initial Planning Proposal
- Planning Panel's Rezoning Review Minutes

A revised approach to the Planning Proposal, based on core principles and considerations raised by stakeholders, was used to inform the community and stakeholder engagement process with North Sydney Council, local community and other authorities, as documented in **Appendix D**.

The recommendations from the Panel and key concerns raised by the stakeholders, have been addressed within this Planning Proposal.

#### 6.1.1. Collaboration with Council

The proponent has engaged with North Sydney Council on a number of occasions since the Rezoning Review. A summary of formal engagement is set out in Table 9.

The proponent has considered and incorporated the feedback and comments from Council that were documented in the Council's report in response to the initial Planning Proposal. The key feedback from Council comprised of either:

- Required modifications to the Planning Proposal; or
- Requests for further information to better inform the Planning Proposal.

A summary of the requested changes and explanation of how the revised proposal meets Council's requirements, is provided in the table below.

Table 6: Response to changes requested by Council

Matter for consideration	Requested modification from Council	Compliance with modification
Voluntary Planning Agreement	Section 94 contributions are not to be excluded in exchange for VPA contributions	<b>Yes.</b>  Section 7.11 contributions ( <i>formerly s94</i> ) are to be paid in addition to the VPA contributions offered.  Refer to the Draft VPA contained in <b>Appendix E</b> .
Over-shadowing Doris Fitton Park	Amend plans to reflect building heights to ensure that no overshadowing occurs on this reserve between 12pm-2pm.	<b>Yes.</b>  The proposed amendments to the LEP include a specific clause which prohibits development that results in overshadowing to Doris Fitton Park.

Matter for consideration	Requested modification from Council	Compliance with modification
<b>Scale of Development</b>	Built form and scale consistent with the context of surrounding streets buildings	<p>(Refer to Part 1 – Objectives and Intended Outcomes)</p> <p><b>Yes.</b></p> <p>The maximum building height has been reduced to RL133 which is compatible with surrounding buildings, including the Century Plaza (RL130) and Belvedere (RL130). The bonus height provision of up to RL148 is also less than the height of 168 Walker DA approval (RL168).</p> <p>(Refer to the SJB Urban Design Report in <b>Appendix A</b> which includes a comprehensive analysis of the surrounding building heights)</p>
<b>Distribute Density</b>	It is considered that the proposal can achieve better outcomes <i>“if the density is distributed across the two sites in a suitably scaled manner with adequate SEPP 65 separation requirements and achieve better traffic and access outcomes from Walker Street.”</i>	<p><b>Yes.</b></p> <p>The proposed density has been reduced from an FSR of 13.38:1 to an FSR of 6.1:1 which is equitably distributed across the site.</p> <p>As illustrated in the SJB Urban Design Report in <b>Appendix A</b>, the proposed reference scheme has been designed to achieve compliance with SEPP65, including separation distances and building setbacks. Future building envelopes will be guided by the site specific DCP contained in <b>Appendix B</b>.</p> <p>The building base provides for two vehicular access points, one off Walker Street and one off Hampden Street.</p>
<b>On-street Parking</b>	Minimise removal of on street parking for the car park driveway. 4 spaces was too many.	<p><b>Yes.</b></p> <p>On street parking spaces lost due to driveway reduced from 4 spaces to 3 spaces per driveway.</p> <p>Refer to the Traffic Impact Assessment Report contained in <b>Appendix F</b>.</p>
<b>On-site Parking</b>	Reduce parking allowance to approximately 120 cars from 252 for 173-179 Walker. Basis of reduction is aligning controls with B4 Mixed Use: St Leonards 2 & 3, rather than the complying R4 High Density Residential controls.	<p>Number of car parks reduced to 120-145 for 173-179 Walker. The parking rates align with the RMS parking rates for metropolitan centres, which is consistent with the requirements for parking under the ADG.</p> <p>Refer to the Traffic Impact Assessment Report contained in <b>Appendix F</b> for further details.</p>



A summary of the additional studies requested by Council is provided below:

Table 7: Additional studies requested by Council

Matter for consideration	Community	Response
Process	Holistic planning study with specialist input	<p><b>Yes.</b></p> <p>The scope of the specialist report has been expanded to include all developable lots within the East Walker Street Precinct.</p> <p>The Urban Design Study prepared by SJB has taken into consideration the planning studies which have been prepared for the North Sydney CBD, including:</p> <ul style="list-style-type: none"> <li>• The NS CBD Height Study</li> <li>• NS Capacity and Land Use Study</li> <li>• NS Public Domain Strategy</li> <li>• NS Residential Development Strategy</li> <li>• NS Community Strategic Plan</li> <li>• NS Traffic and Pedestrian Study</li> <li>• Ward Street Precinct Masterplan Urban Design Study – Option 2.</li> </ul> <p>This information, combined with the independent work undertaken by the team of specialists, forms a holistic approach to precinct planning.</p>
	Community Consultation	<p><b>Yes.</b></p> <p>The Proponent has undertaken a comprehensive review of all previous public submissions on the Ward Street Precinct Masterplans, the initial Planning Proposal, and completed a subsequent two-staged community consultation process facilitated by KJA with the findings used to guide the revised Planning Proposal (<b>Appendix D</b>). (Note: Community Consultation is not required to be undertaken prior to Gateway Determination. Further community consultation will be undertaken following a Gateway Determination.)</p>
Overshadowing	Shadow diagrams based on existing building envelopes, rather than just future	<p><b>Yes.</b></p>

Matter for consideration	Community	Response
		Shadow diagrams based on existing conditions have been included.
	Further Shadow analysis to show 171 Walker and 88 Berry meet ADG	<p><b>Yes.</b></p> <p>The shadow diagrams prepared by SJB and attached at <b>Appendix A</b>, confirm that overshadowing and loss of solar access to the adjacent residential zone is minimised.</p> <p>Further detailed solar analysis studies would be undertaken at the DA stage and individual buildings would be modelled to ensure a reasonable degree of solar access and amenity is retained to adjoining properties.</p>
	Further shadow analysis of overshadowing east of freeway	<p><b>Yes.</b></p> <p>Overshadowing diagrams provided. The proposed height significantly reduces the extent of overshadowing to the east of the Freeway.</p>
<b>Views</b>	View Impact assessment of 39 McLaren, and 221, 231 and 239 Miller Street	<p><b>Yes.</b></p> <p>Dr Richard Lamb of RLA has provided an assessment of the impact on views from these properties in his View Impact Assessment Report provided at <b>Appendix G</b>.</p> <p>In further support of this, since the previous Planning Proposal, North Sydney Council has identified in the Stage 2 Ward Street Precinct Masterplan that</p> <ul style="list-style-type: none"> <li>- <i>“There are no existing views of the Harbour Bridge or Opera House available to existing residents of the precinct”</i> including the properties listed.</li> <li>- <i>“Views of the Harbour are restricted to the east. This allows for new development without compromising existing views of the Harbour Bridge or Opera House.”</i></li> </ul> <p>RLA concurs with North Sydney Council’s findings in its report.</p>
	View Impact from all rooms/locations within 138 & 150 Walker. e.g. View	<p><b>Yes</b></p> <p>View from the southern part of 150 Walker Street have been photographed and analysed.</p>

Matter for consideration	Community	Response
	east from southern part of 150 Walker	<p>As North Sydney Council officers identified in its Report on the Ward Street Masterplan – Stage 2, “<i>exact impact will need to be investigated in more detail within detailed design and Development Application stages.</i>”</p> <p>Refer to the View Impact Assessment Report provided at <b>Appendix G</b> for further details.</p>
<b>Heritage</b>	Review of the understanding of cultural significance of 20th century architecture	<p>Consideration was given to the items raised however, further study confirms that there are no heritage listings within the Precinct. The design accounts for nearby heritage considerations.</p> <p>Refer to the Heritage Impact Assessment Report contained <b>Appendix H</b> for further details.</p>
<b>Traffic &amp; Transport</b>	<ul style="list-style-type: none"> <li>• Include provision of Car Share as part of Travel Plan</li> <li>• Identify specific bicycle provisions in line with NSDCP13</li> <li>• Impact of Victoria Cross on traffic generation</li> </ul>	<p><b>Yes.</b></p> <p>Car share and cycle provisions included.</p> <p>Impact of Victoria Cross on traffic generation projects accounted for.</p>
	Submit a draft Travel Plan in line with 10.6 of NS DCP13	<p><b>Yes.</b></p> <p>A summary Draft Travel Plan has been included within the Traffic Impact Assessment Report with a comprehensive Travel Plan to be prepared at the development application stage.</p> <p>The traffic consultant confirms that the proposal has sufficient capacity to meet access and travel arrangements and that a detailed plan is not required at this early stage.</p> <p>Refer to Traffic Impact Assessment Report in <b>Appendix F</b> for further details.</p>
	<p>Consider redesign of complex Walker/Hampden Junction to reduce conflict</p> <p>Consider pedestrian priority crossing of Walker Street near Hampden stairs</p>	<p>Investigations undertaken by the traffic consultant in collaboration with RMS have determined that a redesign of the junction is not required in order to achieve an accessible traffic solution, particularly given the relatively low level of traffic generated by the proposal.</p>



Matter for consideration	Community	Response
	Consider ramped pedestrian access for less mobile road users near Hampden stairs	<p>Detailed analysis of pedestrian activity confirms that a pedestrian priority crossing and ramped pedestrian access is not required for compliant development within the Precinct.</p> <p>Refer to the Traffic Impact Assessment Report for further details (<b>Appendix F</b>).</p>
<b>VPA</b>	<p>Detailed Assessment of 'Value' of VPA</p> <p>Detailed Assessment of 'uplift in value of site resulting from PP'</p> <p>Breakdown of costs of public benefit works</p>	<p><b>Yes</b></p> <p>Refer to the Draft VPA and letter of offer prepared in consultation with Urbis and Mills Oakley, attached at <b>Appendix E</b>.</p> <p>The letter includes a detailed assessment of the value of the contribution, being \$8,916,700, including</p> <ul style="list-style-type: none"> <li>- dedicating 5% of the residential yield to affordable housing valued at \$7.15m and</li> <li>- a monetary contribution calculated at a rate of \$15,100 per net increase in dwelling, on land at 173-179 Walker Street, valued at \$1.77m.</li> </ul> <p>This is in addition to standard Section 7.11 contributions (formerly Section 94).</p>
<b>Land Use</b>	Consider commercial floor space on the site	<p><b>Yes.</b></p> <p>Commercial floor space was assessed as part of this proposal. As per the Panel's recommendation, and consistent with the land use zoning, the site is more suited for high density residential.</p> <p>Recent amendments to the LEP and future uplift within the Ward Street Precinct, provides for increased commercial floor space.</p>
<b>Site isolation</b>	Consider potential for site isolation as the allotments to the north fronting Hampden Street are not in control of Avenor Pty Ltd	<p><b>Yes.</b></p> <p>The Urban Design Study comprehensively demonstrates that the properties to the north are not isolated and can be developed independently and for the purpose of a residential flat building.</p>

Matter for consideration	Community	Response
		<p>The proposed amendments to the LEP and DCP controls incentivise precinct amalgamation.</p> <p>The Site Isolation and Consolidation Assessment (<b>Appendix I</b>) demonstrates</p> <ul style="list-style-type: none"> <li>- no isolation occurs as a result of the proposed LEP or DCP changes, and</li> <li>- that fair and reasonable amalgamation attempts have occurred.</li> </ul>

### Response to Council resolution on Previous Planning Proposal

The following table provides a comprehensive response to Council's resolution not to support the initial Planning Proposal and how this revised Planning Proposal addresses those concerns.

Table 8: Response to Council Resolution

Issue	Response
1. The opportunities and impacts of revised planning controls are better considered and managed on a precinct-wide basis	<p>The Planning Proposal includes all properties identified within the East Walker Street Precinct Study area.</p> <p>A holistic approach to the precinct planning has been undertaken by SJB and the opportunities and impacts of various building envelopes have been assessed by the expert consultant team. This includes a precinct wide study relating to urban design (<b>Appendix A</b>) and site isolation (<b>Appendix I</b>), heritage (<b>Appendix H</b>), view impacts and view corridors (<b>Appendix G</b>), traffic and pedestrian movements (<b>Appendix F</b>) and public domain improvements (<b>Appendix J</b>).</p>
2. The cumulative impacts of intensive development across the precinct can be more adequately addressed area wide. This is especially relevant given the subject site is located in a precinct that is affected by an interrelationship of traffic, heritage, view sharing and solar access constraints.	<p>The cumulative impacts of the redevelopment of the East Walker Street Precinct have been identified, evaluated and documented within the independent expert reports that are appended to this Planning Proposal.</p> <p>The Urban Design Report prepared by SJB includes three potential building envelopes that could be developed as a result of the proposed amendments to the LEP and DCP controls. Each built form underpinned by the following design principles:</p> <ul style="list-style-type: none"> <li>• Overshadowing;</li> <li>• View sharing</li> <li>• Height transition</li> </ul>

Issue	Response
	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Amalgamation</li> <li>• Public domain</li> </ul> <p>Traffic and parking impacts have also been assessed on a precinct wide basis.</p>
<p>3. Site-specific changes to planning controls may pre-empt or be contrary to the desired outcomes of the WSP Masterplan/ proposed East Walker Street Precinct Study</p>	<p>This Planning Proposal seeks to amend the planning controls pertaining to all sites identified within the East Walker Street Precinct Study area.</p> <p>The applicant has out laid significant financial costs and engaged an expert consultant team to prepare the master plan for the East Walker Street Precinct. Planning for this area has been ongoing over the last 2-3 years. The masterplan has been developed with input from Council, the Panel, community members through the community consultation process and has drawn upon the previous master planning work undertaken by Council, which was reviewed by Council's design review panel.</p>
<p>4. Site-specific planning proposals divert resources away from precinct planning, slowing the process and resulting in inequitable outcomes within the precinct.</p>	<p>The planning work undertaken to date by the applicant would reduce the resources and funding that would be required for Council to carry out these investigations on their own accord.</p> <p>Given that this Planning Proposal is accompanied by detailed studies, which have been further developed since the previous Planning Proposal, Council can continue to focus their resources on wider precinct matters.</p>
<p>5. It would be inconsistent with the objectives of the <i>Environmental Planning &amp; Assessment Act 1979</i> to promote the orderly and economic use of land</p>	<p>The redevelopment of the East Walker Street Precinct to facilitate increased housing density on a site, undeveloped for over 50 years, so strategically located in North Sydney CBD and 200m from a new metro station is clearly in our view promoting the orderly, economic and sustainable use of urban land.</p> <p>Council's argument that a proponent led planning proposal constitutes "disorderly development" in this instance is not a reasonable or realistic conclusion that could be drawn. Contrarily, for areas this small, in the context of opportunity for large precinct planning elsewhere in North Sydney that require more comprehensive strategic consideration, it would be far more appropriate for developer led planning on sites such as this so Council resources can be allocated elsewhere.</p>



Issue	Response
6. It is inconsistent with the objectives set out in the relevant regional and draft district plans applying to the land	The Planning Proposal is undeniably aligned with the North District Plan 2018 and the Greater Sydney Region Plan and delivers on many of the Directions, Objective and Priorities in all categories including for Infrastructure and Collaboration, Liveability, Productivity and Sustainability and directly aligns with the strategic intent.
7. Issues in relation to overshadowing, heritage, traffic, site isolation and view loss have not been demonstrated as being acceptable	<p>The issues raised by Council were used as the principles that would guide future building envelope massing and design for the precinct.</p> <p>In summary, the follow points are made:</p> <ul style="list-style-type: none"> <li>• <b>Overshadowing</b> – The Planning Proposal includes an LEP prohibition to ensure that any future building envelope results in no additional overshadowing between 12pm – 2pm to Doris Fitton Park. The methodology for overshadowing that has been applied to building envelopes within the Ward Street Precinct and North Sydney CBD, has been applied to the East Walker Street Precinct.</li> <li>• <b>Heritage</b> – Relationship between the heritage items particularly within the north eastern corner of the precinct, is of key consideration. Building envelope controls including street wall height and podium setbacks are proposed to respect the heritage curtilage. The existing dense, mature vegetation within the Hampden Street reserve and the properties to the north of Hampden Street further assists in alleviating any adverse impacts at a street level.</li> <li>• <b>Traffic</b> – The applicant has met with RMS who raise no issue to the parking generation and access arrangements. Traffic and parking matters have been assessed on a whole of precinct basis (refer to <b>Appendix F</b>)</li> <li>• <b>Site isolation</b> – All properties within the East Walker Street study area have been included in the Planning Proposal. Refer to Site Isolation and Consolidation Assessment Report (<b>Appendix I</b>) which provides an assessment against the lot isolation planning principles and demonstrates that each development can be independently developed.</li> </ul>

Issue	Response
	<ul style="list-style-type: none"> <li><b>View loss</b> – Further view analysis has been undertaken to confirm that the proposed building envelopes promote view sharing from the west to the east (<b>Appendix G</b>)</li> </ul> <p>The above considerations form the principles that have been used to inform a suitable built form that responds to the characteristics and constraints of the precinct.</p>
8. It is difficult to determine if the proposed public benefits identified within the Planning Proposal is reasonable to the requested uplift that the Planning Proposal seeks. Further, the request for the exclusion of Section 94 contributions is inconsistent with Council's established policy position.	<p>This Planning Proposal is accompanied by a revised public benefit offering, which includes:</p> <ul style="list-style-type: none"> <li>The exclusion of s7.11 contributions;</li> <li>5% residential yield dedicated to affordable housing in accordance with Council's policy; and</li> <li>A monetary contribution equal to \$15,100 per net dwelling on land at 173-179 Walker Street.</li> </ul>

In addition to the above, the Proponent has engaged with Director of City Strategy on a number of occasions through telephone conversations, email exchanges and face-to-face to ensure a collaborative approach to planning for this precinct and to resolve the local planning issues.

Further to this, the Proponent has undertaken formal engagement with Council on a collaborative basis to resolve a reasonable planning outcome for the Precinct. A summary of this engagement is provided in the below.

Table 9: Summary of engagement

Date	Engagement
18 April 2018	Letter to General Manager, North Sydney Council
30 April 2018	Meeting with North Sydney Council to discuss outcomes of the Rezoning Review
1 June 2018	Email to the General Manager, North Sydney Council regarding ongoing master planning studies for East Walker Street.
8 June 2018	Email to the General Manager, North Sydney Council regarding ongoing master planning studies for East Walker Street
27 June 2018	Meeting with North Sydney Council and Department of Planning and Environment
17 Sept 2018	Meeting with North Sydney Council to present design options and consult on design
5 Oct 2018	Submission to North Sydney Council in response to Ward Street Precinct Masterplan
10 Dec 2018	Pre-Lodgement meeting with North Sydney Council
6 Jan 2019	2nd Pre-Lodgement Meeting with North Sydney Council
25 Feb 2019	Response by North Sydney Council to Proponents submission on WSMP

### 6.1.2. Planning Panel Criteria

In addition to collaborating with Council and addressing the key concerns raised by Council, the Proponent has also addressed the key site specific matters for consideration, as documented in the Panel's decision of the initial Planning Proposal and summarised in Table 10 below.

