

Eastern Harbour City

Gateway determination report

LGA	North Sydney
PPA	Sydney North Planning Panel
NAME	East Walker Street Precinct (211-284 homes, 1136 direct and indirect construction jobs)
NUMBER	PP_2020_NORTH_004_00
LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
ADDRESS	173-179 Walker Street and 11-17 Hampden Street, North Sydney
DESCRIPTION	SP 11082; SP 86752; SP 9808; SP 64615; Lot 1, DP 119732; Lot 1, DP 591516; and Lot 2, DP 591516.
RECEIVED	5 May 2020
FILE NO.	IRF20/2749
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend North Sydney Local Environmental Plan (LEP) 2013 to facilitate a residential development comprising 211-284 dwellings at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. Specifically, the proposal seeks to make the following amendments:

- Establish a maximum height of RL 133 (24 storeys) for the Precinct;
- Establish a maximum FSR of 6.1:1 for the Precinct;
- Introduce a new Special Provisions Map within North Sydney LEP 2013; and
- Amend Section 6 Additional Local Provisions to include a new clause pertaining to the site to establish controls relating to; overshadowing, community infrastructure and an additional height provision allowing for a maximum building height of RL 148 (29 storeys) should amalgamation of all associated lots at the site occur.

1.2 Background

Previous Planning Proposal:

On 20 October 2017, a planning proposal was lodged for the subject site. The proposal sought amendments to the maximum building height and floor space ratio controls applying to the site. A rezoning review application was lodged with the Department on 25 January 2018, as Council notified the proponent that its request to prepare a planning proposal was not supported. At its meeting of 19 February 2018, Council formally resolved not to support to the planning proposal.

On 11 April 2018, the Sydney North Planning Panel considered the rezoning review and determined that the proposal demonstrated strategic merit, but not site-specific merit. The Panel noted the desire of Council and the proponent to work together and outlined the following considerations for the two parties:

- *The planning proposal should incorporate the current site and 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;*
- *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.*

Following the Panel's determination, the proponent advises that a stakeholder engagement process was undertaken. The proponent considered the Panel's recommendations and stakeholder feedback and engaged further with Council.

Revised Planning proposal

On 22 March 2019, a revised planning proposal (**Attachment A**) was submitted by Urbis Pty Ltd on behalf of Avenor Pty Ltd to North Sydney Council for land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

The revised planning proposal was prepared to address the Planning Panel's feedback and their list of reasons they provided outlining why the previous planning proposal did not demonstrate site specific merit.

The documentation states that to ensure consistency with the Ward Street Precinct Masterplan, the revised planning proposal has been prepared using the same site analysis and massing constraints.

The documentation states that the proposal refers to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney and it outlines three possible schemes:

- Reference Scheme – two development parcels, 173-179 Walker Street and 11-17 Hampden Street with a consistent podium, 3 storey street wall and two towers, one on Walker Street and the other on Hampden Street (**Figure 8-9**);
- Special Provisions Reference Scheme – amalgamation of 173-179 Walker Street and 11-17 Hampden Street with a consistent podium, 3 storey street wall, a tower on Walker Street and 11 Hampden Street (**Figure 10-11**).
- Separate Land Holdings Reference Scheme – no amalgamation of 11, 15 and 17 Hampden Street, a consistent podium, 3 storey street wall and a tower on the Walker Street site (**Figure 12-13**); and

On 14 August 2019, the North Sydney Local Planning Panel considered the planning proposal and recommended that Council not support forwarding the proposal to the Department for the following reasons:

- The indicative building typology does not adequately respond to the existing development controls which apply to the subject R4 zoning and also notes that the extent of view analysis inadequate and requires further refinement.
- The requested heights do not provide an appropriate transition of building heights from the existing CBD development across the subject R4 zoned land and heritage area.
- Contrary to the objectives of the R4 zone in that it will 'compromise the amenity of the surrounding area or the natural and cultural heritage of the area' and will not 'ensure that a reasonably high level of residential amenity is achieved and maintained'.
- Contrary to the provisions of the North Sydney DCP 2013 in relation to residential flat building development and the Area Character Statement to the Hampden Neighbourhood.
- Inconsistent with a number of objectives and actions under the relevant Region and District Plan strategies applying to the land.
- Not adequately demonstrate that it will not result in excessive overshadowing of adjoining dwellings.
- Does not adequately demonstrate that it will not result in overshadowing of Doris Fitton Park.
- Loss of views for surrounding apartments.
- The benefits of the Special Provisions Design have not been adequately demonstrated.
- The traffic information submitted does not adequately demonstrate that the proposal will not have an adverse impact on the local traffic network.
- Insufficient information has been provided in relation to uplift in value of the proposed LEP amendments in order for Council to determine if the applicant's public benefit offer is reasonable.

On 26 August 2019, Council considered the revised planning proposal and resolved to not support the proposal being forward to the Department for Gateway determination for the reasons contained above.

On 2 September 2019, the proponent submitted a rezoning review request (RR_2019_NORTH_005_00) as Council did not support the proposal being forwarded to the Department for Gateway determination.

The Panel considered the rezoning review request on 20 February 2020. The Panel determined that the revised proposal should be submitted for a Gateway determination as it demonstrates both strategic and site-specific merit (**Attachment F**).

In its decision, the Panel noted that the building typology and reference schemes required further work and recommended the following matters be considered by the delegate when issuing a Gateway determination:

- *That prior to the making of any instrument, consideration be had of the outcomes of any Northern CBD Planning Study being undertaken by Council;*
- *That prior to any finalisation of the planning proposal there be consultation with RMS/TfNSW regarding the cumulative impact of traffic matters in the CBD and any implications for the western harbour tunnel portal from Berry Street;*
- *The additional height sought with the “Special Provisions Clause” is acceptable but the additional FSR sought is undesirable. By retaining the FSR of 6.1:1 with the additional height of RL 148 would allow flexibility to remove or modify the podium built form and allow for substantial breaks in the building in both Walker Street and Hampden Avenue; and*
- *The site specific DCP needs to be amended to address the following:*
 - *Reconsideration of the podium solution to a built form which better reflects the residential zoning, in a heritage precinct;*
 - *Hampden Street frontage needs to mirror the bulk and rhythm of heritage items incorporating more vertical proportions with physical breaks in the building form;*
 - *Open space to be reworked – focus on providing better open space adjacent to Hampden Street to improve transition of built forms; and*
 - *Physical breaks between the built form in Walker Street to allow for views through the site from existing RFBs in the vicinity as well as public views and streetscape views.*

The proposal and associated documentation has not been updated to address all of the recommendations of the Panel. However, the proposal has been updated to remove the inclusion of the additional FSR bonus sought under the site specific clause.