Table 10: Response to Panel Decision

Matters to Address	Response
1. The planning proposal should incorporate the current site and the adjacent properties on Hampden Street	The Planning Proposal has been amended to include the Hampden Street properties. The LEP and DCP controls have been designed on a whole of precinct basis.
2. Consolidation of the site with the adjacent properties on Hampden Street	<p>The amendments proposed to the <i>NSLEP 2013</i> include special provisions which incentivises the consolidation of the Walker Street properties with the Hampden Street properties.</p> <p>The Proponent has also actively attempted to purchase the properties at 11-17 Hampden Street, with negotiations beginning in 2017 and until 2019 (refer to Site Isolation and Consolidation Assessment Report, <b>Appendix I</b>).</p>
3. The site is more suited to residential than commercial use.	Noted. Residential uses are proposed.
4. Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street	<p>A detailed Urban Design Analysis has been undertaken by SJB which identifies the appropriate building heights. The proposed building heights have been reduced from a maximum building height of RL210 to RL133 plus special provisions allowing up to RL148.</p> <p>The maximum RL of 148 currently steps down from 168 Walker Street (RL168) and 41 McLaren Street 'as proposed' (RL225) providing for an appropriate transition from west to east.</p> <p>The building envelopes have been modelled with regard to existing height of adjacent buildings as well as the heights of buildings proposed within Option 2 of the draft Ward Street Precinct masterplan. Refer to SJB Report for further details.</p>
5. Views from the west should be maximised through the site	<p>The View Impact Assessment undertaken by RLA (<b>Appendix G</b>) provides advice on the appropriateness of the view sharing from the west and the location of view corridors.</p> <p>The information documented by RLA has assisted SJB in equitable view sharing building envelopes</p>



Matters to Address	Response
	thereby maximising view corridors from the west to east.
6. Vehicle and pedestrian access into and around the site should be further reviewed including consultation with RMS	<p>Vehicle and pedestrian access and movement has been reviewed on a whole of precinct basis and consultation with RMS has been undertaken to inform access arrangements (refer to Part 5 – Community Consultation and the Community Consultation Outcomes Report in <b>Appendix D</b>).</p> <p>Further details regarding vehicular movement is outlined within the Traffic Impact Assessment Report provided in <b>Appendix F</b>.</p>
7. Public consultation should be undertaken prior to consideration of a further proposal	<p>Community consultation has been undertaken by KJA and is documented within <b>Appendix D</b>.</p> <p>KJA have held two community information sessions, initially presenting the key design principles to gain feedback on important local issues to be address, and secondly to present the proposed scheme and refine the proposal with inclusion of feedback for final submission. The Proponent has consulted with stakeholders and interest groups including the Stanton Precinct Committee, Local Strata Committees and residents in Hampden and Walker Street. A project website has been established at <a href="http://www.eastwalkerstreet.com.au">www.eastwalkerstreet.com.au</a> which contained project information and an online survey for feedback.</p> <p>Refer to <i>Part 5 – Community Consultation</i> for further details</p>
8. Overshadowing east of the freeway should be minimised	<p>The proposed height has been reduced from 47 storeys to 24 storeys (plus additional special provisions allowing up to 29 storeys). This has significantly reduced the extent of overshadowing to the east of the Freeway.</p> <p>As illustrated in the SJB report, overshadowing to the east is now minimised to a small number of dwellings fronting Kurraba Road, between 2:30pm – 3pm on June 21<sup>st</sup>. This is a complying outcome for the Precinct.</p>
9. Any future proposal should include a draft DCP	This planning proposal includes a draft amendment to Part C – Character Statements, Section 2.4 Hampden Neighbourhood of the NSDCP 2013.

Matters to Address	Response
	<p>The amendment to the DCP will enable a new section to be inserted, being <i>2.4.4 East Walker Street Precinct Controls</i>. (<b>Appendix B</b>)</p> <p>The East Walker Street Precinct will form a sub-precinct of the Hampden Neighbourhood, and provides specific building envelope controls for the precinct.</p>
<p>10. Provision of well-connected open space on the site</p>	<p>As illustrated by the draft DCP and building envelope controls, well connected open space is provided within the western portion of the site.</p> <p>Opportunities for public open space have been explored by the proponent and have been discussed with Council prior to lodgement of the Planning Proposal.</p> <p>Given the emphasis on delivering public and civic spaces within the Ward Street Precinct, Council questioned the suitability of providing a larger public park within this Precinct.</p> <p>Through-site links were tested and proposed, including the 'Harbour View Walk' which connected Arthur Street to St Leonards Park. However, given the uncertainty regarding the Western Harbour Tunnel Project and associated works to the Warringah Freeway, this option become unviable.</p> <p>Through engagement with community it became evident that localised connectivity is important, such as connectivity of Hampden Street residents in a currently poorly pedestrianised area. The resultant strategy is to provide a 5m wide linear park along the Walker Street frontage inclusive of large canopy trees and bench setting coupled with a café that opens out onto the streetscape, wrapping around to the pocket park at the eastern end of Hampden Street.</p> <p>The combination of these elements is considered to result in a high quality, well-connected open space network, as illustrated in the Landscape Plan prepared by Aspect (<b>Appendix J</b>).</p>

## 6.2. REFERENCE SCHEME GUIDANCE

The applicant has appointed a new urban designer (**SJB Urban**) and landscape architect team (**Aspect Studio**), which have extensive experience in precinct redevelopment for and on behalf of both government and private sector clients. SJB has extensive experience undertaking Urban Design Studies for North Sydney Council and in the North Sydney area.

SJB has collaborated with the applicant, the community and Council staff through a series of design workshops and presentations to create a new precinct wide urban design strategy (referred to as *East Walker Street*).

In addition to being informed by the Planning Panel criteria outlined in Table 10, the development of the design concepts that has established the reference schemes has been informed by:

- The Stage 2 Ward Street Precinct Masterplan Urban Design Study; and
- A set of robust design principles.

This is discussed further below.

### 6.2.1. Stage 2 Ward Street Precinct Masterplan

This Planning Proposal has been prepared by using the same site analysis and massing constraints process applied by Council in their Ward Street Precinct Masterplan process to ensure that the planning outcome is consistent with the likely future uses of land in vicinity of the property.

Refer to the SJB Urban Design Report which demonstrates unequivocally that this Planning Proposal has been prepared in close alignment with the Ward Street Precinct Masterplan.

### 6.2.2. Design Principles

The design strategy has been specifically tailored to respond to the constraints and characteristics of the Precinct and surrounds whilst incorporating the key principles identified within the draft WSMP and the community consultation and engagement. This includes:

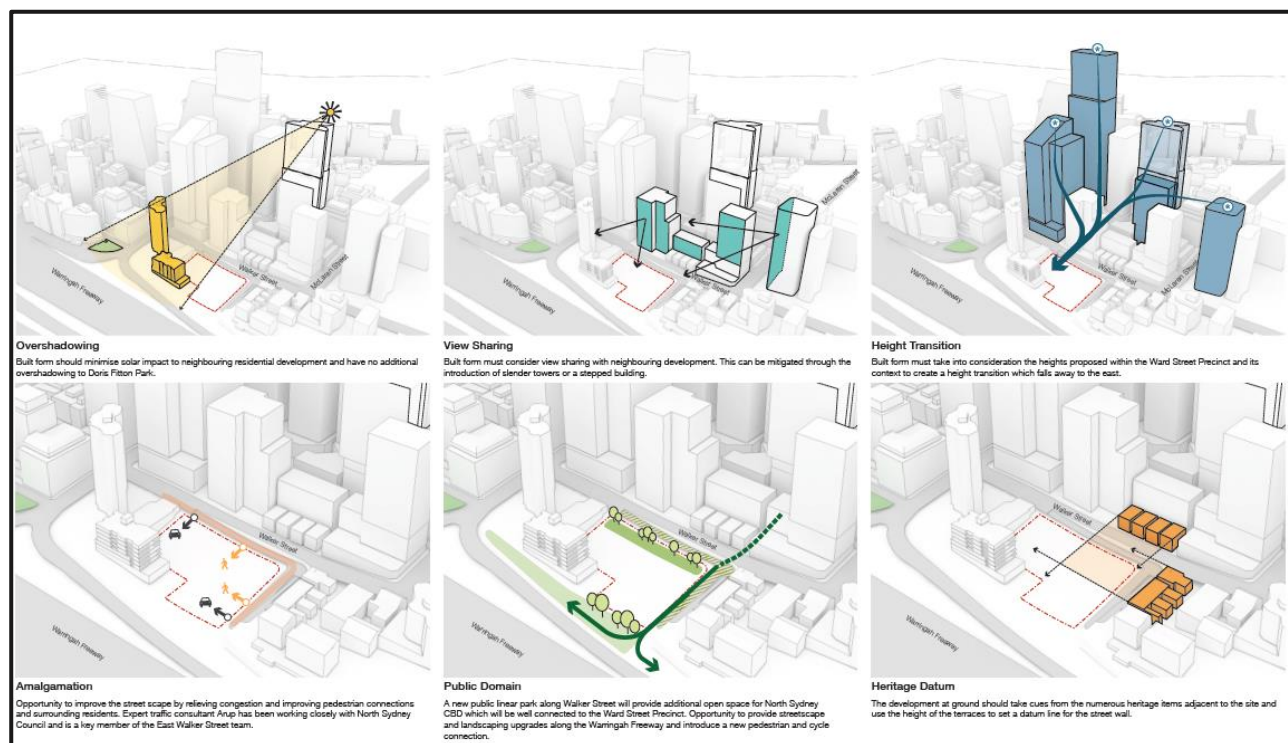
- **Overshadowing:** Built form should minimise solar impacts to neighbouring residential development and have no additional overshadowing to Doris Fitton Park between 12pm – 2pm on June 21.
- **View sharing:** Promote view sharing and encourage protection of iconic items or a large proportion of scenic or highly valued views. View analysis and 3D modelling has confirmed that the strategic placement of the building envelopes, slender towers and stepping of the built form will mitigate adverse view impacts and promote view sharing with the properties to the west and north-west.
- **Height transition:** Utilising the building heights established within the endorsed Stage 2 WSMP (Option 2) and neighbouring approved / developed building heights, the proposed heights have been designed to transition and fall away to the east.
- **Amalgamation:** A holistic approach to redevelopment of the Precinct has been achieved through the inclusion of all developable land parcels. This provides opportunities for a range of building envelopes, public domain improvements and site planning opportunities. Amalgamation is incentivised through additional bonus uplift provisions.
- **Public Domain:** Contribute to the ideology of a walkable and well-connected community through the provision of a linear park along Walker Street, enhancement of the Hampden Street community garden, creation of new shared zones and a pocket park.
- **Heritage:** Respect the surrounding heritage items through the siting of the built form and provision of street wall heights and podiums that take cues from the heritage datum.
- **Site Access:** The existing access arrangement to Walker Street and Hampden Street is generally sufficient for servicing future development. The pedestrian staircase in the north of the site will be maintained, as well as the retaining wall and service road. Vehicle movement along the Walker Street and Hampden Street will be kept to a minimum through selectively locating access points and upgrades to pavements.



- **Open Space:** Public open space is in short supply across North Sydney CBD, although the site is in close proximity to St Leonards Park, there are few smaller parks that are appropriate for a range of uses and passive recreation. For this reason the proposed development intends to address this shortfall by upgrading and expanding the existing community garden on Hampden Street, as well as providing a landscape setback to the envelope on Walker Street to allow for public use of this space

Figure 21 below illustrates graphically the key guiding design principles adopted for the study.

Figure 21: Design principles used to inform building envelopes



Source: SJB

### 6.3. REFERENCE SCHEMES

The urban design study identified a total developable area of the East Walker Street Precinct of 3,948sqm. By applying the same site area, built form, amalgamation and test fit analysis and process as North Sydney Council applied in the Ward Street Precinct Masterplan, the Urban Design Report determined that the Precinct has capacity to cater to two towers that can both achieve tower forms that achieve proper separation and comply with SEPP 65 and ADG

Given the capacity of the Precinct to cater to two tower forms, the Precinct was categorised into two groups of properties by street frontage:

- 1) **Walker Street Properties:** Four land parcels with frontage to Walker Street (173, 175, 177 and 179 Walker Street) totalling 2,339 sqm
- 2) **Hampden Street Properties:** Three land parcels with frontage to Hampden Street (11, 15 and 17 Hampden Street) totalling 1,609 sqm

Figure 22: East Walker Street Properties



The Urban Design Report in **Appendix A** includes a comprehensive site analysis and urban design process that resulted in the two following built form outcomes:

- 1) **Reference Design:** Height RL133, FSR 6.1:1  
that demonstrates reasonable and compliant development under the base controls without relying on full amalgamation,
- 2) **Special Provisions Reference Design:** Height RL 148, FSR 6.1:1  
that demonstrates reasonable and compliant development under the Special Provisions for additional height in the event of full amalgamation of the precinct. It is noted that whilst the Special Provisions Reference Design formerly included a provision to increase FSR from the reference design FSR of 6.1:1 to an FSR of 6.9:1, following the recommendation from the Panel, the 'Special Provisions Clause' as proposed within the LEP, has been amended to reflect a maximum height of RL148, but excludes any FSR uplift provision. As such, FSR will be retained at 6.1:1. This is to enable greater articulation in any future tower form, developed in accordance with the special provisions clause.

This arrangement has been comprehensively justified in the Site Consolidation and Isolation Assessment in **Appendix I**, and in the Urban Design Report by SJB.

### 6.3.1. Reference Design

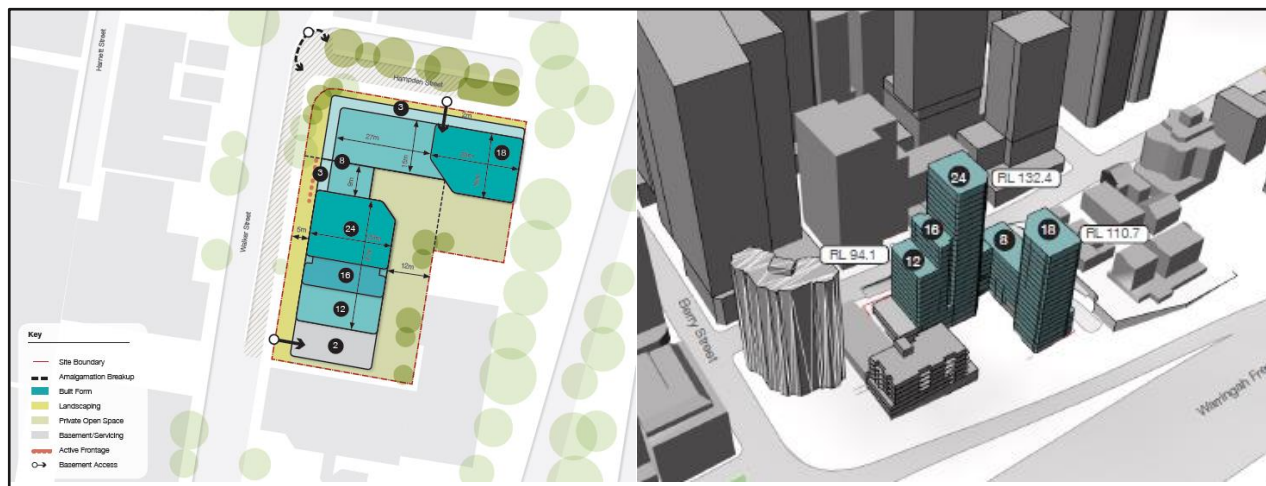
This concept assumes the redevelopment of Precinct into two landholdings, being Walker Street Properties and Hampden Street Properties. The Reference Design would be developed in accordance with the proposed new base building height and FSR controls, not the incentive full amalgamation controls.

Under this scenario, SJB demonstrate that the site is capable of achieving two towers; an 18 storey tower within the north eastern corner fronting Hampden Street and a 24 storey tower fronting Walker Street. The two towers are connected by an 8 storey built form that wraps around the corner of Walker Street and Hampden Street.

Fronting Walker Street, the 24 storey tower steps down to 16 storeys, 12 storeys and 2 storeys.

Under this scenario, a storey street wall height of 3 storeys and a 3m podium setback is established along the Hampden Street frontage, wrapping around to the interface of the Walker Street tower.

Figure 23: Potential building envelope for two towers under the Reference Design



### 6.3.2. Special Provisions Reference Design

In the event that full site amalgamation occurs within the Precinct, the proponent would be able to access the incentive provisions proposed under *Clause 6.20 East Walker Street Precinct* of the NSLEP 2013.

This concept design adopts a single tower form on the corner of Hampden Street and Walker Street, with a maximum height of 29 storeys (RL147.9). Respectful of views from the west across the site, the built form steps down from north to south at 27 storeys, 25 storeys, 20 storeys and 8 storeys. The building envelope is contained within the solar access plane, ensuring that the development will not result in any additional overshadow of Doris Fitton Park between 12pm – 2pm on June 21<sup>st</sup>.



The eastern portion of the Precinct as it fronts Hampden Street, will maintain a maximum height of 9 storeys.

Under this scenario, a full 3m street wall height to both Walker Street and Hampden Street will be established, with an above street podium setback of 3m.

It is noted that Figure 24 illustrates a concept design with an FSR of 6.9:1, which was prepared prior to the recommendation of the Panel and therefore does not reflect the amended FSR of 6.1:1.

Figure 24: Potential building envelope where utilising the incentive provisions



## 6.4. SEPARATE LAND HOLDINGS STUDY

This concept design demonstrates developability in the event that the Hampden Street Properties do not amalgamate. A comprehensive Site Consolidation and Isolation Assessment undertaken by Urbis with detailed input from SJB, Mills Oakley and CBRE is located at **Appendix I**.

Recognising the current land ownership pattern in the Precinct, SJB has tested a range of potential development scenarios that could materialise from the statutory and non-statutory planning control changes sought, we accord with the established design principles and Panel matters to address.

Under this scenario, the Walker Street Properties (Site A) remain the same as in the Reference Design, being a single slender tower form of up to 24 storeys (RL132.4), stepping down to 16, 12 and 2 storeys at the interface of the southern boundary. Adjoining the boundary of Site B, an 8 storey built form is proposed which supports built-to boundary of any future redevelopment of 11 Hampden Street.

Respectful of the heritage values to the west, this portion of the built form will maintain a three-storey street wall height with a podium setback of 3m.

The three-storey street wall height will wrap around the corner of Walker Street and Hampden Street, extending to the eastern end of Hampden Street. Residential development addressed to Hampden Street will maintain the podium setback of 3m, with a maximum building height of 8 – 9 storeys (RL81.7).

The built form provides front setbacks of 5m to Walker Street and 2m to Hampden Street and a rear setback of 12m to 88 Berry Street.