The detailed design related recommendations provided by the Panel are discussed throughout the latter stages of this report, however it is considered appropriate that these matters be rectified following the issuing of a Gateway determination.

1.3 Site description

The site is located at the intersection of Walker and Hampden Streets and comprises seven properties between 173-179 Walker Street and 11-17 Hampden Street, North Sydney. **Figure 1** outlines the site boundary and depicts the individual properties at the site.

The existing character of the site is primarily dominated by a series of three storey walk up residential flat buildings along the Walker Street Frontage. The site also comprises two single storey detached dwellings on its Hampden Street frontage. The site contains a range of mature trees throughout as depicted in the aerial image in **Figure 2**. A description of each of the individual properties that form the site is provided below.



Figure 1 – Site Map (Source: Urbis overlay by Department)



Figure 2 – View of the site from adjacent apartment buildings on western side of Walker Street (Source: Heritage Impact Statement)

173 Walker Street, North Sydney:

The property comprises a total site area of approximately 517.82m² and is legally described as SP 11082. The existing development at the site consists of a three storey residential flat building consisting of six residential units.

175 Walker Street, North Sydney:

The property comprises a total site area of approximately 505.69m² and is legally described as SP 86752. The existing development at the property is also a three storey residential flat building comprising six residential units.

177 Walker Street, North Sydney:

The property comprises a total site area of approximately 506.06m² and is legally described as SP 9808. The existing development at the property also consists of a three storey residential flat building comprising six residential units.

179 Walker Street, North Sydney:

The property comprises a total site area of approximately 809.33m² and is legally described as SP 64615. The existing development at this property also consists of a three storey residential flat building comprising six residential units.

11 Hampden Street, North Sydney:

The property comprises a total site area of 800m² and is legally described as Lot 1, DP 119732. The existing development at the site comprises a residential flat building that is part 3 and part 4 storeys and consists of a total of 19 residential units.

15 Hampden Street, North Sydney:

The property comprises a total site area of approximately 542m² and is legally described as Lot 1, DP 591516. The existing development at the site is a single storey detached dwelling.

17 Hampden Street, North Sydney:

The property comprises a total site area of approximately 267m² and is legally described as Lot 2, DP 591516. The existing development at the site is a single storey detached dwelling.

1.4 Existing planning controls

Under North Sydney LEP 2013, all properties associated with the site are zoned R4 High Density Residential. Additionally, under the existing controls the site is subject to a maximum building height of 12m and is not subject to any floor space ratio (FSR) controls.

Although the site does not contain any heritage items, nor is it located within a heritage conservation area, there are several heritage items located within proximity to the site. **Figure 5** depicts the location of nearby heritage items including a stone street wall on Walker Street and a series of properties located on the opposite side of Hampden Street.

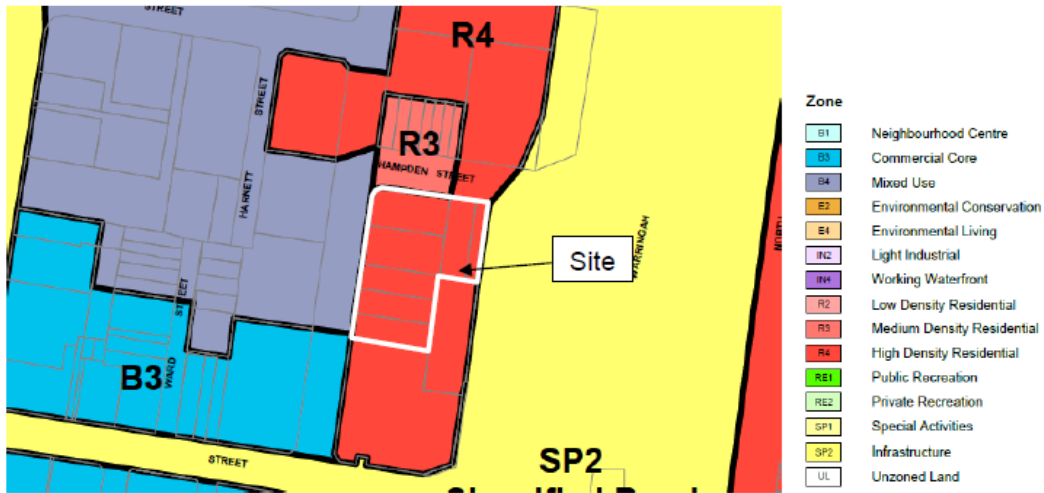


Figure 3 – Existing Zoning Map (Source: North Sydney LEP 2013)