Figure 25: Potential building envelope where development is carried out independently

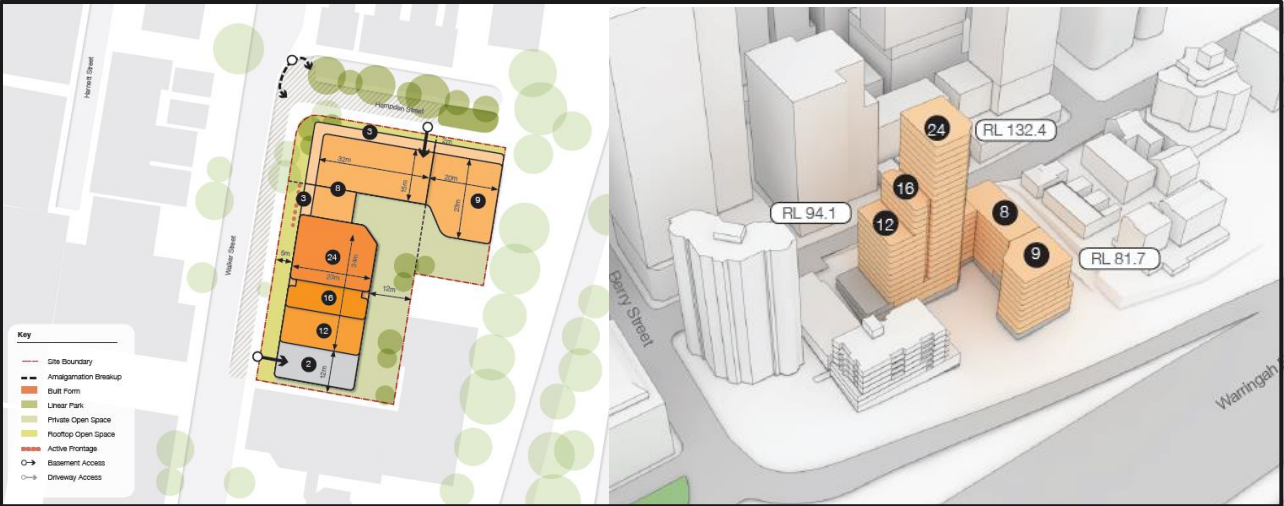
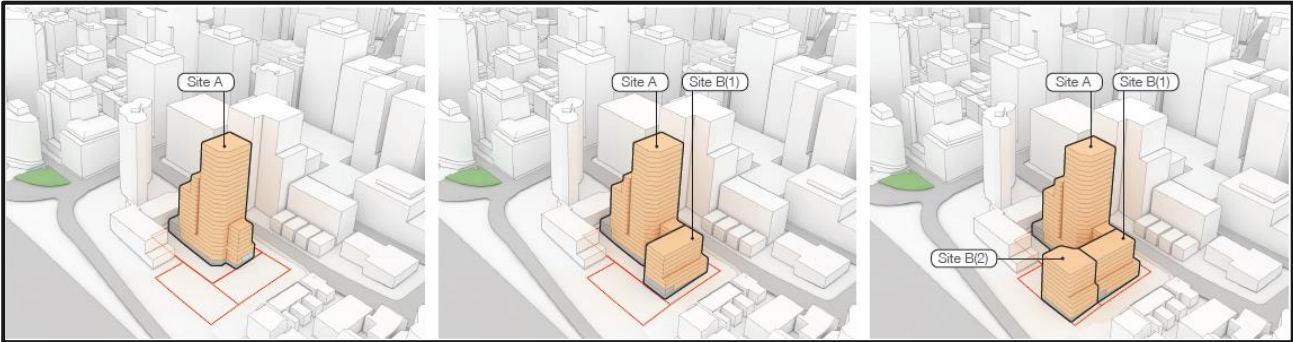


Figure 26: Development staging pattern



## 6.5. DEVELOPMENT OVERVIEW

This Planning Proposal is informed by an urban design study and reference design schemes, prepared by SJB (Appendix A). The study analyses the development opportunities for the site and surrounding context and demonstrates potential building envelopes that could be achieved, when designed in accordance with the development principles.

Broadly, the reference schemes include a built form that wraps around the Walker Street and Hampden Street frontages, with a 5m setback to Walker Street and a 2m setback to Hampden Street. This is appropriate considering the street widths, significant mature vegetation within the raised planter within the road verge and the setbacks to adjacent development on the northern side of Hampden Street. Tower forms of up to 24 storeys are proposed under the base control, where it can be demonstrated that the design principles are met and that no additional overshadowing to Doris Fitton Park occurs between 12pm-2pm.

The built form envelope takes cues from the heritage datum to the north and north west of the Precinct, resulting in a street wall height of 3 storeys and a 3m podium setback above the street wall height. The tower at the southern part of Walker Street is reduced in a nil street wall height which mirrors other modern developments in North Sydney.

A reduction in the internal side setbacks enables a staged development approach to occur with a consistent podium level and a confined building footprint.

The eastern portion of the Precinct is dedicated to a consolidated landscaped communal open space area.

Vehicle access to the Precinct will be via Walker Street, with basement access points at the southern end of Walker Street and at the eastern end of Hampden Street. Hampden Street will be converted to a shared zone and will be met with a pocket park.

Key numerical details are provided below:

Table 11: Key numerical details

Indicator	Development outcome	
Land Use	Residential accommodation Neighbourhood shop	
Height	RL133 / 24 storeys, with bonus provisions of up to RL148 / 29 storeys	
FSR	Total FSR of 6.1:1	
GFA	Residential	23,964m <sup>2</sup>
	Neighbourhood shop	80m <sup>2</sup>
Apartments	211 - 284 apartments, A mix of dwelling typologies will be provided in accordance with the NSDCP 2013.	
Car parking rates	Studio / 1 bed	0.5 / dwelling
	2 – 3+ bed	1 / dwelling
	Visitor	0
	Total:	203-229
	Bicycle	1 per dwelling + 1 per 10 visitors
	Total:	261

### 6.5.1. Land Use

The Planning Proposal seeks to retain the R4 High Density Residential zoning, providing a maximum of 23,964m<sup>2</sup> of residential floor space distributed over 8-24 storeys. This could be increased to a maximum height of 29 storeys where Precinct amalgamation is achieved, and the incentive bonus clause is triggered.

It is anticipated that the redevelopment of the Precinct would accommodate approximately 230-300 residential dwellings. A neighbourhood shop is also proposed along the Walker Street frontage which would service the residents and take advantage of the proposed linear.

Given the highly fragmented nature of North Sydney and the forecasted population increase of 32.9% by 2036 (idcommunity), retention of the existing land use zone will assist Council in achieving the dwelling density targets and alleviating the pressure of residential encroachment on the commercial core.

The residential density on the site and the provision of a ground floor neighbourhood shop would have the effect of activating the East Walker Street Precinct and contributing to the 18 hour economy, creating a more vibrant place to live, work and socialise.

The intended outcome is consistent with the draft Ward Street Master Plan and North Sydney CBD Precinct Study, in that it provides for greater connectivity, improved pedestrian links and public domain outcomes, open space, linear gardens and retention of solar access to key public spaces and protection of the surrounding heritage items through exemplar urban design outcomes.

Importantly, the concept proposal is set to breathe new life into the precinct's eastern edge, forming a nexus to the Ward Street Precinct and the North Sydney CBD.

### 6.5.2. Height and built form

The Planning Proposal proposes a maximum building height of RL133 which will allow for a built form that steps across the site. A single slender tower of 24 storeys is proposed with Site A, which steps down to 16, 12 and 2 storeys. This represents a significantly lower building form than the original Planning Proposal.

The overall building has been modelled to respond to the directions within the Planning Panel determination. Key considerations have included an assessment of site and surrounding constraints and evolving urban context. This has resulted in shaping a building envelope to deliver a slender tower form that maximises opportunities for landscaping and open space at the ground floor plan, reduces visual bulk impacts, promotes view sharing and achieves an acceptable level of overshadowing. The varied height planes proposed are a result of detailed shadow and view loss analysis, as discussed in Section 9.3 of this report.

Specifically, the building envelope has been positioned on the site to enable compliant separation distances, facilitating a landscaped curtilage that separates the site from the northern neighbour, retains a sympathetic relationship to the heritage items in the north west and allows for retention of views. The separation distances and modelling of the floor plates towards the east would alleviate any potential privacy impacts to the north.

The setbacks to Century Plaza and 88 Berry Street retains a significant view corridor from the Ward Street precinct to the east. This also retains privacy, solar access, daylight and outlook, whilst also reducing the effect of tower crowding and the perceived visual bulk.

The proposed height is further justified and supported in the accompanying Urban Design Report prepared by SJB (Appendix A).



Figure 27: Height in context, as viewed from the north

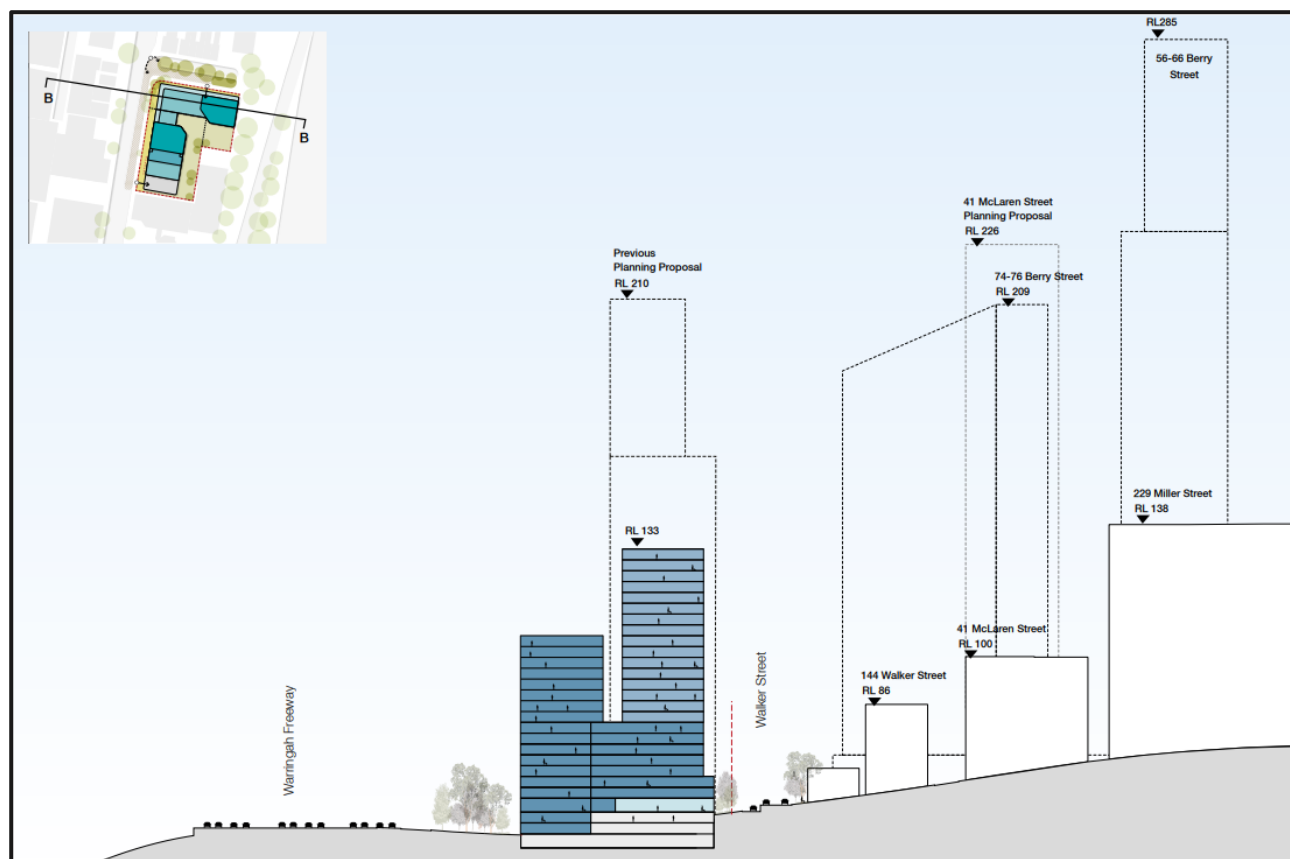
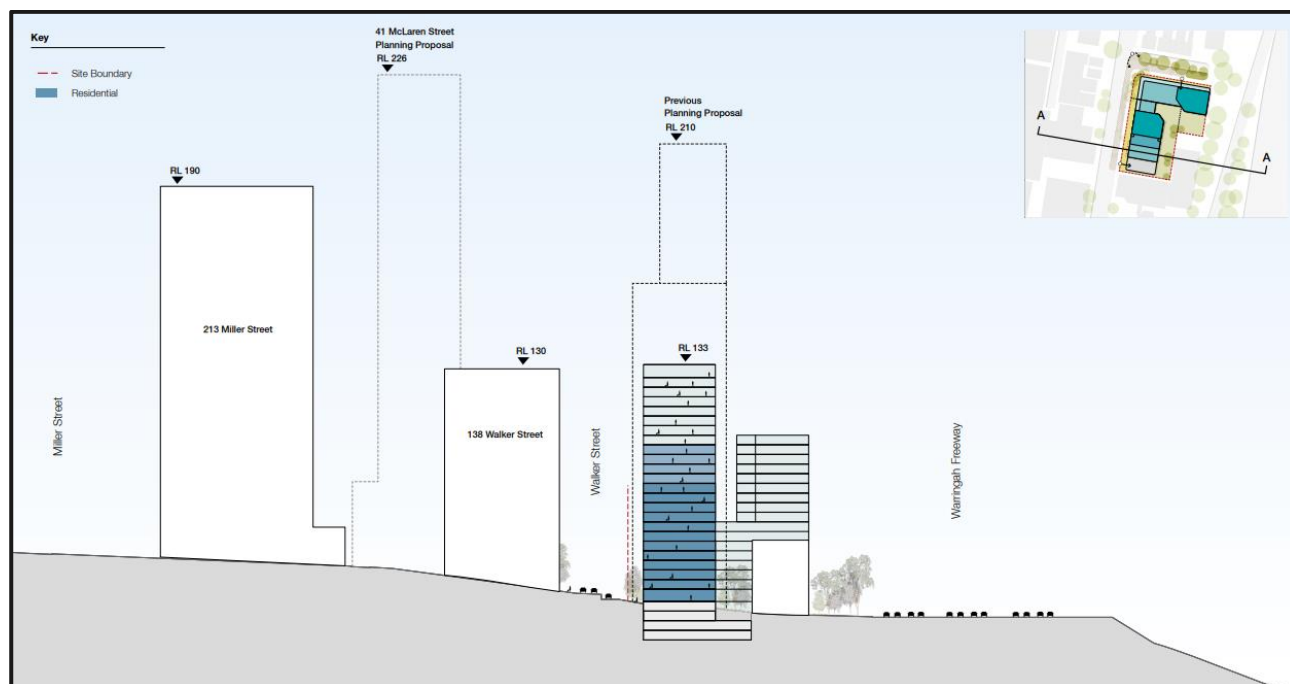


Figure 28: Height in context, as viewed from the south



### 6.5.3. Public domain and landscape outcome

The Landscape Concept Report prepared by Aspect (**Appendix G**) illustrates a high quality landscape and public domain outcome, achieved by creating a generous landscaped zone along Walker Street, potential streetscape upgrades in Hampden Street. The concept also incorporates a plan to create a significant area of landscaped communal open space for future residents of the site.

Any future development application would include medium sized street trees along the Walker Street frontage in accordance with the North Sydney Public Domain Manual.

Figure 29: Walker Street public domain improvements



## 6.6. DRAFT DCP CONTROLS

Accompanying this Planning Proposal is a draft amendment to the NSDCP 2013 which outlines the site-specific building envelope controls for future development within the East Walker Street Precinct (**Appendix B**).

It is noted that the draft DCP for the East Walker Street Precinct will be further developed and refined as part of the planning proposal process and following any Gateway Determination.

This includes the following key numerical controls:

Table 12: Proposed DCP key numerical controls

Control	Provision
Setbacks	Walker Street: 5m Hampden Street: 2m Internal side setbacks: Nil Rear setback: 12m
Street wall height	Hampden Street: 3 storeys
Podium setback	3m

## 6.7. PUBLIC BENEFIT OFFER

Under Section 93F of the EP&A Act, a proponent may enter into a Voluntary Planning Agreement (VPA) where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

Following a Gateway determination, it is anticipated that Walker Street No. 100 Pty Ltd and North Sydney Council will enter into discussions regarding a VPA to facilitate the delivery of public benefits commensurate with the degree of built form uplift associated with the Planning Proposal.

The draft VPA offer is attached in full at **Appendix E**. In summary it includes the following public benefits:

- Dedication of 5% of the residential yield to affordable housing in 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.

# 7. PLANNING PROPOSAL

## 7.1. OVERVIEW

This Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “A guide to preparing planning proposals” issued by the Department of Planning and Environment (December 2018).

Accordingly, the proposal is discussed in the following six parts:

- Part 1: Statement of the objectives or intended outcomes of the proposed amendment;
- Part 2: Explanation of the provisions that are to be included in the proposed amendment;
- Part 3: Justification for those objectives, outcomes and the process for their implementation;
- Part 4: Supporting maps which identify the aspects of the Planning Proposal;
- Part 5: Details of community consultation that is to be undertaken for the Planning Proposal; and
- Part 6: The prospective timeline.

Each of the above are addressed in the following sections of this report.

## 7.2. PART 1 – OBJECTIVES AND INTENDED OUTCOMES

To amend the ‘Height of Buildings’ and ‘Floor Space Ratio’ provisions that apply to the Precinct, under the *North Sydney Local Environmental Plan 2013*. This will facilitate the comprehensive and timely redevelopment of the site to accommodate a high quality residential development that successfully integrates with the emerging context of the North Sydney CBD and the Ward Street Precinct.

Furthermore, as part of this Planning Proposal request, it is proposed to introduce a new ‘Special Provisions’ map and specific additional ‘Local Provisions’ within Part 6 of the NSLEP 2013, to incentivise large lot amalgamation within the Precinct.

Ultimately, this will enable the achievement of a range of regional and local strategic planning objectives including housing growth within an accessible and connected location. The outcome would be the renewal of the Precinct to provide new residential apartments that would complement the increased commercial floor space envisaged within the North Sydney CBD and Ward Street Precinct. The development would be at an appropriate scale, transitioning from the building heights within the Ward Street down to the east, whilst also enhancing the public domain, street frontages, pedestrian linkages and activating the 18-hour economy.

## 7.3. PART 2 – EXPLANATION OF PROPOSED PROVISIONS

The purpose of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013* in the following manner:

- Amend the NSLEP 2013 ‘*Height of Buildings Map – Sheet HOB\_002A*’

It is proposed that the existing ‘Height of Buildings Map’ be amended to provide a maximum building height of **RL133** across the Precinct, as shown on the updated LEP Maps at Part 4 – Mapping.

- Amend the NSLEP 2013 ‘*Floor Space Ratio Map – Sheet FSR\_002A*’

It is proposed that the existing ‘Floor Space Ratio Map’ be amended to provide a maximum FSR of **6.1:1** across the Precinct, as shown on the updated LEP Maps at Part 4 – Mapping.

- Introduce a new Special Provisions Map within the NSLEP 2013 and map the East Walker Street Precinct as “Area 1;” and
- Amend Part 6 Additional Local Provisions – Division 2 General Provisions to include:



## 6.20 East Walker Street Precinct

(1) This clause applies to land that is identified as "Area 1" on the Special Provisions Map and comprises the land in:

- 173 Walker Street (SP 11082)
- 175 Walker Street (SP 86752)
- 177 Walker Street (SP 9808)
- 179 Walker Street (SP 64615)
- 11 Hampden Street (Lot 1 DP119732)
- 15 Hampden Street (Lot 1 DP591516)
- 17 Hampden Street (Lot 2 DP591516)

(2) Despite Clause 4.3(2) and Clause 4.4(2), if all lots within "Area 1" are amalgamated, the consent authority may grant development consent to the erection of a building on land to which this clause applies, if the building:

- (a) will not exceed a height of RL148; and
- (b) will not exceed a floor space ratio of 6.1:1.

(3) Despite subclause (2), development to which this clause applies must not result in a net increase in overshadowing to Doris Fitton Park between 12pm - 2pm June 21st.

(4) The consent authority must not grant development consent under this clause unless it is satisfied that there will be adequate provision for social and community infrastructure.

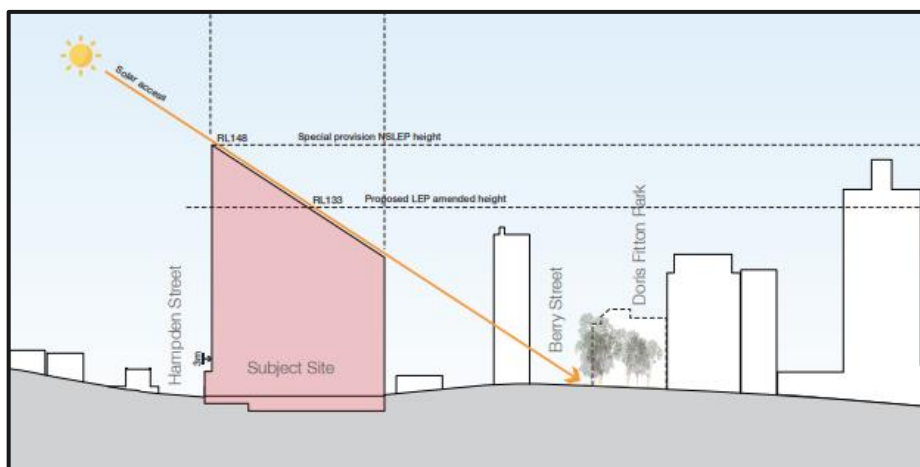
The intent of the additional local provision is to incentivise amalgamation of all lots within the Precinct. To ensure an equitable outcome is achieved, any additional uplift obtained through precinct amalgamation will be required to deliver a satisfactory level, additional social and community infrastructure commensurate with the additional uplift. The public benefit offering outlined in the draft VPA (**Appendix E**) can be drawn on as example of how landowners can satisfy this clause.

The proposed LEP provision requires the consent authority to be satisfied that adequate provision has been made for social and community infrastructure. This will create an opportunity for the Council to consider a further planning agreement offer, at that time, from the owners of the properties that would benefit from increased height. That is, 11 Hampden Street (Lot 1 DP119732), 15 Hampden Street (Lot 1 DP591516) and 17 Hampden Street (Lot 2 DP591516).

The use of tailored LEP clauses to incentivise amalgamation and encourage greater densities in highly accessible or emerging localities is widely adopted. Examples include clause 6.14 Community infrastructure floor space at Green Square of the *Sydney Local Environmental Plan 2012*, clause 8.7 Community infrastructure on certain key sites of the *Penrith Local Environmental Plan 2010*, clause 4.4A Exceptions to floor space ratio of the *Burwood Local Environmental Plan 2012* and more recently, within the Gateway Determination for the Randwick and Kensington Town Centre under the *Randwick Local Environmental Plan 2012*. The legality of the proposed LEP clause is supported by the Letter of Advice prepared by Mills Oakley and provided at Appendix R.

The use of the incentive provisions across a range of LEP's, confirms that the proposed amendments to the *North Sydney LEP 2013* provides a valid mechanism capturing contributions towards community infrastructure, where additional uplift is sought, regardless of whether that contribution has a direct connect to the development.

Figure 30: Proposed building envelope achievable under the additional local provisions



## 7.4. PART 3 – JUSTIFICATION OF PROPOSAL

The DP&E document “Planning Proposals: A guide to preparing planning proposals” says:

*“Assessment Criteria have been established to assist proponents or a PPA justify a planning proposal. As a minimum, the **justification component** of a planning proposal should address the following Assessment Criteria”*

The Assessment Criteria, and the location of where those criteria are addressed in this Planning Proposal, is outlined in Table 13 below.

Table 13: Summary of assessment criteria

Assessment Criteria	Report Section Addressing Criteria
<i>(Note: The DPE “Guide to preparing planning proposals” only requires one of the three Strategic Merit criteria to be met.)</i>	<i>(Note: Sections identified are only a guide to some key information, however, this entire document responds holistically and is to be considered in its entirety against criteria the.)</i>
<i>a) Does the proposal have strategic merit? Will it:</i>	
<i>give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	7.4.2 – Section B, Question 3:  Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?
<i>give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or</i>	7.4.2 – Section B, Question 4  Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?
<i>responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.</i>	7.4.2 – Section B, Question 4  Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?
<i>b) Does the proposal have site-specific merit, having regard to the following?</i>	
<i>the natural environment (including known significant environmental values, resources or hazards) and</i>	7.4.3. – Section C, Question 7  Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?
<i>the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and</i>	7.4.3. – Section C, Question 8  Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Assessment Criteria	Report Section Addressing Criteria
<i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i>	7.4.3. – Section C, Question 9  Q9. Has the planning proposal adequately addressed any social and economic effects?

Other considerations within *A Guide to Preparing Local Environmental Plans* include:

- *There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.*

**Note:** A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.

**Response:**

With regard to the above considerations, we note the following:

- The NSLEP 2013 came into force on 13 September 2013, making the North Sydney LEP controls over five years old, which was informed by a Residential Strategy (2009) that is now 10 years old. **Therefore, there should not be a presumption against a rezoning review given the aged nature of the applicable Housing Strategy and NSLEP.**
- In addition, it is considered that the proposal meets the Strategic Merit Test, as confirmed by the Panel decision for the original proposal (2018) and reiterated in the table above.
- The Planning Proposal achieves a number of strategies and actions that underpin the vision for North Sydney, as outlined in the *Greater Sydney Region Plan*.
- The Planning Proposal assists Council in delivering the actions and priorities of the *North District Plan*, particularly in the relation to achieving baseline housing targets and the delivery of a 30-minute city.
- There has been significant infrastructure investment for the new Victoria Cross Station, some 200 metres from the site.

### 7.4.1. Section A – Need for the Planning Proposal

#### Q1. Is the planning proposal a result of an endorsed strategic planning statement, strategic study or report?

**Yes.** The proponent led Planning Proposal was initiated by the identification of the Precinct as an opportunity site within the original draft WSMP in 2016. This Planning Proposal is the second Planning Proposal lodged by the applicant within the Precinct. The urban design framework for the Precinct is guided by feedback received from the Panel and from Council during the assessment of the initial application.

In formulating the proposed building envelopes, SJB have also applied the underlying principles that guided the building envelopes within the draft Stage 2 WSMP to ensure a holistic approach to Precinct planning.

A summary of the strategic planning background undertaken to date, is outlined in Table 14 below.

Table 14: Strategic planning background

Strategic Planning Document	Timing	Comment
Draft WSMP	14 June 2016	<ul style="list-style-type: none"> <li>East Walker Street Precinct was identified as an opportunity site</li> <li>The WSMP outlined the framework for various stakeholders to carry out future development planning</li> <li>Invited landowners of sites to submit site specific Planning Proposals to Council for individual consideration</li> </ul>
Stage 1 WSMP	5 December 2016	<ul style="list-style-type: none"> <li>Site excised from the WSMP as it did not present a direct contribution to the public benefit outcome</li> <li>Site constraints needed to be carefully managed</li> <li>Applicant engaged with Council officers to discuss the merits of the previous Planning Proposal</li> </ul>
PP Lodged + Rezoning review determination	Oct 2017 – Jan 2018	<ul style="list-style-type: none"> <li>Panel determined that the site has strategic merit but not site-specific merit and encouraged the applicant to work with Council to resolve the site constraints</li> <li>Acting on the advice from the panel determination, the applicant has engaged with Council and has used the feedback as the basis for a new precinct wide Planning Proposal</li> </ul>
Stage 2 WSMP	Sep 2018 - Oct 2018	<ul style="list-style-type: none"> <li>Stage 2 WSMP was placed on public exhibition providing clarity around the design principles used to formulate building envelopes for the Precinct.</li> </ul>
LEP Accelerated funding request	Nov 2018	<ul style="list-style-type: none"> <li>Identified a Northern CBD Precinct (including the site) as one of three precincts to be studied for housing uplift as part of the LEP review</li> </ul>
North of CBD Planning Study	Jan 2019	<ul style="list-style-type: none"> <li>Council currently preparing a brief to engage external consultants to prepare the Northern CBD Planning Study</li> <li>Briefs are expected to be awarded mid 2019 with work completed by end of 2019</li> </ul>



Strategic Planning Document	Timing	Comment
		<ul style="list-style-type: none"> <li>Planned for Public Exhibition late 2019 / early 2020</li> </ul>

## **Summary**

In 2016, the site was identified as an opportunity site suitable for residential redevelopment. Council did not pursue master planning for the Precinct due to the lack of public benefit associated with the residential uplift and the site constraints, which required further resolution.

The proponent outlaid significant time and resources to procure the strata titled allotments at 173-179 Walker Street. A site-specific Planning Proposal was lodged and ultimately did not proceed to Gateway as the Planning Panel found that site-specific merit was not achieved.

However, the Panel decision recommended that the applicant collaborate with Council to resolve the site-specific planning issues and provided a clear pathway for the resubmission of a Planning Proposal. This, in our opinion, provides sufficient guidance to inform a new Planning Proposal to be lodged ahead of any planned wider precinct study led by Council.

It is considered that this Planning Proposal meets the key criteria outlined within the Panel's decision.

## **Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. Without an amendment to the statutory planning controls, the reference design for the site cannot be achieved and the associated public benefits would not be realised.

Given this, a range of statutory measures to give effect to achieving the objectives or intended outcomes of the Planning Proposal have been considered, including:

1. Wait for a Council to finalise the North of CBD study and then amend their LEP
2. Lodge a development application pursuant to Clause 4.6 – Exceptions to Development Standards
3. Lodge a Planning Proposal which includes a single LEP height and FSR
4. **Lodge a Planning Proposal which includes a base LEP height and FSR control coupled with additional local provisions to encourage precinct amalgamation**

Each of these items are discussed in full below:

### **Option 1 – Wait for Council to finalise Studies and then amend their LEP**

This Planning Proposal is not reliant on the outcomes of the future northern CBD Planning strategy. Site analysis and an extensive undertaking of the opportunities and constraints within the East Walker Street Precinct has significantly advanced and the Planning Panel's assessment of the previous proposal, along with Council feedback on the previous planning proposal has provided to guide a new and refined Planning Proposal.

It is acknowledged that Council has sought funding to undertake their own review of housing study within the North of CBD precinct however there is no confirmed time or commitment on this work. We understand briefs are under preparation to seek consultants to assist Council in this work.

This review focuses on a number of precincts including the Northern CBD Precinct (not yet defined) of which we understand the site is located. Council has accelerated LEP funding meaning their draft LEP is required to be submitted to the Department by July 2020, meaning that best case any LEP changes in the LGA will occur by end of 2021. This will have the effect of future development approvals and then construction delivery of dwellings to meet housing supply needs will not occur before 2023/24.

The proponent has completed a range of planning, urban design and technical studies for this area, which has been ongoing since 2016. The proponent received a decision from the Planning Panel to undertake a precinct approach and to collaborate with Council to resolve local planning issues. The Panel provided a clear path forward and this has been acted upon, resulting in the intended outcomes of this Planning Proposal.

Given the site is zoned R4 High Density and is identified by Council as within an area under investigation for uplift, and the fact that it has been previously identified as an opportunity site, it is reasonable to assume that any future local strategy would incorporate a density uplift and new housing targets in this precinct. Given this, we do not believe this Planning Proposal will in any way jeopardise any outcomes of Council's future strategies.

Furthermore, since the planning strategy and policy work will take considerable time, there will be a significant lag in the supply of housing in the LGA over the coming 5 years. This is made worse by the fact Council will fall short of the minimum 5 year housing target (2016-2021).

For these reasons, in our view it is not reasonable to wait for the upcoming studies to be completed. There is a need to continue to support proposals that will add to the housing supply pipeline. In this case, the site is arguably unique given the proposal has already been granted strategic merit and the new proposal has followed a clear direction of the Panel in its re-submission.

#### **Option 2 - Clause 4.6**

- In order to achieve the future built form outcome, the underlying development standards applicable to the site require amending. The present controls would only permit a 4-storey residential development, which does not achieve the objectives or intended outcome. Redevelopment of the site in the current market would not result in a feasible or desirable outcome, particularly given the costs of the amalgamated strata titles by the applicant. Therefore, this would not assist in provide greater diversity, density and affordability of future housing, which forms a strategic objective for this area.
- The use of Clause 4.6 – Exceptions to Development Standards is limited in its application, as judged in many land and environment court matters. The extent in numeric variation proposed from the current built form controls in comparison to the reference schemes are beyond the powers of a Clause 4.6 variation and thus this option has not been pursued.

#### **Option 3 -Single LEP height and FSR**

- The application of a single LEP height and FSR numerical control would not, in our opinion, incentivise full precinct amalgamation. The Proponent is unable to force the sale and / or redevelopment of the properties at 11-17 Hampden Street. Given this, since a holistic precinct planning approach was required in the determination of the Planning Panel, the proposal has introduced bonus built form provisions to incentivise property owners to amalgamate and redevelop in the Precinct.

#### **Option 4 – Base LEP height and FSR and additional local provisions**

- The additional local provisions proposed as part of this Planning Proposal can only be achieved through amendments to the LEP. Following advice from the Panel determination, the proponent has attempted to procure and / or enter into a joint venture with the land owners of 11-17 Hampden Street. This has proved unsuccessful. The intent of the additional local provisions is to incentivise amalgamation within the precinct.
- The proponent has provided a:
  - Reference Scheme, which reflects development of the Walker Street Properties and the Hampden Street properties as two separate parcels, resulting in base FSR and Height controls of 6.1:1 and RL133 respectively.
  - Special Provisions Reference Scheme, which reflects development of the entire Precinct as one parcel, resulting in a maximum height of RL148.
- The additional local provisions requires developers to provide social and community infrastructure commensurate to the degree of uplift sought. This is consistent with other Sydney metro incentive provisions and ensures a level of public benefit is captured for any development uplift beyond the base controls.

Without an amendment to the statutory planning controls, the proposed design concept cannot be achieved, and the associated public and community benefits would be lost. The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA being conveniently located at the doorstep of the North Sydney CBD and within the realms of existing and future public transport infrastructure. The Planning Proposal aligns with the wider North Sydney Centre redevelopment strategy and the Ward Street Precinct

Masterplan, bringing the eastern edge of the centre into fruition and creating a timely and holistic rejuvenation approach to North Sydney.

Therefore, this Planning Proposal is the best means of achieving the intended outcome for the site.

### 7.4.2. Section B – Relationship to Strategic Planning Framework

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited drafts plans or strategies)?**

#### Strategic Merit Criteria 1: Is the Planning Proposal:

*'consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment'*

#### Response

**Yes.** The Panel decision of the previous Planning Proposal confirmed that the strategic merit test was achieved and that the site did indeed have strategic merit.

In line with feedback provided by the Planning Panel, this Planning Proposal incorporates additional properties and for the reasons below, it is demonstrated that this Planning Proposal also has strategic merit on the grounds of giving effect to the objectives and actions of the applicable Regional and District Plans and strategies. DPE's Planning Circular (PS18-012) notes that *"the key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit."* This section provides strong justification for progression to Gateway Determination on grounds of its strategic merit.

Refer to Table 15 consistency with the Greater Sydney Region Plan and Table 16 consistency with the North District Plan, which demonstrates direct alignment between this Planning Proposal and the *Greater Sydney Region Plan* and the *North District Plan*.

#### **Greater Sydney Region Plan – A Metropolis of Three Cities (2018)**

This section provides a summary of the *Greater Sydney Region Plan* (GSRP) and demonstrates how the Planning Proposal is consistent with the relevant objectives and actions therein.

The GSRP sets out policy directions to achieve the identified goals and principles, with each direction underpinned by a number of actions. Table 15 below sets out some of the relevant directions and actions of the GSRP and explains how the Planning Proposal responds and aligns to these.

Table 15: Consistency with the Greater Sydney Region Plan

Greater Sydney Region Plan	Comment
<b>Direction 1: A City supported by Infrastructure</b>	
<i>Objective 4: Infrastructure use is optimised</i>	The proposed uplift will ensure the public transport infrastructure is optimised. The site is located approximate 200m from the Victoria Cross Station entrance. Once complete, Sydney Metro will provide a high frequency service connecting major employment hubs such as Macquarie Park, Chatswood and the North Sydney and Sydney CBDs.