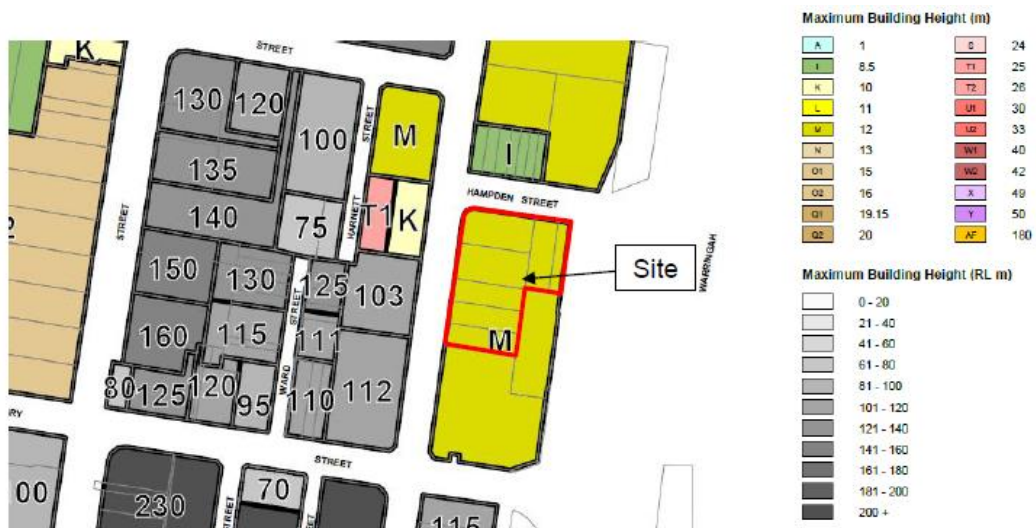


Figure 4: Existing Height of Buildings Map (Source: North Sydney LEP 2013)

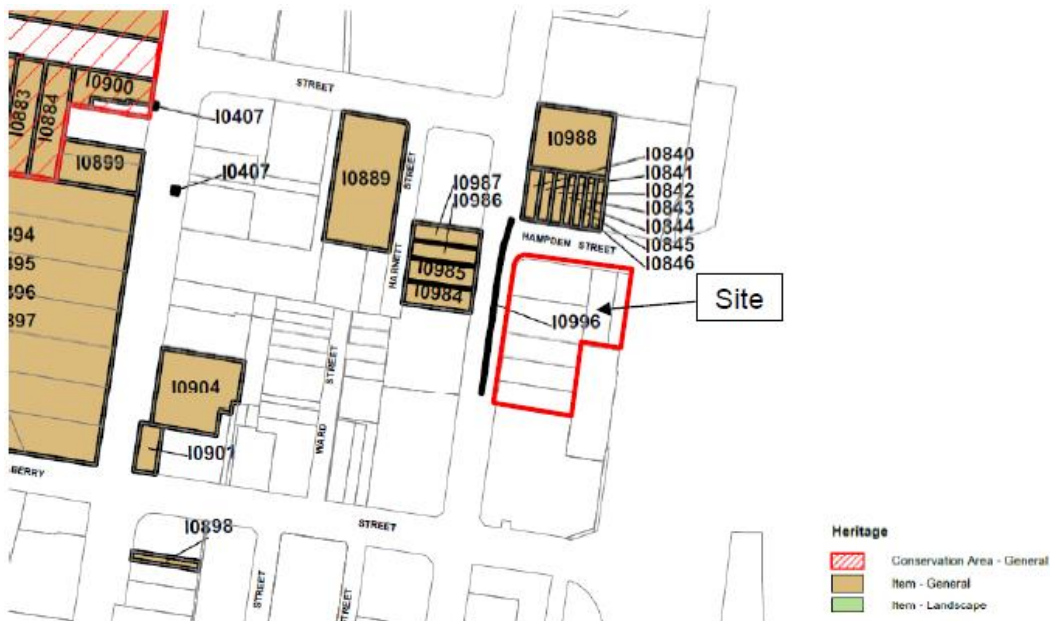


Figure 5: Existing Heritage Map (Source: North Sydney LEP 2013)

1.5 Surrounding area

The site is in North Sydney, to the north of the North Sydney CBD and west of the Ward Street Precinct Masterplan area. The site is approximately 600m north of North Sydney Train Station and approximately 200m east of the proposed Victoria Cross Metro Station. The centre of the Sydney CBD is approximately 3km from the site.

The Ward Street Precinct covers the area bounded by Miller, McLaren, Walker and Berry Streets and is recognised as a significant opportunity for urban renewal as a result of the termination of the Wilson car park lease. The North Sydney CBD comprises predominantly commercial offices with some retail and residential uses.

On the northern side of Hampden Street is a row of two storey heritage listed terrace houses. The northern and southern sides of Hampden Street are separated by a sandstone wall with mature vegetation.

To the east and adjacent to part of the site at 88 Berry Street is an eight-storey residential flat building. The remainder of the eastern side towards the north is bounded by a vegetated corridor with mature trees. Both of these areas separate the site from the on-ramp to the Warringah Freeway.

To the south and adjacent to the site on the corner of Berry Street and Walker Street is a 21-storey mixed use building comprising of commercial offices on the lower levels with residential dwellings above.

To the west of the site is a heritage listed stone wall dividing Walker Street. The western side of Walker Street contains a row of heritage listed 2 storey terrace houses towards the northern end and two single storey houses. Adjacent to these houses is a 22-storey mixed-use building at 136-142 Walker Street and a 10-storey building at 144-150 Walker Street.

Figure 6 depicts the development context for the site and include existing and likely future development within the North Sydney CBD.



Figure 6 – Aerial view of the site and surrounds from the North East (Source: Urbis)

1.6 Urban Design Report and Reference Schemes

The proponent has commissioned SJB Architects to prepare an Urban Design Report that accompanies the proposal (**Attachment A1**). As mentioned in Section 1.2 of this report, the Urban Design Report envisions three potential development concepts. The concepts provide schemes for a range of landholding and amalgamation scenarios (**Figures 7 to 13**).



Figure 7 – Concept Design (Source: SJB Report)

Reference Scheme:

The Reference Scheme (**Figures 8 and 9**) is a consolidated development with two development parcels, 173-179 Walker Street and 11-17 Hampden Street. The scheme has been prepared with consideration of the proposed new base height and FSR controls and would not be utilised in the event of a future development that receives the proposed incentive controls under Part 6. The Reference Scheme design concept proposes:

- A 24-storey tower fronting Walker Street transitioning down to the south with 16, 12 and 2 storeys;
- An 18-storey tower located in the north-eastern portion of Hampden street;
- A 3-storey podium with a 3m setback to its Hampden Street frontage, that wraps around the northern corner of Walker Street.