Greater Sydney Region Plan	Comment
	<p>The proposal positively contributes to this objective by placing density in a highly convenient location that will encourage use of existing and new transport infrastructure.</p> <p>Delivering density in the right location, such as within the East Walker Street Precinct, will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
<b>Direction 2: A city of people</b>	
<p><i>Objective 7: Communities are healthy, resilient and socially connected</i></p>	<p>This Planning Proposal builds upon the strengths and characteristics of the community through public domain improvements, pocket parks, landscaped open space designed for community interaction and increased pedestrian connectivity to promote walkability. Densification and dwelling diversity on the site coupled with a high quality streetscape interface and public domain improvements positively contributes to the social wellbeing of the existing and future residents.</p> <p>The applicant has actively engaged in ongoing consultation with stakeholders, community interest groups and local authorities to ensure that any future development delivers on the vision and needs of the community.</p>
<b>Direction 3: Housing the City</b>	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> <li>0-5 year target (2016-2021): <b>25,950 additional homes</b>;</li> <li>20-year (2016-2036): <b>92,000 additional homes</b>.</li> </ul> <p>This Planning Proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.</p> <p>The reference schemes provided within the SJB Urban Design Report illustrate that approximately 230 - 300 new dwellings can be provided within the Precinct. This outcome would positively contribute to achieving the 6-10 year housing targets for the Council as part of the North District.</p> <p>The concentration of residential density within the East Walker Street Precinct will reduce the pressure on the commercial core and remove barriers to promote growth and allow efficient land use outcomes that will bring people closer to jobs and services.</p> <p>Increased housing supply in and around the commercial core will enable the retention of existing lower density residential areas further north of the CBD where land is constrained, preserving local character and creating housing diversity. The concentration of density within walking distance of public</p>



Greater Sydney Region Plan	Comment
	<p>transport nodes is considered an appropriate location for additional housing.</p> <p>The public benefit offer accompanying this Planning Proposal seeks to dedicate 5% of the floor space to affordable rental housing, in accordance with the <i>North Sydney Affordable Housing Strategy 2015</i>, as amended. It is envisaged that under the public benefit offer, the floor space for affordable housing would be dedicated to Council in perpetuity, should the Planning Proposal proceed through Gateway.</p> <p>The provision of housing in general terms has the potential to contribute to housing affordability by contributing to general housing supply which places downward pressure on housing costs.</p>
<b>Direction 4: A City of Great Places</b>	
<i>Objective 12: Great places that bring people together</i>	<p>The Planning Proposal will support the renewal of the Precinct. The proposed LEP amendments and the reference schemes illustrate how the renewal of the Precinct will also enhance and respect the heritage significance of the nearby heritage items to the north, north-west and within the Walker Street road.</p> <p>The proposal includes significant public domain improvements including converting Walker Street and Hampden Street into a shared zone, the provision of a public pocket park, a linear park along the Walker Street frontage and improved pedestrian linkages to Ward Street and the metro station.</p> <p>The Precinct will offer great amenity for future residents and contribute to the activation of an 18-hour economy of North Sydney CBD and the Ward Street Precinct.</p>
<b>Direction 5: A well-connected City</b>	
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p> <p><i>Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive</i></p>	<p>North Sydney defined in the GSRP as forming part of the 'Eastern Economic Corridor' and is identified as the district's largest office market. The Precincts location just outside of the defined commercial core represents an appropriate location for residential uplift which will provide housing is a location which is highly accessible to jobs yet will not erode the commercial importance of the core itself.</p> <p>Concentrating housing growth adjacent to the commercial core supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports this objective.</p>
<b>Direction 6: Jobs and skills for the city</b>	

Greater Sydney Region Plan	Comment
<p><i>Objective 22: Investment and business activity in centres</i></p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	<p>This Planning Proposal seeks to provide increased housing at the doorstep of one of North Sydney CBD, a significant employment generating centre. The Precinct capitalises on the State Government's investment in public transport and provides the community with better access to employment opportunities within the North CBD and elsewhere.</p> <p>The availability of public transport, coupled by retail outlets and cafes, education precincts and employment opportunities makes this a walkable neighbourhood and a vibrant place to live; thus benefiting from the delivery of high density development.</p> <p>Strategic centres, such as North Sydney, need a co-location of land uses. Including residential to ensure the economic viability and liveability is maintained. This Planning Proposal delivers the residential accommodation that North Sydney CBD needs.</p>
<b>Direction 7: A city in its landscape</b>	
<p><i>Objective 31: Public open space is accessible, protected and enhanced</i></p>	<p>This Planning Proposal seeks to deliver a linear public park along Walker Street, a pocket park within the eastern bookend of Hampden Street and community gardens and landscaped open space across a significant portion of the site.</p>
<b>Direction 8: An Efficient City</b>	
<p><i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></p>	<p>The Planning Proposal facilitates the promotion of walkable neighbourhoods and low carbon transport options due to its proximity to public transport, being within walking distance of the Victoria Cross Metro Station, as well as existing bus services and the North Sydney train station.</p> <p>The site's proximity to public transport would provide opportunities for residents to conveniently use public transport thereby reducing private vehicle trip movements and assisting the objective to create low-carbon cities.</p> <p>Further, sustainability measures would be explored in any future redevelopment of the site.</p>

### **North District Plan**

The site is located within North District of Greater Sydney. The North District Plan reflects the broader vision of Sydney as a three-city metropolis, and contains the following key metrics:

- Housing target – The North District has a housing target of an additional 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.
- Job target – North Sydney is listed as having a job target of 76,000-81,500 by 2036, compared to 2016 figures of 60,400 existing jobs. This represents a minimum target of 15,600 new jobs over 20 years.

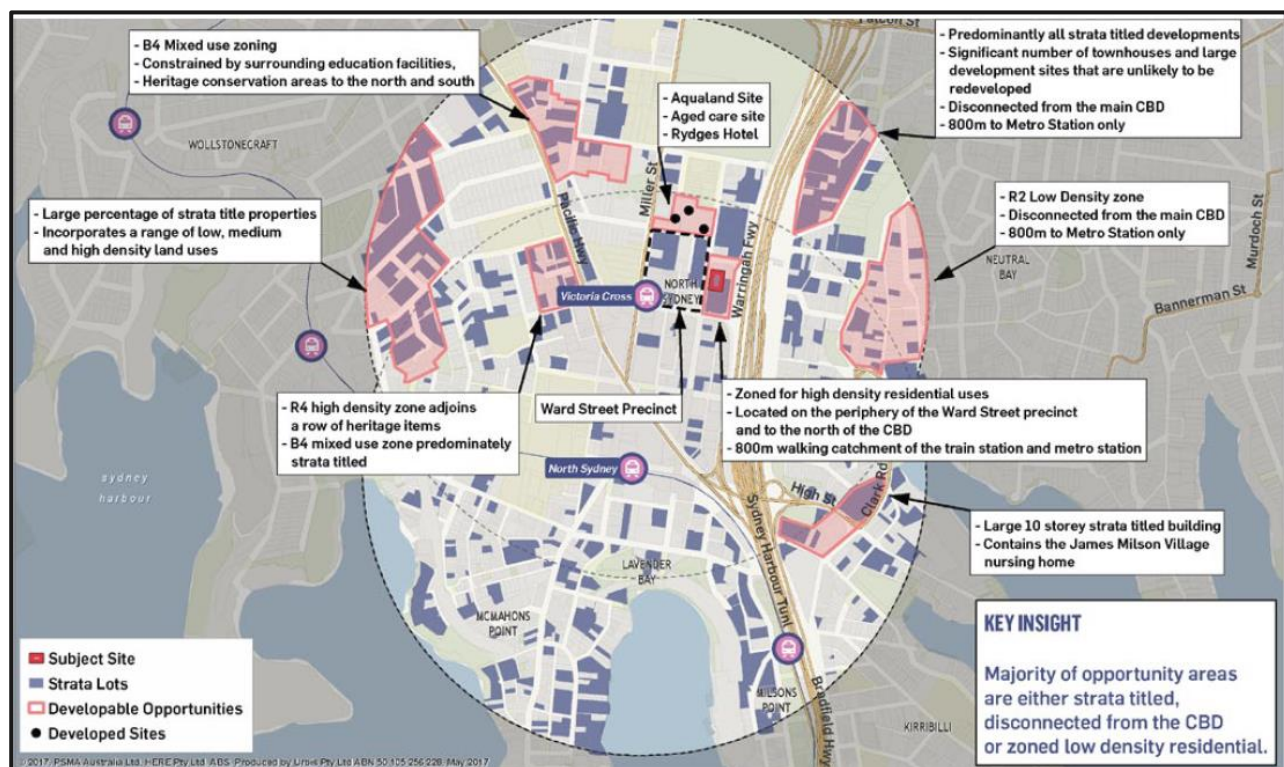
A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in below.

Table 16: Consistency with the North District Plan

North District Plan	Comment
<p><b>N1.</b> <i>Planning for a city supported by infrastructure</i></p> <p><b>N12.</b> <i>Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The Planning Proposal leverages on the new Victoria Cross Metro Station. The site is ideally located in just a short walking distance to the future station. The future metro station will support the growth of north Sydney in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p>
<p><b>N4.</b> <i>Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p><b>N5.</b> <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p><b>N6.</b> <i>Creating and renewing great places and local centres and respecting the District's heritage</i></p>	<p>The Planning Proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets.</p> <p>A GIS analysis provided in Figure 31 below details the findings of a 'sieving analysis' for land within 800m of Victoria Cross Station. By using GIS to map land constrained from future redevelopment, the analysis finds that East Walker Street is one of the only available Precincts zoned for high density residential and ripe for redevelopment.</p> <p>The sieving analysis finds that many sites within an 800m radius of Victoria Cross Station are constrained by one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>• Heritage items or conservation areas</li> <li>• Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals)</li> <li>• Large strata properties</li> </ul> <p>Figure 31 illustrates the sites which have been identified as constrained from future redevelopment and those that are capable of being redeveloped for residential purposes.</p> <p>The identified sites are the sites which are can assist in meeting the housing targets identified for North Sydney under the District Plan and will assist in achieving greater housing supply, choice and affordability.</p> <p>Excellent public transport access and proximity to Macquarie Park, Sydney CBD, North Sydney CBD makes the site a highly attractive location for residential uses. The current DPE approach is seeking to balance residential intensification whilst maintaining a strong employment function. The Precinct can play an important role in this regard and allows for housing close to the North Sydney CBD commercial core, which is reserved for commercial growth only.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p>

North District Plan	Comment
	The East Walker Street Precinct meets that locational criteria and the reference schemes appended to the SJB Urban Design Report demonstrates the proposed fine grain urban form envisaged for the Precinct.
<b>N20. Delivering high quality open space</b>	<p>The Planning Proposal facilitates the creation of a linear park along Walker Street and a pocket park at the eastern end of Hampden Street.</p> <p>Any future DA would provide large communal open space areas along the eastern portion of the site and would include paving, seating, lawns and community gardens that would promote multi-faceted use for families and children.</p> <p>The proposal seeks to transform Walker Street and Hampden Street into a shared zone and improve pedestrian linkages in and around the Precinct.</p>

Figure 31: Sieving analysis illustrating the limited availability for high density residential redevelopment





#### Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

##### Strategic Merit Criteria 2: Will the Planning Proposal:

*'give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement;*

**Yes.** In addition to meeting Strategic Merit Criteria 1, this Planning Proposal meets Strategic Merit Criteria 2 in that it is consistent with the following local strategies, as addressed in Q4 below:

- North Sydney Residential Development Strategy 2009
- North Sydney CBD Capacity and Land Use Strategy
- Community Strategic Plan 2018 – 2028
- Stage 2 Draft Ward Street Masterplan

It is acknowledged that Council, as part of their LEP review, are at the time of writing this, commissioning studies to inform their Local Strategic Planning Statement and Local Housing Strategy. This will ultimately inform the LEP amendments required to meet the obligations to plan for housing and employment growth in accordance with the Metropolitan Plan and the District Plan.

The East Walker Street Precinct has been identified as one of the areas that Council are investigating for increased density in and around the metro station, as part of the North CBD Planning Study. Further confirming the suitability of the site for high density residential redevelopment.

Notwithstanding, it would be imprudent for the proponent to further delay the advancement of planning for this Precinct. This Planning Proposal has significantly advanced from the site-specific Planning Proposal lodged in 2017 and reflects the current and advancing state of play within the North Sydney Centre.

This Planning Proposal has the potential to deliver upon Council's vision for the Precinct, providing a nexus to the Ward Street Precinct and a deliverable timeframe that would align with the cycle of development occurring within the area.

The proponent has thoroughly investigated the accumulated environmental impacts associated with the Precinct redevelopment and has refined the scheme and tested building envelopes to achieve an outcome that addresses the concerns raised by the Panel and Council in regards to amalgamation, height transition, overshadowing, view sharing, access and open space. These issues are discussed in *Section 8.4.2* of this report.

The Planning Proposal represents a whole-of-block approach and constitutes a detailed submission which will assist Council with their work, not compromise it.

Given the uncertainty around the timeframe of these studies being available for public comment, this Planning Proposal has been assessed based upon the current local strategies.

This includes:

- North Sydney Residential 2009
- North Sydney CBD Capacity and Land Use Strategy
- Community Strategic Plan 2018 - 2028
- Draft Stage 2 Ward Street Precinct
- North of CBD Study (currently being commissioned)
- Stage 1 Public Domain Strategy for the CBD
- Traffic & Pedestrian Study

## North Sydney Residential Development Strategy 2009

The North Sydney Residential Development Strategy (RDS) was formerly adopted in 2011 and is the strategic framework for guiding housing in North Sydney, up until 2031. This document formed the basis of determining the delivery potential for residential supply under the existing planning controls. As outlined above, it is acknowledged that Council are commissioning a review of the local housing strategy to identify areas for greater residential density.

Review of existing planning controls is mandated by the requirement to deliver housing in accordance with the targets set by the North District Plan. Notably, the Greater Sydney Commission has confirmed that Council will fall short of the **minimum 5-year housing target** by 170 dwellings.

This proposal has the potential to deliver 230-300 dwellings for the 6-10-year housing target required under the North District. The proposal will assist in ensuring that Council are on track to achieve their mid to longer term housing targets. Notwithstanding, the dwelling yield of the development is only a small portion of the 20 year target of 92,000 dwelling target for the District, equating to 0.25% - 0.32%.

As demonstrated within the Planning Proposal, many areas surrounding the North Sydney CBD are constrained from future development which would meaningfully contribute to future housing stock. GIS analysis detailed within the Planning Proposal demonstrates that many sites within an 800m radius of Victoria Cross Station are constrained by one or more of the following characteristics:

- Heritage items or conservation areas;
- Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals); and / or
- Large strata properties (16+ owners).

The subject site is one of few sites capable of being redeveloped in the short to medium term.

This Planning Proposal therefore provides Council with the opportunity for additional residential floor space on land that is relatively unconstrained and strategically located to accommodate for increased density, beyond that envisaged by the current planning controls.

### North Sydney CBD Capacity and Land Use Strategy

*The aim of the North Sydney Centre Planning Review is to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component in Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore and becomes a more attractive, sustainable and vibrant place for residents, works and businesses.*

The North Sydney CBD Capacity and Land Use Strategy was prepared in support of the North Sydney Centre review, which encompasses land within the B3 Commercial Core and B4 Mixed Use zone. This document formed the basis on which Amendment No.23 to NSLEP 2013 was made, resulting in significant uplift in the B3 Commercial Core.

The Precinct is located within the R4 High Density Residential zone and therefore is generally exempt from the study area.

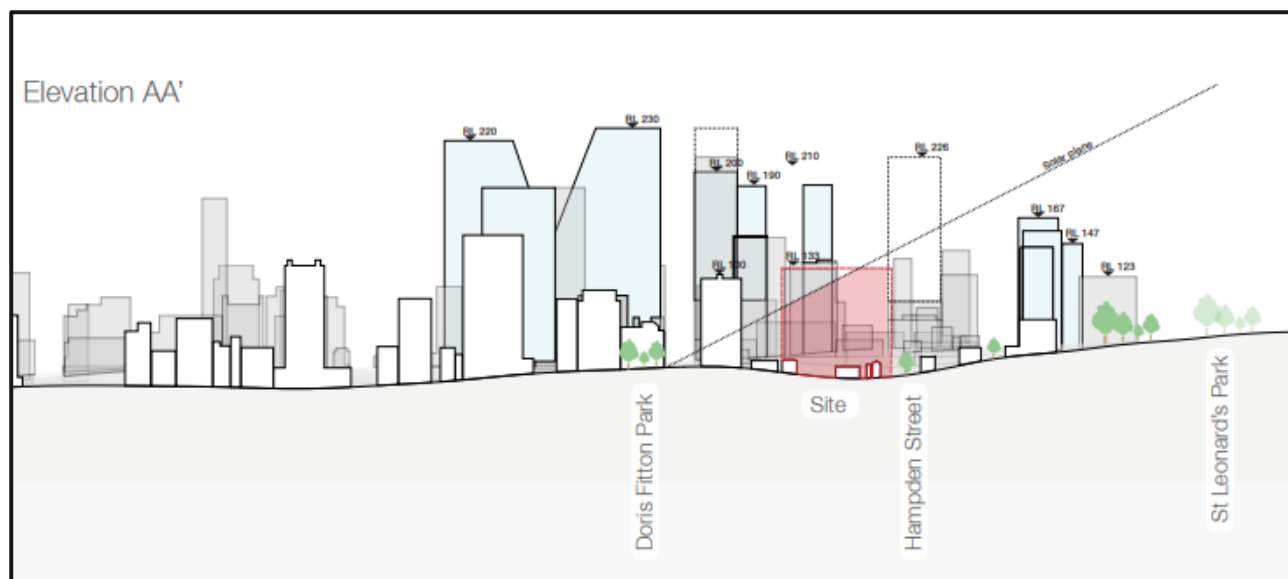
Notwithstanding this, the Planning Proposal supports the following objectives of the Strategy:

- Identify residential development opportunities in the periphery;
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and
- Allow for the growth of North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre.

This Planning Proposal has been prepared to align with the outcomes of the North Sydney CBD Capacity and Land Use Strategy and the draft Stage 2 WSMP to facilitate a holistic approach to urban renewal within

North Sydney. The below extract demonstrates how the proposed building envelope would fit within the emerging skyline of the North Sydney Centre.

Figure 32: North-south section illustrating the building height in comparison to the North Sydney skyline



As stated within the Capacity and Land Use Study, 'any increases in development yield based upon the indicative future height control map will be subject to proponent-led planning proposal process. Such a process will seek to capture developer contributions or works in kind via a voluntary planning agreement.'

This Planning Proposal directly aligns with the strategic intent, planning outcomes and objectives sought within the North Sydney Capacity and Land Use Strategy.

### Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan reflects the community's aspirations for the future and affirms Council's priority to revitalise the North Sydney CBD from a purely commercial centre to a place for both business and entertainment.

The key directions of the strategic plan and how this Planning Proposal achieves these directives, is outlined in the table below:

Table 17: Achieving the outcomes of the Strategic Plan

Outcome	Strategies	Planning Proposal
<b>Direction 1: - Our Living Environment</b>		
1.3 Quality urban greenspaces	1.3.1 Expand urban tree canopy cover 1.2.2 Encourage community gardening	The reference scheme dedicates 1,033m <sup>2</sup> of the site area to deep soil planting. The sunken garden within the north eastern corner of the site creates the ideal space for a community garden.  Street tree planting will be installed along Hampden Street and Walker Street.
1.4 Public open space, recreation facilities and services that meet community needs	1.4.1 Maximise use of existing, and protect, enhance and expand public open space	The reference scheme includes a 5m wide linear park along Walker Street and a pocket park at the eastern end of Hampden Street.

Outcome	Strategies	Planning Proposal
<b>Direction 2: Our Built Infrastructure</b>		
2.1 Infrastructure, assets and facilities that meet community needs	2.1.1 Expand and adapt existing infrastructure to meet future needs	The amendments to the LEP include incentive provisions which will provide opportunities to deliver additional community infrastructure benefits.
2.2 Vibrant centres, public domain, villages and streetscapes	2.2.1 Enhance public domains and village streetscapes through planning and activation	Any future DA over the site would include public domain improvements, including transforming Hampden Street and Walker Street into a shared zone, providing substantial landscaped setbacks, incorporating active frontages along Walker Street and the provision of a neighbourhood shop for use as a café.
2.3 Sustainable transport is encouraged	2.3.2 Ensure continual improvement and integration of major transport infrastructure through long term planning.	Increased density around public transport nodes results in increased patronage and reduces the reliance on private vehicular movement.
2.4 Improved traffic and parking management	2.4.3 Provide integrated and efficient on-street and off-street parking options in residential and commercial areas.	The reference schemes provided by SJB and the traffic report prepared by Arup confirm that 203-229 off-street parking spaces and 13 on-street parking spaces would be provided.
<b>Direction 3: Our Future Planning</b>		
3.1 Prosperous and vibrant economy	3.1.4 Promote and enhance the night time/after hours and weekend offer	The increased residential population supports an 18 hour economy and contributes to the vitality and viability of local centres.
3.4 North Sydney is distinctive with a sense of place and quality design	<p>3.4.2 Strengthen community participation in land use planning</p> <p>3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain</p> <p>3.4.5 Use a place-based planning approach to achieve design excellence and management</p> <p>3.4.7 Advocate for affordable housing</p>	<p>This Planning Proposal and the accompanying reference schemes have been prepared and refined through the feedback received during the community consultation sessions undertaken by the proponent.</p> <p>The submitted urban design report demonstrates an exemplar urban design outcome that balances the opportunities and constraints with the Precinct whilst respecting the land use context of which the Precinct is located.</p> <p>The proponent is committed to delivering a minimum of 5% floor space to affordable housing whilst the increased</p>



Outcome	Strategies	Planning Proposal
		supply in housing stock within the market will also alleviate the pressures associated with housing affordability.

## Draft Stage 2 Ward Street Precinct Masterplan

The draft Ward Street Precinct Masterplan marked the East Walker Street Precinct as an 'opportunity site' which resulted in the applicant procuring multiple landholders to realise on Council's vision.

Refer to Section 4 of this document for a comprehensive history and commentary on the relevance of the Ward Street Precinct Masterplan.

## North of CBD Study

As previously discussed, Council is currently commissioning the North of CBD Study which seeks to identify residential land suitable for increased housing supply.

This study is yet to commence. As illustrated by the GIS sieve mapping prepared by Urbis, the land to the north of the CBD is highly constrained in terms of heritage items and conservation areas, large strata titled land holdings, sensitive non-residential land uses and other constraining factors.

It is understood that the site is likely to be included in the North of CBD Study. This Planning Proposal therefore aligns with the future direction that Council is undertaken in terms of increasing opportunities for greater residential densities in proximity to employment opportunities and public transport infrastructure.

## Stage 1 Public Domain Strategy for the CBD

The North Sydney CBD Public Domain Strategy highlights:

- The need for increased public open space
- Uplift of existing open spaces in the local area
- The need for streetscape and setback improvements, offering works and residents greater amenity and spaces for recreation

The Precinct is located outside the study area of the strategy. Nonetheless, the redevelopment of the Precinct aligns with the key themes of the strategy, including the provision of shared zones which actively encourage walking and cycling, increased variety of open spaces and increase of the quality of public domain and green spaces.

## Traffic and Pedestrian Study

The North Sydney Traffic and Pedestrian Study highlights that:

- There is a high proportion of public transport users in the local area
- The pedestrian and cycle environments are generally of a poor quality
- Proposed upgrades to street infrastructure, crossing points and public realm will benefit future residents

The Precinct is located outside the study area. Nonetheless, the proposed upgrades and infrastructure improvements for the immediate Precinct is strategically aligned with the aims and objectives of the study, which seeks to maximise public transport patronage and improve the pedestrian amenity and streetscape environment.

### OR Strategic Merit Criteria 3: Is the Planning Proposal:

*'Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls'*

## Response:

**Yes.** As discussed throughout this Planning Proposal, North Sydney is undergoing a period of urban transformation as a result of Australia's largest rail infrastructure investment and the State Government's initiative to boost housing supply and job growth around key transport nodes.

The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods.

The Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney some 200 metres from the site. Infrastructure investment in increasing rail capacity is driving investment in North Sydney and surrounds. This is reflected in the recent amendments to the NSLEP 2013 and the commissioning of further housing strategy studies which recognises that increased density is required to boost employment and housing growth within walking distance of new rail infrastructure.

### Q5. Is the planning proposal consistent with State Environmental Planning Policies?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified in Table 18.

Table 18: Relevant SEPPs applicable to the Planning Proposal

Policy	Details
SEPP (Urban Renewal) 2010	The reference scheme aligns with the objectives of SEPP (Urban Renewal) 2010 as it facilitates the orderly and economic redevelopment of an urban site that is accessible by public transport. Moreover, the Planning Proposal facilitates the delivery of the objectives of the relevant State and district planning policies, which seeks to increase densities within walking distance of existing and planned infrastructure, employment nodes and educational establishments.
SEPP (Affordable Rental Housing) 2009	Not relevant  *Noting that the provision of affordable rental housing will be delivered under the <i>North Sydney Affordable Housing Strategy 2015</i> .
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by, inter alia, identifying matters to be considered in the assessment of development adjacent to particular types of development.  The proposed development is identified as traffic generating development to be referred to the Roads and Maritime Services in accordance with Schedule 3 of the SEPP.  The Traffic and Parking Assessment undertaken by Arup ( <b>Appendix F</b> ) concludes that the road network is capable of accommodating for the level of traffic generated by the concept proposal, with minimal impact to the road network. This is based upon the assumption that 20% of residents will travel by car, with 80% of residents using alternative modes. This is consistent with the EIS for the Victoria Cross metro which states that 70% of trips within North Sydney are undertaken by non-car related modes of transport.
SEPP (Buildings Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.

Policy	Details
	<p>The proposed concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The development concept has been designed to facilitate future detailed building design in accordance with SEPP 65 and the accompanying Apartment Design Guide (ADG). Based on the indicative apartment layout, the following is noted:</p> <p>The building envelopes generate a yield of approximately 230 – 300 apartments which will include a range of 1 bedroom, 2 bedroom and 3 bedroom apartments.</p> <p>The reference schemes provided within the SJB Urban Design Report, demonstrate that the proposed building envelopes achieve compliance with the ADG criteria relating to design and configuration. This includes separation distances, solar access, overshadowing, communal open space, deep soil planting, pedestrian and vehicular access and parking.</p> <p>Whilst assessment under Part 4 of the ADG is more relevant at the DA stage, the reference schemes included indicative floor plans that confirm compliance with ADG can be achieved with regard to solar access, ventilation, apartment size and layout, private open space, ceiling height and storage.</p>
SEPP 55 Remediation of Land	<p>Aargus have prepared a preliminary site investigation assessment involving site visit, review of site information and historical records (<b>Appendix K</b>). Council records have not identified that a site audit statement has been received with respect to the site, and thus is not declared to be significantly contaminated land, nor subject to management or ongoing maintenance orders nor subject of an approved voluntary management proposal.</p> <p>Based upon the preliminary assessment undertaken by Aargus, it is noted that there may be potential environmental concern arising from asbestos based building materials, metal degradation, importation of uncontrolled fill and potential pesticide use.</p> <p>The assessment concludes that, subject to a detailed site investigation (and upon remediation, if required) the site can be made suitable for the proposed land uses.</p>

In addition, while not a State Environmental Planning Policy, we have considered; *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The provisions of the interim guideline will be considered in the assessment of the potential future acoustic impacts associated with the Warringah Highway. Suitable mitigation and management measures will be provided so that a satisfactory level of residential amenity can be achieved through the future detailed design phase associated with a development application involving residential use in proximity to the surrounding roads.

## Q6. Is the planning proposal consistent with the applicable ministerial directions (s.9.1 directions)?

The Planning Proposal has been assessed against the applicable s.9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in Table 19.

Table 19: Consistency of the Planning Proposal with the applicable s.9.1 Ministerial Directions

Direction	Comment
<b>1. Employment and Resources</b>	
<p><b>1.1 Business and Industrial Zones</b></p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	<p>The subject site is located in the R4 High Density Residential zone and therefore this Direction is not applicable.</p> <p>Nonetheless, the proposal is consistent with this Direction as follows:</p> <p>The Planning Proposal facilitates the provision of increased residential densities adjacent to the identified commercial centre, protecting and retaining land zoned for employment purposes from residential encroachment.</p>
<b>1.2 Rural Zones</b>	Not applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	The proposal satisfies the objectives of this Direction
<b>1.4 Oyster Aquaculture</b>	Not applicable
<b>1.5 Rural Lands</b>	Not applicable
<b>2. Environmental Heritage</b>	
<b>2.1 Environment Protection Zones</b>	Not applicable
<b>2.2 Coastal Protection</b>	Not applicable
<b>2.3 Heritage Conservation</b>	<p>The subject site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable.</p> <p>The Planning Proposal and reference schemes have been informed by specialist heritage advice to respect and mitigate any adverse impacts on the heritage items to the north and north west, including the heritage wall bisecting Walker Street.</p> <p>A Heritage Impact Statement has been prepared and is contained within <b>Appendix H</b> which confirms that the proposal is sympathetic to the heritage curtilage and has been designed to mitigate adverse visual impacts, as further discussed in <i>Section 7.4.3</i> below.</p>
<b>2.4 Recreation Vehicle Areas</b>	Not applicable



Direction	Comment
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>	
<p>3.1 Residential Zones</p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>The proposal will seek to broaden the range of housing provided in the LGA through accommodation of a high-density residential development offering a range of dwelling typologies, including a component of affordable rental accommodation.</p> <p>The Planning Proposal makes efficient use of existing and planned services and infrastructure and has the potential to accelerate housing supply surrounding the North Sydney CBD and assist in the achievement of infill housing targets. The proposed density will also assist in alleviating the pressure associated with the current housing shortage, will provide additional affordable rental accommodation in a highly sought after location and provides for significant residential opportunity within a centre that has limited future potential to supply growing demand.</p> <p>In this regard, the Precinct is identified as one of a few large sites within walking distance to existing and planned transportation nodes, that is unconstrained by heritage affectations or extensive strata titling. The strategic placement of the Precinct and relatively unconstrained nature demonstrates that it is ideal for redevelopment.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the site and surrounding sites are already developed for urban purposes.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
<p>3.4 Integrating Land Use and Transport</p> <p>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p>	<p>The proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal supports the principle of integrating land use and transport.</li> <li>• The Precinct is located 50m north east of the North Sydney CBD, 200m north east of the Victoria Cross metro station and 600m north of the North Sydney train station. The Precinct is extremely well located to make use of existing services and employment opportunities and will complement and support these existing uses. The increased density supports the patronage of the metro</li> </ul>

Direction	Comment
<p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>station and accords with the key direction from the state government, which seeks to co-locate increased densities within the walking catchment of public transport nodes.</p> <ul style="list-style-type: none"> <li>The proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood.</li> <li>The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency. This is confirmed within the accompanying Traffic and Parking Assessment, which confirms that the development is estimated to generate only 25 vehicle trips during the AM/PM peak hour resulting in less than 1 vehicle trip every 2 minutes.</li> </ul>
3.5 Development near licensed aerodromes	Whilst the site is not located in close proximity to the Sydney Airport, it is affected by an Obstacle Limitation Surface (OLS) of 156m AHD (refer to Aeronautical Impact Assessment contained in <b>Appendix L</b> ). The Planning Proposal seeks to introduce a new height limit on the site of RL133 (with a maximum height of RL148 under the bonus provisions). This remains below the OSL.
3.6 Shooting ranges	Not applicable
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	The Precinct is not affected by acid sulfate soils.
4.2 Mine subsidence and unstable land	Not applicable
4.3 Flood prone land	Not applicable
4.4 Planning for bushfire protection	Not applicable
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking water catchment	Not applicable
5.3 Farmland of state and regional significance on NSW far north coast	Not applicable

Direction	Comment
5.4 Commercial and retail development along the pacific highway, North Coast	Not applicable
5.5 -5.7	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction, as discussed within Question 3, Table 15
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the <i>NSLEP 2013</i> .
<b>7. Metropolitan Planning</b>	
<p>Direction 7.1 Implementation of A Plan for Growing Sydney</p> <p>(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>	The Planning Proposal gives effect to the <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i> . The Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the <i>Greater Sydney Region Plan</i> . This is further discussed in Table 15.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area	Not applicable

Direction	Comment
Interim Land Use and Infrastructure Implementation Plan	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable



### 7.4.3. Section C – Environmental, Social and Economic Impact

#### Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

**No.** The Precinct is fully developed for urban purposes and comprises little vegetation. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts will be minimal.

#### Site Specific Criteria 1: Does the Planning Proposal have site specific merit with regard to:

*‘the natural environment (including known significant environmental values, resources or hazards)?’*

**Yes.** The Planning Proposal has site-specific merit with regard to the natural environment, as confirmed within the accompanying Preliminary Site Investigation (**Appendix K**), there are no environmental constraints or hazards that would preclude the redevelopment of the Precinct for high density residential land uses.

The Precinct does not contain environmentally sensitive land or significant biodiversity values.

#### Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Given the previous Planning Proposal was granted Strategic Merit, this Planning Proposal (while also clearly and comprehensively demonstrating Strategic Merit) has been prepared with specific focus on the potential environmental effects of development within the Precinct and to apply controls that either completely remove potential effect or completely minimise any potential effects to ensure they are properly managed.

A comprehensive assessment has been carried out of all potential environmental considerations such as height, overshadowing, access and traffic, site isolation, views and open space.

#### Site Specific Criteria 2: Does the Planning Proposal have site specific merit with regard to:

*‘the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?’*

To ensure that all potential environment effects were assessed and minimised, and in turn, that site-specific merit can be demonstrated, preparation of this Planning Proposal directly responds to the feedback from the relevant authorities and the local community, including:

- **Planning Panel determination:** that identified a specific list of site-specific criteria to be addressed. (Refer to Table 10 for summary of how each panel criteria is addressed.)
- **Council assessment report:** Council officers prepared a detailed report of considerations which has been used as a detailed guide to shape the revised scheme and proposed controls. (Refer to Table 6, Table 7 and Table 8 for a summary of how each Council consideration has been addressed.)
- **Council’s revised Stage 2 Ward Street Precinct Masterplan** and subsequent exhibition process: This Planning Proposal has been prepared by using the same site analysis and massing constraints process applied by Council in their Ward Street Precinct Masterplan process to ensure that the planning outcome is consistent with the likely future uses of land in vicinity of the property
- **Community engagement process** this process has helped shaped the reference scheme design and proposed planning controls.

In response to site-specific criteria 2 above, the proposal does have site-specific merit having regard to the; existing, approved and likely future uses in the vicinity. The reasons are outlined as follows:

#### 1. Proposal is consistent with existing land use zoning context

The proposal seeks approval to amend the NSLEP controls relating to building height and FSR. The site is currently zoned R4 High Density. It sits within a precinct of R4 zone land on the eastern side of Walker Street

north of Berry Street, and B4 Mixed Use on the western side of Walker Street. The land use in the R4 lands is characterised by residential apartments. Land uses in the B4 zoned land comprise a mix of residential or commercial developments.

The Belvedere apartments located on the opposite side of Walker Street sit on a site that is 1,740sqm, comprises 195 apartments, built form up to RL 130 meters and achieve an FSR of 9.4:1.

The Reference Scheme has similar height of RL 133 metres, lower density of 6.1:1 and the sites are of similar size at 1,609sqm and 2,339sqm respectively.

The height is also similar to the R4 High Density Residential building at 171 Walker Street, adjacent to the Precinct, which has an existing height of RL 130 metres.

As such the proposal will facilitate the continuance of residential uses on the site. This is consistent with the existing land use context.

## **2. Proposal is consistent with the approved uses in the vicinity**

Within the immediate vicinity development approvals have been granted for additional residential uses. Examples being:

- 229-231 Miller Street – 20 storey mixed use residential tower up to RL 135 metres
- 168 Walker Street – 22-28 storey mixed use residential tower up to RL 168 metres
- 136-142 Walker Street – 22 storey residential tower
- 50-52 McLaren Street – 15 storey aged care facility

These development approvals are all located within the B4 Mixed Use zone in the vicinity of the site. These approvals further strengthen the predominant residential land use character in the immediate locality.

## **3. Proposal is consistent with the future planned uses in the vicinity**

The WSMP is the key strategy shaping the future character in the locality. This Draft Strategy will facilitate the establishment of larger commercial office buildings, community uses and public open space, within the B4 and B3 zoned lands. This Planning Proposal does not create any future land use conflicts that could impact on the successful delivery of the WSMP, as it will maintain a residential use of the site, retaining the residential land use edge of the Walker Street section (north of Berry Street up to McLaren Street intersection).

### **Summary:**

For the reasons outlined above, the proposal is entirely consistent with the site-specific criteria 2 above relating to consistency with existing, approved and future land uses in the vicinity.

## Environmental Impact Considerations:

Further to demonstrating consistency of the proposal in respect of land use, the consideration of likely environmental impacts is also relevant in satisfying the site-specific criteria test. Accordingly, the following section comprises an environmental impact assessment of the Planning Proposal having regard to the key merit considerations of:

- Building Height and scale transition
- Overshadowing impacts
- View sharing
- Heritage
- Traffic Impacts
- Wind and Acoustics

### **Building Height and scale transition (Reference scheme)**

Refer to Appendix A Urban Design Report

North Sydney is currently undergoing a transformation, with tall building forms recently constructed, approved or earmarked for redevelopment on surrounding sites. This is a result of Amendment No.23 to NSLEP 2013 which enabled a significant increase in the height of buildings within the North Sydney CBD, the construction of the metro station which is encouraging growth and renewal and the draft Stage 2 WSMP which confirms that the surrounding land will continue to transformation within the near future.

It is also acknowledged that Council are currently commissioning a study into the North of CBD to identify opportunities for increased residential growth in and around the metro station, in order to achieve the required dwelling supply targets.

In responding to the evolving surrounding context and being sympathetic to the sites position on the periphery of the CBD and the Ward Street Precinct, the Planning Proposal includes a maximum building height of RL133 or 24 storeys, with incentive provisions totalling a maximum height of RL148 or 29 storeys.