Figure 8 – Reference Design Scheme Concept (SJB Report)



Figure 9 – Reference Design Scheme aerial view from south east (SJB Report)

Special Provisions Reference Scheme:

The Special Provision Reference Scheme (**Figures 10 and 11**) is a concept which assumes that the Walker Street and Hampden Street properties achieve full amalgamation. The concept design has been prepared under a scenario where the proponent would be able to access the incentive provisions proposed by the planning proposal. The Special Provision Reference design concept proposes:

- A maximum height of 29 storeys (RL 147.9m) transitioning down to the south with 27, 25, 20 and 8 storeys on the Walker Street Frontage;
- A 3-storey podium with a 3m setback that will extend the full length of Walker and Hampden Streets; and
- The eastern portion of Hampden Street will achieve a maximum height of 9-storeys.

It is noted that the scheme has not yet been updated to reflect the Panel's recommendation that the formerly proposed FSR bonus provision be removed. It is recommended that prior to finalisation the scheme be updated within both the Urban Design Report and Planning Proposal to reflect this change. This is reflected in the recommended conditions of the Gateway determination.



Figure 10 – Special Provisions Reference Scheme Concept (Source: SJB Report)



Figure 11 – Special Provisions Reference Scheme aerial view from north west (Source: SJB Report)

Separate Land Holdings Scheme:

The Separate Landholdings Scheme (**Figures 12 and 13**) is a concept which demonstrates a potential development outcome in a scenario where the landholdings do not amalgamate. The design concept proposes:

- A 24-storey tower on the Walker Street frontage that transitions down to the south with 16, 12 and 2 storeys;
- An 8 to 9-storey built form to Hampden Street accommodating the future development of 11 Hampden Street; and
- A 3-storey podium with a 3m setback to the Hampden Street frontage wrapping around the northern corner of Walker Street.



Figure 12 – Separate Land Holdings Scheme Concept (Source: SJB Report)



Figure 13 – Separate Land Holdings Scheme view from north east (Source: SJB Report)

1.7 Summary of recommendation

The planning proposal is considered adequate to proceed with conditions as it demonstrates sufficient site specific and strategic merit. However, it is noted that the proposal contains inconsistencies relating to finer detailed design elements that require amendment prior to the making of any LEP for the site. These elements are considered throughout this report and are catered for in the recommended conditions of the Gateway determination.

The proposal is considered appropriate to proceed to Gateway as it:

- Seeks to facilitate the development of 211-284 residential units, providing a sizeable contribution to North Sydney's housing target under the North District Plan;
- The provision of additional residential accommodation will place downward pressure on housing affordability;
- Includes the provision of affordable rental housing;
- Seeks to leverage off and support the NSW Government's investment in the Sydney Metro Project;
- Is located in a strategic location with excellent access to infrastructure and services associated with the North Sydney CBD and surrounds;
- Is anticipated to generate a range of economic benefits, particularly through its stimulation of the construction industry;
- Demonstrates both site specific and strategic merit;
- Will provide public benefits including the provision of new public open space; and
- Supports the growth of and provides an appropriate transition to the north of the North Sydney CBD.

The proposal will be required to proceed with conditions as:

- The proposal does not address its consistency with either the North Sydney Local Strategic Planning Statement or Local Housing Strategy;
- Consultation with CASA or its nominated delegate is required prior to public exhibition to ensure compliance with Section 9.1 Direction 3.5 Development Near Licensed Aerodromes.
- Detailed consultation with the RMS branch of TfNSW is required to ensure that traffic impacts associated with the North Sydney CBD and any potential implications for the Wester Harbour Tunnel Port from Berry Street are acceptable; and
- The planning proposal, urban design report and site specific development control plan requirement amendments to address detailed design elements arising from the recommendations of the Sydney North Planning Panel.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal outlines that its intended outcomes are to amend the Height of Building and Floor Space Ratio provisions that apply to the site under the North Sydney LEP 2013. The proposal also seeks to introduce a new Special Provisions map and site-specific provisions for the site under Part 6 of the LEP.

The proposal outlines that the proposed amendments are to facilitate the comprehensive and timely redevelopment of the site to accommodate a residential development that integrates with the emerging context of the North Sydney CBD and the Ward Street Precinct.

The objectives and intended outcomes of the proposal are considered to be clear and are sufficient for the purpose of public exhibition.

2.2 Explanation of provisions

The planning proposal outlines the proposed amendments to the North Sydney LEP 2013:

- Amend Sheet _002A of the Height of Buildings Map to provide for a maximum building height of RL 133 across the site.
- Amend Sheet _002A of the Floor Space Ratio Map to provide for a maximum FSR of 6.1:1 across the site;
- Establish a new Special Provisions Map and identify the East Walker Street Precinct as “Area 1”;
- Introduce a new clause under Part 6 Additional Local Provisions that seeks to:
 - Incentivise the amalgamation of the lots contained within the site. The clause will allow for a height control bonus, allowing for a maximum building height of 148 RL, should all lots be amalgamated.
 - Ensure that solar access is maintained to Doris Fitton Park, and
 - Ensures that the proposed development will for the adequate provision of social and community infrastructure.

The proposal includes a draft amendment for the proposed clause under Part 6 and provides sufficient justification for the provisions contained in the clause. The clause no longer seeks to provide for an FSR bonus in alignment with the recommendations of the Panel’s rezoning review determination.

The explanation of provisions contained in the planning proposal is considered to be clear and is not required to be updated prior to public exhibition.

2.3 Mapping

The proposed amendments that form part of the planning proposal require the amendment of Sheets _002 of both the North Sydney FSR and height of buildings maps. The proposal also requires the establishment of a new ‘Special Provisions Map’.

The planning proposal includes extracts depicting both the existing FSR and height of buildings maps and the proposed amendments to both of these maps. The proposal also includes a figure depicting the proposed new Special Provisions Map. The proposed maps are depicted below in **Figures 14-16**.

The proposed maps included in the planning proposal are considered to be sufficient for the purposes of public exhibition and are not required to be updated.