The proposed building height has been formulated based upon the following key aspects:

- Precinct amalgamation
- Achieving a height transition from west to east
- Protecting solar access to Doris Fitton Park
- Maintaining view lines
- Achieving compliance with SEPP65

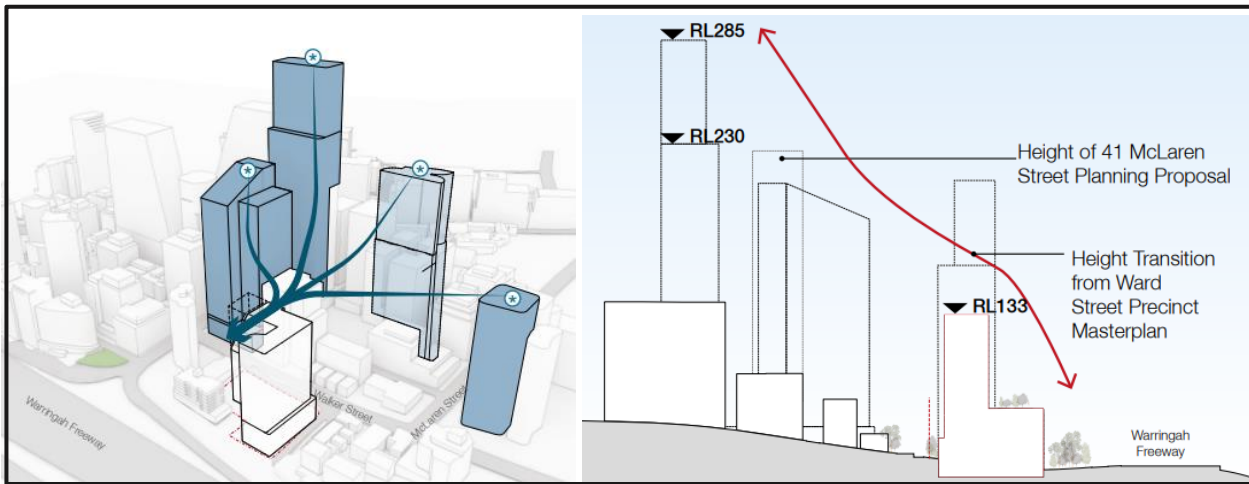
Recent amendments to the LEP 'Height of Buildings Map' for the CBD has resulted in the following future building uplifts:

- 120m - 124 Walker Street increasing from RL140 to RL260;
- 125m – 40 Mount Street increasing from RL105 to RL220;
- 110m – 187 and 189 Walker Street increasing from RL120 to RL230;
- 104m – 77-81 Berry Street increasing from RL185 to RL289; and
- 90m – 65 Berry Street increased from RL140 to RL230.

In addition to this, the properties to the west of the subject site, which are bound by the draft Stage 2 WSMP are also identified for significant uplift, resulting in heights of up to RL285 (40 storeys).

The Figure below illustrates graphically the building height and scale relationship with the emerging future context.

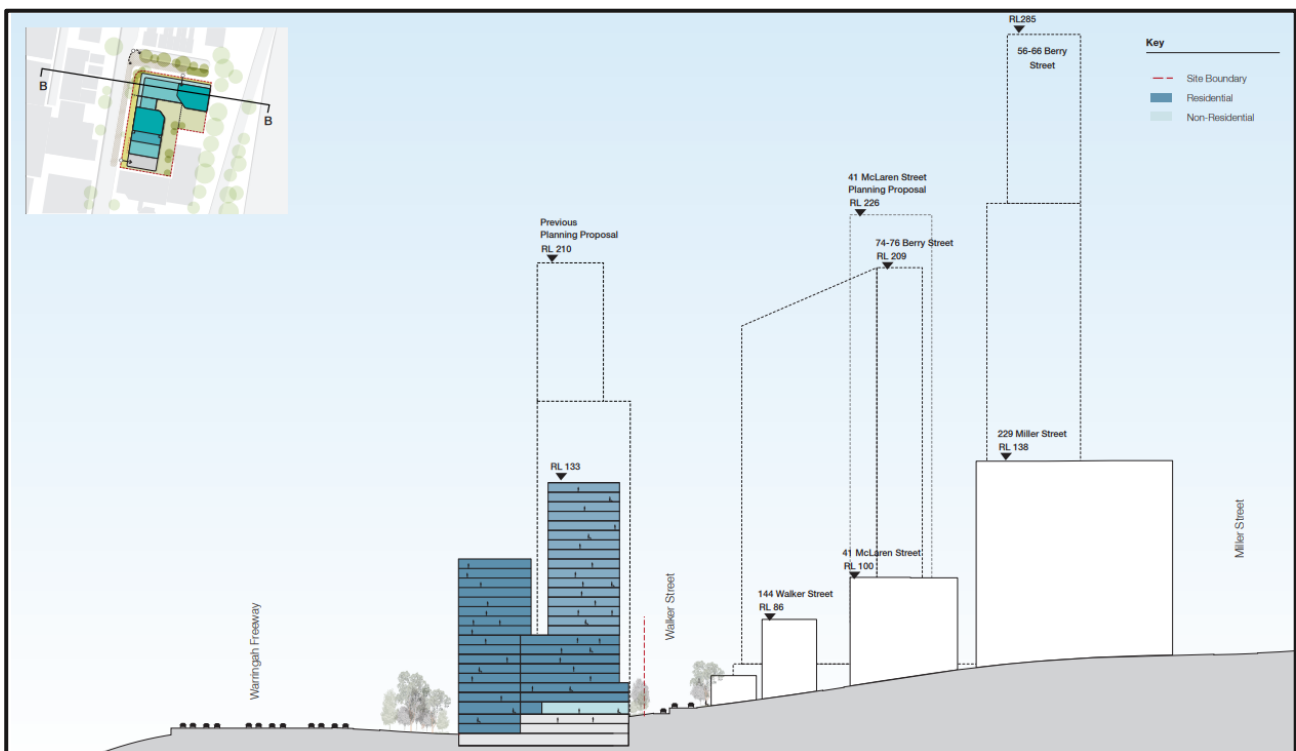
Figure 33: Proposed building envelope, demonstrating the transition from west to east



As illustrated within the Urban Design Report prepared by SJB (**Appendix A**), the proposed building envelope:

- Has been informed through a precinct wide study;
- Reflects the existing and proposed character of the area;
- Is of a height, bulk and scale that is compatible with the existing and emerging city skyline;
- Is consistent and compatible with the future desired character of the North Sydney CBD and Ward Street Precinct, which comprises a range of tower style commercial and mixed-use developments of greater height, providing for an appropriate transition from west to east;
- Is of a built form and scale proportionate to the surrounding streetscape and built form;
- Provides for increased opportunities for high density residential living adjacent to the employment generating land uses, lifestyle uses and transport hubs; and
- capable of servicing existing and planned employment generating commercial uses for the precinct.

Figure 34: East-west section through the site confirm the height transition from west to east





With respect to the Special Provisions Reference Scheme, the same principles and outcomes apply. The maximum building height (comprising an additional 5 storeys when triggering the incentive controls) will still achieve the desired building height transition as well as meet the Doris Fitton Park shadow restrictions.

The accompanying Urban Design Report demonstrate that the proposed height is well suited to the site for the following reasons:

- The amalgamated site creates a large site area;
- The built form has been modelled on the site to ensure solar access is retained to public open space areas and results in limited additional overshadowing to residential properties;
- The parts of the view composition blocked do not include iconic items or large proportion of scenic or highly valued views as defined in *Tenacity*;
- To the extent that there is view loss, it would not be directly associated to the overall height of the built form;
- The setbacks incorporated into the tower podium as it interfaces, have been designed to align with the scale of the heritage dwellings;
- View corridors to heritage items are not impeded or blocked by the potential building envelopes; and
- Compliant separation distances are capable of being achieved on the site.

In summary, the maximum height of building proposed represents a significant reduction in the height of the previous planning proposal, which included a height of RL210 and 48 storeys. The building height has drawn reference from the evolving future building scale context and will support a clear building scale transition down from west to east, as desired. Based upon the above local and external considerations, the proposed height and building envelopes provide for an appropriate transition from the west to the east.

For these reasons, in our view satisfies the Panel's requirement with respect to building height.

### **Overshadowing Impacts**

Refer to Appendix A Urban Design Report

Firstly, it is widely accepted that in a dense urban environment, there is an inevitable degree of overshadowing, especially when redevelopment occurs. The degree of overshadowing however, needs to be assessed to ensure that it is of acceptable level and that it does not unacceptably deteriorate the amenity of the site and its surrounds.

The Planning Proposal has had careful regard to the consideration of overshadowing impact, having regard to Council's concerns with respect to impacts on Doris Fitton Park and nearby residential areas. The proposal seeks to strengthen the aspect of protection of solar access to Doris Fitton Park by proposing a site-specific clause that restricts future development overshadowing the park during 12-2pm in mid-winter. The existing Special Areas Provision that applies to preventing overshadowing Doris Fitton Park does not currently apply to the Precinct as it is outside the North Sydney Centre. By including this provision, it ensures the solar amenity is retained. Consequently, the revised proposal significantly reduces overshadowing impact through the reduction of the maximum building height.

Overshadowing to the east of the Freeway is not prohibited under the existing controls applying to the Precinct. The previous proposal had a significant impact due to its height of 47 stories. The revised proposal now has a negligible impact and is only restricted to a small area between 2:30pm – 3pm and is consistent with the shadow cast by residential development to the north of the Precinct, is illustrated below.

SEPP65 and ADG solar access analysis has been undertaken for adjoining residential buildings to confirm that development under the proposed planning controls complies with the minimum requirements.

In summary, for the reasons outlined above, the proposal achieves an acceptable level of shadow impact for in a densely populated CBD environment.

Figure 35: Solar access study showing the priority zones



## View Sharing

Refer to Appendix G View Impact Assessment (VIA) Report prepared by Dr Richard Lamb.

The proposed planning controls and the associated reference design have been prepared with direct input from specialist view impact consultant to limit the extent of view impact and promote view sharing. The urban design principles that underpin the reference schemes are based on the principle of view sharing.

Council has acknowledged that the transformation of the area, including the potential development of the Ward Street Precinct will result in view affectations as a consequence of the evolving urban context. The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by partially reducing those existing views.

The significant reduction in building height from the original proposal and stepping of the building envelopes results in a greater ability to retain highly valued views, from west to east.

To validate this, a view analysis was undertaken based upon block montages and drone photography taken from several key private places surrounding the Precinct. This includes various locations within the Belvedere (138 Walker Street), the heritage buildings at 150 Walker Street, Century Plaza (169 Walker Street), and Aqualand (168 Walker Street).

Other locations in the surrounding area, including locations within the Ward Street Precinct, were assessed and it was determined by RLA that the level of impact is acceptable.

As illustrated within the montages views contained within the VIA and provided below, the extent of impact from the public domain with not obscure views of scenic or cultural significance. The predominant views that will be affected are of suburban development, vegetation and distant land forms and do not include any icon or highly valued scenic items, as defined in Tenacity.

The VIA confirms that the proposed LEP height controls and potential building envelopes within the East Walker Street Precinct, are appropriate on the following grounds:

- ***The extent of the view loss is not directly related to the overall height of the built form, with view loss affectations associated with lower levels;***
- *The parts of the view composition blocked do not include iconic items or a large proportion of scenic or highly valued views as defined in Tenacity;*
- *In all views access represented by block-model photomontages, **iconic views** that include parts of the Sydney Harbour Bridge or the Sydney Opera House **will not be blocked by the proposed development** and will **remain unaffected by the proposed development**.*
- *The visual effects of all of the Reference Designs would include view loss in respect of low-level dwellings at the Heritage and Belvedere Apartments. The views lost do not include iconic items or a large proportion of scenic or highly valued views as defined in Tenacity;*
- *The extent of view loss from the closet low-level dwellings is likely to be similar the effects caused by a development that complies with the controls; and*
- *The additional height sought by the planning proposal predominately blocks views of areas open to the sky.*



Figure 36: View sharing analysis



Picture 1 – View east from apartment 1516 at the Belvedere demonstrating how a stepped building form can promote view sharing



Picture 2 – Top of the Belvedere, confirming the proposed height plane will not obscure upper level views



Picture 3 – View from 168 McLaren Street, illustrating that separation distances and variation heights promote view sharing and retain view corridors



Picture 4 – Block montage of the site as viewed from 2-4 Hampden Street. This does not consider the proposed streetscape and public domain improvements. View from 6-14 Hampden Street would be partially obscured by the existing vegetation

Any future development application lodged over the site will need to address the view sharing planning principles established in *Tenacity*. The reference schemes prepared by SJB, demonstrate how a building could be developed on the site within the proposed controls whilst retaining a reasonable degree of view sharing. This includes a reduction in the building height towards the southern boundary and an increase in the southern setback from 12m to 18m as the building steps up.

Further, at the development application stage, any future development would need to demonstrate compliance with the objectives and provisions contained in Part B, Section 1.3.6 Views and Part C, Section 2.4.1 Views of the NSDCP2013. A summary assessment of these sections is provided below

Table 20: Compliance with the NSDCP 2013

Control	Provision	Response
1.3.6 Views	<p>P1 Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of the DCP), are not unreasonably obstructed.</p> <p>P2 Development should be designed to maximise the sharing of views from surrounding properties and public places.</p>	<p>A VIA has been undertaken by Richard Lamb which confirms that the proposed amendments to the LEP in relation to maximum building height is suitable for the Precinct and that iconic and highly valued views will remain unimpacted.</p> <p>Any future building envelope proposed within the precinct, in accordance with</p>



Control	Provision	Response
	<p>P3 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.</p> <p>P4 Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140.</p>	<p>the proposed LEP and DCP controls, must be designed in such a way as to promote view sharing from the residential properties to the west of Walker Street.</p> <p>Any future development application will be subject to assessment against the tenacity principles</p>
2.4.1 Significant Elements	<p>Views</p> <p>P4. The following views and vistas are to be preserved and where possible enhanced:</p> <p>(a) Maintain views of Kirribilli and the Harbour from Walker Street.</p> <p>(b) Strong vista along Walker Street to southern part of CBD.</p>	<p>The provision of a street wall height and podium setback on the corner of Walker Street and Hampden Street and the 5m landscaped setback to Walker Street ensures that a strong vista is maintained to the CBD.</p>

## **Heritage**

Refer to Heritage Impact Statement contained in Appendix H.

The Precinct does not contain any heritage listed items under Schedule 5 of the *NSLEP 2013*, nor is it located within a heritage conservation area. There are however several heritage items located within proximity to the Precinct, including the stone retaining wall dissecting Walker Street, which runs parallel to the western boundary. Other heritage items include a group of late nineteenth century houses at 144-158 Walker Street to the north west of the subject site and a row of terrace houses on the northern side of Hampden Street, at 2-14 Hampden Street.

The Planning Proposal is accompanied by a Heritage Impact Statement prepared by Weir Phillips Heritage (**Appendix H**) which provides a detailed assessment of the proposed impacts on the surrounding heritage items.

The report states the degree of separation between the Precinct and surrounding heritage items is sufficient to ensure that the proposal would have no direct impact on the lot boundary curtilage of these items; no significant view corridors to/from the heritage items would be blocked, beyond that which currently exists; and the proposed design has established a landscaped curtilage surrounding the heritage item, which acts as a buffer.

The report also notes that Council has accepted that the wider setting of these heritage items will change over time, with the proposed concept design consistent with the redevelopment of the wider locality.

The heritage report concludes to state that the associated impacts are acceptable.

## **Traffic Impacts**

Refer to Traffic Impact Assessment contained at Appendix F.

Following the submission of the previous Planning Proposal, ARUP have since consulted with RMS to discuss the likely impacts of future development in East Walker Street Precinct and how this can be effectively managed. Arup have also considered the concerns raised by Council's Traffic and Transport Operations team and addressed this within the Traffic and Transport Assessment Report (**Appendix D**).

The report addresses the following matters:

- Access to the Precinct from Walker Street
- Generation of pedestrian and car trips

- Vehicle queuing
- Consultation and feedback from RMS
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access

Arup has modelled the traffic outputs associated with the capacity of the Precinct to accommodate between 230-300 dwellings under the proposed LEP and DCP controls.

The key findings of the Traffic Impact Assessment are summarised as follows:

- Access to the Precinct will be retained off Walker Street. Modelling confirms that the maximum queue length will not reach Berry Street and vehicles can pass those cars turning into the Precinct. Turning paths are provided within the report which confirm this;
- The Precinct is projected to generate 29 vehicle trips during AM peak hour, the majority directly accessing the freeway. During evening peak hour, the Precinct is projected to generate 7 trips;
- The Precinct is located within 200m of Victoria Cross Metro Station, regular buses servicing Miller Street and within 600m of the North Sydney train station, thus any future residential development will not generate large volumes of vehicular movement.
- North Sydney has one of the highest percentage of public transport uses, with 71.3% of residents and 71.1% of workers walk, cycle, use public transport or ride share to travel to and from work.
- Vehicle cross-overs within the Precinct and the addition of the Hampden Street pocket park would necessitate the loss of 6 on-street parking spaces. This would be offset by the availability of off-street parking. Residents of the East Walker Street Precinct would not be eligible for on-street parking permits, ensuring that these remain free and available for the residents of the terraces on the northern side of Hampden Street

Off street parking is in accordance with the RMS parking rates, being lower than the NSDCP 2013 whilst bicycle parking will be in accordance with rates under the NSDCP 2013. Importantly, North Sydney's age demographic is skewed towards younger/middle-aged adults with no children (households without children in North Sydney 84.6%, Greater Sydney 65.2%). This demographic is more likely to use public transport, less likely to acquire private vehicles, have higher rates of car share membership and are more likely to use Uber or similar taxi share transport methods.

## **Wind Assessment**

Refer to Appendix M Wind Impact Assessment Report

A Wind Tunnel Study has been undertaken by Windtech Consultants to provide an assessment of the impact of the residential development on the amenity of the wind environment in and around the site, and is included at **Appendix M**.

The findings from the study confirm that the *"proposed development will have minimal impact on the wind conditions in Hampden Street...and along Walker Street."*

The location of the site is however potentially exposed to a variety of prevailing wind conditions. This can be ameliorated through the provision of street trees along the Walker Street and Hampden Street frontage and through densely foliating vegetation along the northern and eastern boundary, such as that proposed within the landscape concept plan.

Windtech have provided mitigation measures which would be considered at any future detailed design phase.

## **Acoustic Environment**

The site is affected by road noise associated with the Warringah Highway. Mitigation measures will be investigated to address noise as residential uses are proposed. It is not deemed necessary at this early stage in the process. These will be addressed through the Development Application stage.

## Open Space

Refer Appendix J Landscape Concept Report

Following consultation with Council and the release of the WSMP, the open space strategy for the East Walker Street Precinct has been revised. The WSMP will be the focal point for community gathering and linkages in the locality. That said, the East Walker Street Precinct can play a supporting contributory role in enhancing the pedestrian amenity and local environment. The Planning Proposal through the landscape concept prepared by Aspect Studio, presents a vision for new open spaces in the Precinct.