Figure 14 – Proposed Height of Buildings Map (Source: Planning Proposal)

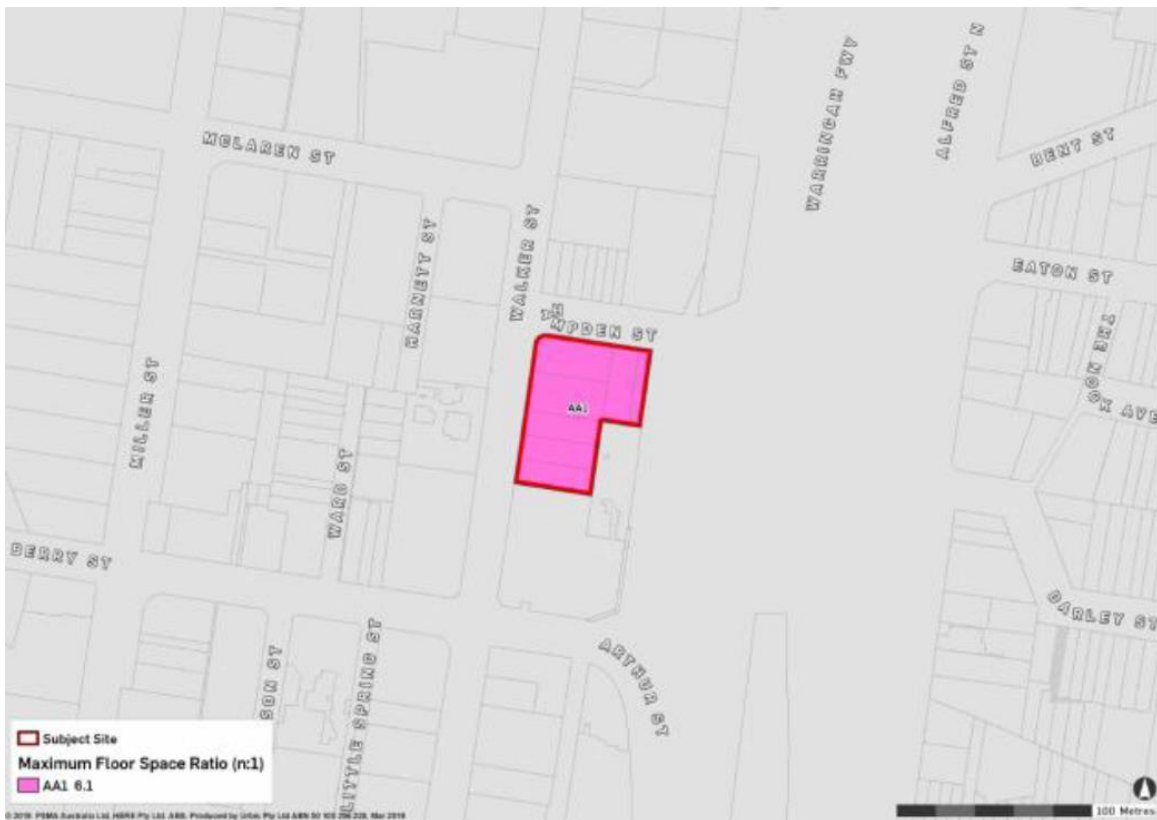


Figure 15 – Proposed Floor Space Ratio Map (Source: Planning Proposal)



Figure 16 – Proposed new Special Provisions Map (Source: Planning Proposal)

3. NEED FOR THE PLANNING PROPOSAL

The proposal is required to facilitate the proposed development at the site which seeks to respond to the growth of the North Sydney CBD, adjacent Ward Street Precinct and investment in the new Sydney Metro Project. The existing planning controls are considered to be outdated and the proposed amendments are required to reflect the transition and growth of the North Sydney Centre.

The planning proposal is considered to be the best means of achieving its intended outcomes as the extent of the proposed provisions are considered too extensive for the use of a clause 4.6 variations to development standards based application.

Additionally, the site has been identified as an opportunity site since 2016 under the initial investigations for the Ward Street Precinct.

4. STRATEGIC ASSESSMENT

4.1 District

On 18 March 2018, The Greater Sydney Commission published the North District Plan. The District Plan establishes the planning priorities and actions to guide the growth of the district whilst seeking to improve its social, economic and environmental assets.

The planning proposal is considered to be consistent with and actively seeks to ensure the implementation and vision of the District Plan. The following planning priorities are considered to be of particular relevance to the proposal:

N5: Providing housing supply, choice and affordability, with access to jobs and services:

The planning proposal is considered to be consistent with the priority as it seeks to promote the delivery of housing supply in a strategic location. The site's proximity to the North Sydney CBD and its associated services will allow for new residents to live with excellent access to jobs and services. Additionally, the site's location in proximity to railway infrastructure being 200m from the imminent Victoria Cross Metro Station and 600m from the existing North Sydney Railway Station will provide new residents with access to the jobs and services available in the range of strategic and metropolitan centres throughout Greater Sydney.

As outlined in the Economic Impact Assessment prepared by Hill PDA (**Attachment A2**), the delivery of 211-284 new residential units is also anticipated to have a positive impact of housing affordability within the local government area. This increase in housing supply will also support the delivery of North Sydney's 0-5 year dwelling target under the Plan.

N6: Creating and renewing great places and local centres and respecting the District's heritage:

Although the site does not contain any heritage items, nor is it located within a heritage conservation area, the proposal is located in proximity to several local heritage items. The planning proposal and the reference scheme accompanying the proposal have been designed with consideration of nearby heritage items, in a manner that is not anticipated to generate severe adverse impacts.

The proposal is supported by a Heritage Impact Statement (**Attachment A3**) that concludes that the proposal is sympathetic of nearby heritage and has been designed to mitigate visual impacts. As such, the planning proposal is considered to have been designed in a manner which respects the District's heritage and is therefore considered consistent with the planning priority.

N12: Delivering integrated land use and transport planning and a 30-minute city:

The planning proposal is considered to be consistent with the planning priority and actively seeks to ensure its implementation. The proposal is considered to respond to the NSW Government's recent investment in the new Sydney Metro project and the construction of Victoria Cross Metro Station. The site is located within 200m of the new Metro Station and is considered to promote the vision for a 30-minute city.

In addition to this, the site's location on the north eastern periphery of the North Sydney CBD is also considered to provide an integrated approach to land use. North Sydney is the third largest employment centre in Greater Sydney and the provision of new residential dwellings in proximity to the North Sydney CBD is considered to support its growth and is considered a suitable area for the provision of additional housing.

N20: Delivering high quality open space:

The planning proposal is considered to be consistent with the planning priority as it seeks to facilitate the delivery of open space. The proposal and Urban Design Report outline the possibility for a linear park to be created along the western portion of the site fronting Walker Street and a pocket park at the eastern portion of Hampden Street.

In addition to this the proposal will see the transformation of Walker and Hampden Streets into a shared zone which will improve the pedestrian experience throughout the precinct.

4.2 Local

Civic Precinct Planning Study:

At its meeting of 18 May 2020 Council considered the Civic Precinct Planning Study (CPPS) and resolved to exhibit the proposal for a period of 6 weeks. The CPPS establishes The Civic Precinct which is located directly north of North Sydney CBD and is bounded by McLaren Street, Pacific Highway, Falcon Street and the Warringah Freeway with an additional area bounded by Walker Street and Berry Street at the southeast corner. The subject site is located in the south eastern corner of the Civic Precinct (Figure 17).

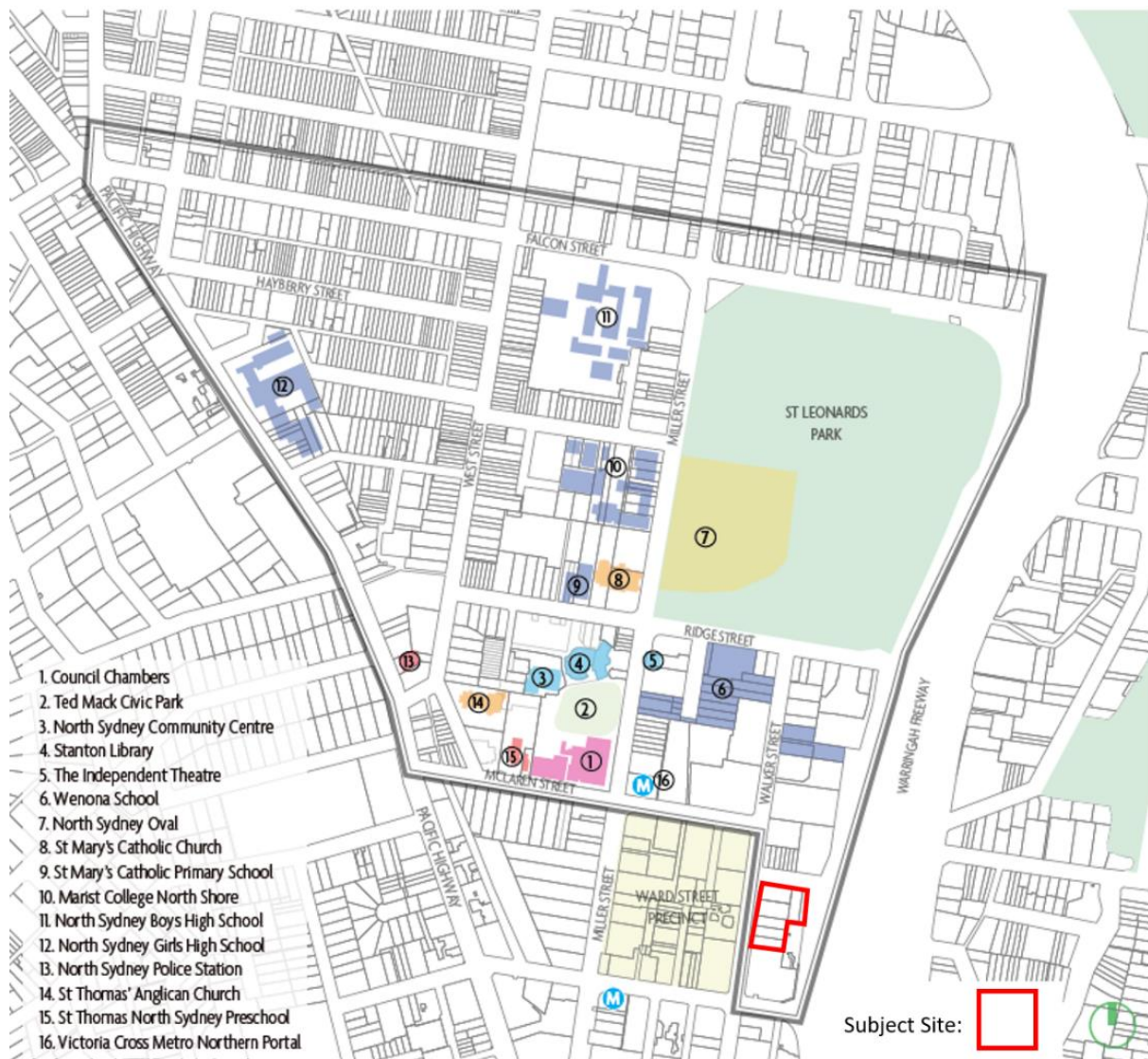


Figure 17 - Civic Precinct Planning Study Area and relative site location (Source CPPS)

The Civic Precinct Planning Study (CPPS) has been prepared in response to the construction of the Victoria Cross Metro Station northern portal, located at the intersection of McLaren and Miller Streets. The metro portal has generated development interest, including the subject planning proposal has prompted Council to conduct a closer look at potential development within the Precinct. The CPPS

offers a range of design guidelines and principles for development in the Precinct including for the subject site.

In its determination of the most recent rezoning review the Panel recommended:

- *“That prior to the making of any instrument, consideration be had of the outcomes of any Northern CBD Planning Study being undertaken by Council”*

It is noted that during the preparation of the planning proposal the CPPS was yet to be considered by Council, and is still being exhibited. It is considered that following the issue of a Gateway determination, consideration should be given to the CPPS alongside other required design elements in the review of the planning proposal and associated documentation to align with the Panel’s recommendation.