Through engagement with community it became evident that localised connectivity is important, such as connectivity of Hampden Street residents in a currently poorly pedestrianised area. The resultant strategy is to provide a 5m wide linear open space along the Walker Street frontage inclusive of large canopy trees and bench setting coupled with a café that opens out onto the streetscape, wrapping around to the pocket park at the eastern end of Hampden Street. This provides a quality and well connected open space in keeping with the local character. The key moves include:

- Creating a linear park along Walker Street
- Establishing a Hampden Street Park
- Generous communal open space for site residents

The Figure below illustrates the high-level concept. Following the Planning Proposal, a more detailed plan will be developed, specifically on the Council owned land to ensure the final outcome reflects community aspirations.

Figure 37: Proposed open space strategy



## Summary

The Planning Proposal significantly reduces the allowable building scale on the site and accordingly the off-site impacts have substantially reduced.

The proposal now achieved a highly complementary and compatible future maximum building scale that will achieve the transitional form from taller buildings to the west, as desired.

Overall, it is considered that the site will not result in any significant adverse environmental effects beyond Council and the Panel's reasonable expectations for a strategic site on the edge of North Sydney CBD.

### **Q9. Has The Planning Proposal Adequately Addressed Any Social And Economic Effects?**

The key issues to be balanced in weighing the social and economic impacts of the proposal are considered to be:

The potential **economic impacts** associated with the increased density on the subject site are addressed as follows:

- As stated within the Economic Impact Assessment Report prepared by HillPDA (**Appendix N**), the Planning Proposal will result in increased economic benefits, during and post construction. This includes:
  - a total of 1863 – 1,136 jobs directly and indirectly during construction and 43 jobs post construction;
  - \$132 million - \$174 million of activity in production induced effects;
  - Total economic activity of \$327 million \$431 million; and
  - Total of \$6 million - \$7.7 million local annual retail expenditure post construction.
- The Planning Proposal supports the State government's current direction of increasing density and broadening land uses in proximity to public transport infrastructure. Accordingly, the Planning Proposal achieves the right balance of maintaining a strong employment focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits that North Sydney offers. The provision of residential accommodation on the fringe of the commercial core will not dilute the goal of employment growth in North Sydney CBD and will reduce the pressure associated with commercial rezoning.
- The existing buildings within the site are nearing the end of their economic life. Optimising the potential to redevelop the site will assist State Government and Council to deliver the targets set out in the *North District Plan* but also, importantly will ensure that new housing and employment opportunities can be delivered with greater certainty.
- Further, the increased residential density on the site strengthens and supports the primary role of the North Sydney CBD and relieves the pressure from commercial core rezoning.
- Redevelopment of the subject site will accommodate an addition 211 – 284 new dwellings. The increased residential population on the site will contribute to an 18 hour economy and will support the economic viability of the North Sydney CBD and Ward Street precinct.

The proposal will have positive **social impacts** on the local community and the wider LGA, as follows:

- The Planning Proposal will help to alleviate the housing affordability gap and will provide a range of apartment typologies that are suited to the demographics of the LGA. Of the 211 -284 new dwellings, 5% of the housing stock will be dedicated to affordable rental housing. These statistics will assist the Local government in achieving the dwelling targets set by the State government.
- Inclusion of a value capture mechanism as part of the proposed LEP amendments, requiring future developments on the site to reasonably contribute towards the delivery of social and community infrastructure, will have overwhelmingly positive impacts on the community. The delivery of community and social infrastructure will be in line with Council's Capital Works Program, which forms part of the *North Sydney Community Strategic Plan 2018-2028*.
- Public domain improvements, the establishment of the Hampden Street pocket park and upgrades to pedestrian connectivity to the North Sydney CBD, Ward Street Precinct and the north and south pedestrian access points for the Victoria Cross metro station.
- Ability to create a vibrant and active residential precinct that complements the evolving nature of the North Sydney CBD and provides for increased apartment typologies that meets the projected demographics of North Sydney. This includes a 25% increase in couple only households and a 35% increase in lone person households between 2016-2036.



## 7.4.4. Section D – State and Commonwealth Interests

### Q10. Is There Adequate Public Infrastructure for The Planning Proposal?

#### Site Specific Criteria 3: Does the Planning Proposal have site specific merit with regard to:

*the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

**Yes.** The site benefits from all the services one could expect in a location on the end of a metropolitan CBD. It is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing North Sydney train station and the planned Victoria Cross metro station.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

#### Transport Infrastructure

Refer to Appendix F for detailed assessment of public transport infrastructure.

As previously stated in this document, the subject site is 200m from the Victoria Cross Metro Station and 600m from the North Sydney Train Station. By 2024, North Sydney will become one of the most connected centres in Sydney with ready access to all major employment centres in rapid time.

The area is also well-serviced by district state buses networks as well footpaths and a network of dedicated and on-road cycle paths, providing a wide range of available options for workers and residents to travel.

Based on the traffic distribution and generation assumptions, the analysis indicates that the increase in traffic is negligible and is not envisaged to affect the existing surrounding road network, noting that only 13% of residents will utilise private transport modes.

#### Social Infrastructure

North Sydney CBD is one of the most well serviced areas in Australia for social infrastructure. Given the high level of social infrastructure provided in North Sydney, this Planning Proposal is not expected to have a material impact on social infrastructure.

##### a) Existing Health and Education

The North District Plan confirms that the North District has a high proportion health and education jobs, compared to the Greater Sydney average, and in turn is considered a hub of Health and Education.

This is directly demonstrated by the number of schools in North Sydney listed below.

#### Schools in North Sydney

##### **Primary Schools (aged 5-12)**

ANZAC Park Public School  
Cameragal Montessori Primary  
Camberay Public School  
Loreto Kirribilli Junior School  
Neutral Bay Public School  
North Sydney Demonstration School  
Redlands Grammar School  
St Aloysius Junior College  
St Mary's Primary School

##### **Secondary Schools (aged 12-18)**

Camberaygal High School  
Loreto Kirribilli Senior School  
Marist College North Shore  
Monte Sant' Angelo Mercy College  
North Sydney Boys High  
North Sydney Girls High  
Redlands Grammar School  
St Aloysius Senior College  
Shore Grammar School

Shore Grammar School	Wenona School
Wenona School	TAFE NSW
After School Care	St Leonards Campus
Available in conjunction with Primary Schools.	Bradfield Senior College (including HSC study)

The lower north shore is also very well serviced with health infrastructure as demonstrated by the list of hospital located near to the Precinct.

#### Hospitals in North Sydney

- Royal North Shore Hospital
- Royal North Shore Private Hospital
- Mater Hospital
- Mosman Private Hospital
- Northside Cremorne Clinic
- Northside Clinic
- Greenwich Hospital

#### b) Future Health and Education

The North District Plan identifies that there will be a focus on expansion of the nearby **St Leonards health and education precinct and Priority Precinct**, led by the NSW Department of Planning and Environment, which will bring together the Commission, North Sydney Council, Lane Cove Council, Willoughby City Council, Transport for NSW and NSW Health, to grow jobs, housing and infrastructure within the precinct.

The Precinct is located within an established urban area and is fully serviced by existing and planned infrastructure which is capable of accommodating for the increased density on the subject site.

#### **Utility Infrastructure**

Preliminary investigations have also been undertaken to identify sufficient utility infrastructure required for the proposed development. Detailed investigations will be undertaken to inform a subsequent Development Application.

#### **Q11. What Are The Views Of State And Commonwealth Public Authorities Consulted In Accordance With The Gateway Determination?**

Discussions have been held with the Department of Planning and Environment and the Office of the Minister for Planning to introduce the proposal. The Department of Planning's role in Planning Proposals is now however limited given the added determination responsibility granted to the Planning Panels. Further formal engagement is expected following gateway determination.

## 8. PART 4 – MAPPING

The Planning Proposal seeks to amend and include the following *NSLEP 2013* Maps:

- Height of Buildings Map Sheet HOB\_002A
- Floor Space Ratio Map FSR\_002A
- Special Provisions Map SP\_002A

The proposed amendments to the LEP maps are provided below:

Figure 38: LEP Mapping amendments



Picture 5 – Existing height

Source: NSLEP 2013



Picture 6 – Proposed height

Source: Urbis



Picture 7 – Existing FSR

Source: NSLEP 2013

N/A



Picture 8 – Proposed FSR

Source: Urbis



Picture 9 – Proposed Special Provisions

Source: Urbis



## 9. PART 5 – COMMUNITY CONSULTATION

### 9.1. COMMUNITY ENGAGEMENT










A Stakeholder and Community Consultation Strategy was developed as part of the preparation of the Planning Proposal. KJA was engaged by the applicant to undertake community consultation to inform the Planning Proposal. Further detail of the community consultation is set out in the Community Consultation Outcomes Report (**Appendix D**).

In summary, the consultation activities included:

- Distribution of a letter and project fact sheet to residents and neighbours notifying them of the Planning Proposal;
- Two community information and feedback sessions, each from 5:30pm – 8:00pm;
- Consultation with stakeholders and interest groups, including
  - Stanton Precinct Committee;
  - Local Strata Committee; and
  - Residents in Hampden Street and Walker Street
- Communication channels including a dedicated project email and project website, with an online survey.

The community feedback received during the consultation process (**Appendix D**). A number of points were raised by the community which the applicant has sought to address. These are summarised in **Error! Reference source not found.** below and discussed in detail within *Section 6.1 Review and Engagement Process*.

Figure 39: Summary of community consultation outcomes

What the community told us		Previous planning proposal	Current planning proposal	How current proposal addresses the comments
Design	 Transparency over the design scheme and urban outcome	✗	✓	Consulting the community early in the process over a well defined architectural scheme
	 View sharing	✗	✓	Stepping down built form to maximise views for neighbour buildings
	 Design that respect all the heritage listed properties in proximity with the site	✗	✓	Human scale 3 storey podium at ground to interface with heritage terrace houses on Hampden St and Walker St
	 Attractive architecture and built form	✓	✓	Interesting architecture forms and detailing
	 Height control and transition adequately managed	✗	✓	Reduction of 78m in height from previous planning proposal
Traffic	 Retain of existing street and parking conditions on both Walker St and Hampden St	✓	✓	Retention of majority on street parking along Walker Street
	 Concern over traffic congestion	✓	✓	Traffic study undertake by ARUP
Green	 Community garden on Hampden Street retained and enhance.	✗	✓	Existing community garden retained and enhance with creation of new shared zone and pocket park
	 Landscape design to beautify the street	✓	✓	Soft landscape and planted trees

## 9.2. MEETING 1 – EARLY ENGAGEMENT WITH COUNCIL

The proponent has had several meetings with Council staff prior to the lodgement of this Planning Proposal. The proponent has taken on board Council's feedback and undertaken numerous specialist studies to achieve a high density development that positively responds to the surrounding urban context. These meetings and the outcomes of the community engagement strategy undertaken to date, are detailed below.

On 10 December 2018 a Pre-Lodgement Meeting was held with North Sydney Council to discuss the East Walker Street Planning Proposal. Attendees included representatives of SJB, Urbis, Order Architects, and Avenor.

Council were provided with a preliminary urban design report prepared by SJB and Aspect Studios which included an overview of the urban design principles and concept scheme for the Precinct. The team discussed the design principals used in the development of the concept design, planning activities being undertaken by North Sydney Council, and the community consultation process.

Key issues that were raised included overshadowing of Doris Fitton Park, height transition, access and parking, podium lengths, VPA, moratorium on planning proposals and Council's current strategic planning and precinct wide studies. Outcomes of the meeting are discussed in *Section 6.1 Review and Engagement Process*.

## 9.3. MEETING 2 – CONCEPT REFINEMENT WITH COUNCIL

A second informal Pre-Lodgement Meeting was held with North Sydney Council on 6 February 2019. The intent of this meeting was to present and discuss the proposed LEP and DCP amendments which form the intended outcomes of this Planning Proposal.

SJB presented a refined urban design report which addressed many of the issues raised within the initial Pre-Lodgement Meeting. This included confirmation of solar access of the various building envelopes, parking and access arrangements, proposed structure of the LEP and DCP amendments and the incentive clause and the structure of the VPA. The status of the North Sydney CBD study was also discussed.

## 9.4. PUBLIC CONSULTATION

Schedule 1 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Infrastructure guidelines "*A Guide to Preparing Local Environmental Plans*."

It is anticipated that the public exhibition would be notified by way of:

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

## 10. PART 6 – PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided at **Table 13**.

Table 21: Indicative Project timeline

Stage	Timeframe and/or Date
Consideration by Council	March 2019
Rezoning Review request for Gateway Determination	August 2019 (after 90 days)
Rezoning review determination	February 2020
Gateway Determination by DPE	Quarter 2 in 2020
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	4 weeks
Submission to DPE to finalise the LEP	Late 2020
Gazettal of LEP Amendment	Late 2020

# 11. CONCLUSION

This Planning Proposal seeks an amendment to the *North Sydney Local Environmental Plan 2013* to allow for high density residential development at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “A Guide to Preparing Local Environmental Plans” and “A Guide to Preparing Planning Proposals.” It sets out the justification for the proposed LEP amendments applicable to the Precinct to allow for a high density residential development.

There is overwhelming strategic and site-specific merit to justify advancement of the Planning Proposal for a positive Gateway Determination.

Council staff have made it clear they cannot support the proposal primarily on procedural grounds, as a Planning Proposal of this nature should in Council’s view, be led by Council and involve community engagement.

The proponent has however just advanced the thinking and strategic direction already established by Council when identifying the amalgamated site as an opportunity site in its Ward Street Masterplan stud to facilitate the delivery of a built form outcome reflective of its strategic location.

The proponent has actively collaborated with Council, the community and stakeholders over the last 2-3 years, procuring 24 individual strata titles, releasing the potential for Precinct amalgamation of the 3,948m<sup>2</sup> unconstrained development parcel on the fringe of the North Sydney CBD.

## **The Planning Proposal demonstrates strategic merit as it:**

- Positively contributes to the State planning strategic goals which seeks to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- Achieves an appropriate built form and scale that reflects the vision for North Sydney and the Ward Street precinct which is expressed by local planning policy, draft precinct planning and the existing and emerging scale of development on adjacent and surrounding lands. Importantly, the Planning Proposal provides for additional housing stock adjacent to a centre, which has limited future potential to supply growing demand
- Generates the potential for 230-300 new dwellings on the fridge of the CBD, in close walking distance to; public transport, schools, open space and employment.
- Capitalises on existing and planned infrastructure and reduces reliance on private vehicular transportation, being strategically located 200m from the Victoria Metro Station and 600m from the North Sydney Train Station.
- Supports the attainment of an 18-hour economy and a 30 minute city, as outlined within the draft North District Plan

## **The proposal demonstrates site-specific merit for the following reasons:**

- The intensification of residential development is permitted within the R4 High Density Residential zone and achieves the objectives of the zone;
- The proposed height provides for a transition in height, bulk and scale from the North Sydney CBD to the lower density land uses further north and again from the Ward Street Precinct to the east. The building height sits comfortably within the existing and future context of the immediate locality.
- The height and stepping of the built form enables view corridors to be retained from the west to the east, promote a reasonable and acceptable level of view sharing
- Solar access to public open spaces (special areas) remains unimpacted by the proposed building envelope. Solar access requirements for nearby residential buildings under SEPP65 and ADG are achieved.
- The inclusion of a street wall height complements the height of the surrounding heritage items. Fine grain architectural design will be developed at the DA stage to ensure that the use of materials and finishes is complementary to the surrounding heritage items.



- The urban design study has considered whole of precinct planning, resulting in a number of reference schemes which are compliant with the proposed LEP and DCP controls, ensuring that all sites can be equally developed.
- The reference schemes are compliant with the ADG design and amenity criterion, including building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage (Part 3 and Part 4);
- No site isolation would occur as a result of the proposed planning changes
- the limited traffic and parking impacts, with only 20% of residents expected to utilise private vehicle as a mode of transport during peak hour;
- The density on the site results in the ability to provide significant community benefits unrivalled to other private developments with the Ward Street Precinct.

The Planning Proposal meets the site-specific merit criteria set by the Sydney North Panning Panel in its rezoning review of the previous planning proposal in April 2018, including:

- ✓ The planning proposal should incorporate the current site and the adjacent properties on Hampden Street;
- ✓ Consolidation of the site with the adjacent properties on Hampden Street;
- ✓ The site is more suited to residential than commercial use;
- ✓ Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street;
- ✓ Views from the west should be maximised through the site;
- ✓ Vehicle and pedestrian access into and around the site should be further reviewed including consultation with RMS;
- ✓ Public consultation should be undertaken prior to consideration of a further proposal;
- ✓ Overshadowing east of the freeway should be minimised;
- ✓ Any future proposal should include a draft DCP; and
- ✓ Provision of well-connected open space on the site.

This Planning Proposal supports the State government's current direction of increasing density in major centres with good access to public transport and facilities. It achieves the right balance of maintaining a strong community focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity criteria that North Sydney has on offer.

In considering the tangible community and economic benefits of the proposal, it is respectfully requested that the Council resolve to forward this planning proposal to the Department of Planning and Environment for LEP Gateway determination.

# DISCLAIMER

This report is dated April 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions and for the benefit only, of Avenor (**Instructing Party**) for the purpose of a Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

# **APPENDIX A      URBAN DESIGN REPORT**

# **APPENDIX B      DRAFT DCP**



# **APPENDIX C      SURVEY PLAN**

# **APPENDIX D      STAKEHOLDER ENGAGEMENT REPORT**

# **APPENDIX E      DRAFT VPA**

# **APPENDIX F      TRAFFIC IMPACT ASSESSMENT**

# **APPENDIX G      VIEW IMPACT ASSESSMENT**



# **APPENDIX H      HERITAGE IMPACT ASSESSMENT**

# **APPENDIX I      SITE ISOLATION AND CONSOLIDATION ASSESSMENT**

# **APPENDIX J      LANDSCAPE DESIGN REPORT**

# **APPENDIX K      ENVIRONMENTAL SITE ASSESSMENT**

# **APPENDIX L      AERONAUTICAL IMPACT ASSESSMENT**



# **APPENDIX M      WIND IMPACT ASSESSMENT REPORT**

# **APPENDIX N      ECONOMIC IMPACT ASSESSMENT**

# **APPENDIX O      HYDRAULIC REPORT**

## **APPENDIX P**

## **LETTER OF ADVICE- LEP CLAUSE**

## **APPENDIX Q      LETTER OF PLANNING OPINION**



# **APPENDIX R      LEP, SEPP65 & DCP COMPLIANCE**





### **BRISBANE**

Level 7, 123 Albert Street  
Brisbane QLD 4000  
Australia  
T +61 7 3007 3800

### **MELBOURNE**

Level 12, 120 Collins Street  
Melbourne VIC 3000  
Australia  
T +61 3 8663 4888

### **PERTH**

Level 14, The Quadrant  
1 William Street  
Perth WA 6000  
Australia  
T +61 8 9346 0500

### **SYDNEY**

Level 23, Darling Park Tower 2  
201 Sussex Street  
Sydney NSW 2000  
Australia  
T +61 2 8233 9900