The CPPS recommends that development at the site comprise mixed uses including residential and commercial components. It also identifies the site as being within a transition zone and notes that the community values the place at the junction of Hampden and Walker Streets.

The CPPS recommends controls most likely being represented through the establishment of B4 Mixed Use zoning and a non-residential FSR of 2:1. It is noted in the rezoning review for the site that the Panel deemed that the site is most appropriate for solely residential use in line with the sites existing zoning.

The CPPS recommends building heights at the site, including 20-storeys along the Walker Street frontage and 8-storeys on its Warringah Freeway frontage. It is noted that under the existing reference schemes for the site the vision for the site will exceed this proposed height limit on its Walker Street frontage. However, is likely to be used for landscaping and recreation purposes not including built form features on its Warringah Freeway frontage.

The CPPS includes guidelines focusing on finer design elements, for instance a control ensuring that continuous facades above 8 storeys do not exceed 25m in length. This guideline aligns with the Panel’s recommendation to incorporate building breaks and can be considered in the preparation of revised schemes as required by the conditions of the Gateway determination.

Although the proposal is inconsistent with elements of the CPPS, the proposal was prepared before its formulation and consideration by Council. It is unlikely that the CPPS will be finalised prior the progression of the proposal following Gateway. However, this does not preclude amendments to the proposal incorporating elements of the CPPS when reconsidering the design as required by the Gateway determination.

North Sydney Local Strategic Planning Statement (LSPS) and North Sydney Local Housing Strategy (LHS):

The planning proposal does not include a discussion of its consistency with either the North Sydney LSPS or North Sydney LHS. However, it is noted that during the preparation of the planning proposal both the LSPS and LHS were not endorsed strategic planning documents.

Despite this, prior to exhibition the proposal must demonstrate consistency with both the North Sydney LSPS and LHS. This is to be submitted to the Department and approved prior to the proposal proceeding to public exhibition. This is reflected in the recommended conditions of the Gateway determination.

4.4 Section 9.1 Ministerial Directions

The planning proposal is considered to be generally consistent with all relevant Section 9.1 Ministerial Directions. A discussion of the directions considered to be of the greatest relevance to the proposal is provided below.

2.3 Heritage Conservation:

As discussed in Section 4.1 of this report, the planning proposal does not pertain to any local heritage items or heritage conservation areas. However, it is located in proximity to several heritage items on the opposing side of Walker and Hampden Streets and a street wall that bisects Walker Street. As such, this direction is considered relevant to the proposal.

The planning proposal has adequately considered its potential heritage impacts and has been designed in a manner which is sympathetic of nearby heritage items. The Heritage Impact Statement that accompanies the proposal concludes that the proposal has been designed to mitigate visual impacts on these abovementioned heritage items (**Attachment A3**). As such, the planning proposal is considered to be consistent with the objectives and requirements contained under the direction.

3.1 Residential Zones:

The direction applies as the planning proposal applies to land located in the R4 High Density Residential zone. The planning proposal is considered consistent with the requirements of the direction as it seeks to facilitate the development of 211-284 new residential dwellings allowing ensuring that the locations and choices available in the housing market are broadened. This is anticipated to have a positive impact on the housing market as the sizeable increase in housing supply will assist by alleviating property prices in an inner city location. Additionally, the proposal also seeks to provide for affordable rental accommodation further alleviating stress on the housing market.

The proposal is also considered to ensure the more efficient use of existing and planned infrastructure and services due the positioning of the site. The proposal seeks to facilitate the intensification of residential uses in proximity to existing infrastructure and services in the North Sydney CBD, including transport and social infrastructure such as North Sydney Railway Station and St Leonards Park. Additionally, the proposal also seeks to leverage off and provide for the efficient use of planned transport infrastructure associated with the NSW Government's recent investment in the Sydney Metro project as it is located in proximity to the imminent Victoria Cross Metro Station.

The proposal will facilitate residential development in a strategically located position within walking distance of a range of infrastructure and services.

The proposal is also considered to be consistent with the directions requirement to reduce the consumption of land for housing and urban development as it seeks to intensify residential uses at a strategically located brownfield site. This will allow for a development that has minimal impact on the natural environment as the site is located in an existing urban area.

3.4 Integrating Land Use and Transport:

As mentioned throughout this report the planning proposal applies to land that is located within 200m of the imminent Victoria Cross Metro Station and 600m of the existing North Sydney Railway Station, as such the direction applies. The planning proposal is considered to provide an integrated approach to land use surrounding transport infrastructure as it seeks to leverage off these infrastructure investments.

The provision of residential accommodation in proximity to these high class public transport services will allow for a more efficient use of nearby existing services in the North Sydney CBD, whilst also providing excellent accessibility to other metropolitan and strategic centres located throughout the Greater Sydney Region. The location of the site in proximity to the North Sydney CBD and its associated infrastructure allows for the opportunity to live, work and play within a walkable neighbourhood.

This is anticipated to assist in the alleviation of car dependency in alignment with this direction. This is reflected in the Traffic and Parking Assessment that accompanies the proposal which concludes that the development is anticipated to generate only 25 vehicle trips during the AM/PM peak hour.

The planning proposal is therefore considered to be consistent with the direction as it actively seeks to promote the concept of transit oriented development.

3.5 Development near licensed aerodromes:

As outlined in the planning proposal, although the site is not located in proximity to Sydney Airport, it is subject to an Obstacle Limitation Surface (OLS) of 156m AHD. The planning proposal seeks to amend the height of buildings map by introducing a new maximum building height to the site of RL133. However, the proposal also allows for a maximum building height of RL148 under the bonus provisions proposed to be contained in the site specific provisions under Part 6 of the North Sydney LEP 2013.

Should a future development at the site achieve the requirements to be awarded this maximum building height bonus, the site would remain within the OLS. Although, while any building on the site may not protrude above the OLS, consideration must be given to the potential for cranes and other structures to exceed the OLS during the construction phase. Under section 182(1)(c) of the Airports Act 1996, an exceedance such as this would be considered a controlled activity.

Under this direction, should a planning proposal require a permit to conduct a controlled activity, the planning proposal authority is required to obtain permission from the responsible Commonwealth Department to conduct the controlled activity prior to the commencement of community consultation. As such, the Gateway determination includes conditions that require the planning proposal authority to consult with both the Civil Aviation Safety Authority and Sydney Airport Corporation and to obtain permission for any potential controlled activity that will result in a protrusion of the prescribed airspace.

6.3 Site Specific Provisions:

The planning proposal states that it has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the North Sydney LEP 2013.

The planning proposal is considered to be generally consistent with the direction as it seeks to retain the site's zoning and allow for development to be undertaken within the existing land use zone.

However, it is noted that the planning proposal seeks to introduce a new “Special Provisions Map” to support the proposed site specific clause for the site. The introduction of the new Special Provisions Map is considered to be an appropriate approach as it seeks to provide clarity in identifying the site when applying the provisions of the site specific clause.

4.5 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with and does not hinder the application of any SEPPs. The following SEPPs are considered to be of particular relevance to the proposal:

SEPP 55 Remediation of Land

The proponent commissioned Aargus to prepare a Preliminary Site Investigation that accompanies the proposal (**Attachment A4**). The investigation details that there is potential environmental concern relating to the presence of asbestos based building materials, uncontrolled fill, metal degradation and potential pesticide use.

The investigation concludes that subject to a detailed site investigation the site can be made suitable for the proposed land uses. As such, it is considered that the planning proposal is consistent with the SEPP as the investigation confirms the site can be suitable for residential uses. However, it is essential that a detailed site investigation is undertaken as part of any future development application for the site.

SEPP 65 Apartment Design Guidelines

The Urban Design Report prepared by SJB that accompanies the proposal includes a range of reference schemes that demonstrate development can be undertaken at the site which is compliant with the requirements of the SEPP (**Attachment A1**). The building envelopes prepared for each of the schemes have considered requirements under the SEPP including; separation distances, solar access, overshadowing, communal open space, deep soil planting, pedestrian and vehicular access and parking. As such, the proposal is anticipated to be consistent with the SEPP.

However, it is noted that the Urban Design Report has been prepared in accordance with the provisions sought under the previous proposal. Additionally, it is also noted that the report has not been updated to consider the Panel’s recommendations made in its determination of the most recent rezoning review. Despite this, it is considered that a revised scheme is more likely to be designed in accordance with the SEPP as the removal of the bonus FSR provision is anticipated to reduce impacts relating to building separation and the bulk and scale of the development.

It is also recommended as part of the Gateway determination that this report be updated to demonstrate a scheme which is prepared in accordance with the revised proposal and recommendations of the Panel. The revised reference schemes should also demonstrate that development can be carried out at the site in accordance with the requirements of the SEPP under the revised proposed provisions.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposed concept designs include a series of public benefits including the delivery of a 5m wide linear park along its Walker Street frontage and a pocket park located at the eastern end of Hampden Park. However, these public benefits have

not been included within the draft letter of offer to Council, so it remains uncertain if these benefits will be delivered within a future development.

It is noted that the proponent and Council are currently negotiating a site-specific DCP which may include additional detail and more certainty for the delivery of these public benefits.

In addition to its Section 7.11 contributions the proponent also proposes to enter into a Voluntary Planning Agreement (VPA) with Council which is in its draft stage (**Attachment A5**). This includes the provision of 5% of residential yield being provided as affordable rental accommodation and an additional contribution of \$15,100 per dwelling. The draft VPA includes a net contribution valued at \$8,917,700 which is anticipated to provide an adequate contribution to ensure the proposal can deliver a net public benefit.

The planning proposal includes the introduction of a provision that ensures the consent authority must be satisfied that the proposed development will provide for adequate levels of social and community infrastructure. The inclusion of this provision is considered to provide an adequate mechanism to ensure the proposal delivers sufficient public benefit.

5.2 Environmental

As the subject site is located in an established urban area and seeks to provide infill development, it is not anticipated to have any major natural environmental impacts. Despite this, the assessment of the proposed development entails the consideration of a range of built environment elements and potential amenity impacts on surrounding existing and future development.

View Sharing:

The proposal is accompanied by a Visual Impact Assessment (VIA) dated March 2019 prepared by Richard Lamb and Associates (**Attachment A6**), which was considered in the Panel's determination of the recent rezoning review. The VIA is 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). **Figures 18-21** depict a range of views considered under the VIA.

As mentioned above in Section 1.2 of this report, in its determination the Panel recommended the following:

- *The site specific DCP needs to be amended to address the following:*
 - *Physical breaks between the built form in Walker Street to allow for views through the site from existing RFBs in the vicinity as well as public views and streetscape views.*

Although the proposed development is anticipated to have acceptable impacts across the majority of the development, it is noted that the Panel's recommendation to include greater physical breaks throughout Walker Street has not been incorporated in the revised proposal.

This is evident in **Figure 18** which demonstrates an unacceptable impact will arise from both the street level and existing residential flat buildings from the western side of Walker Street under the special provisions scheme. It is considered that the removal of the bonus FSR provision will allow for sufficient flexibility to address this

concern. The conditions of the Gateway determination require that the Urban Design Report be amended prior to public exhibition to address this concern. It is recommended that during the remodelling of the design that consideration is also given to Council's Civic Precinct Planning Study, with particular consideration of the design guideline which seeks to limit continuous facades above 8 storeys.



Figure 18 - View from East at 150 Walker Street (Source: VIA)

The view composition from 168 McLaren Street includes the main channel of Sydney Harbour, including islands and areas of land-water interface, distant Eastern suburbs and residential development on the lower North Shore. The VIA summarises that a portion of the panoramic view would be blocked by the proposed development tower including scenic and highly valued features. However, it also notes that these impacts are anticipated to be reduced following detailed design at the development application stage.

It is evident that visual impacts from this perspective have been considered in the preparation of the proposal and the associated reference schemes. These impacts are considered to be acceptable with room for improvement through consideration of the Panel's recommendations, reduction in FSR and finer detailed design at the development application stage.



Figure 19 - View from the north east at 168 McLaren St (Source: VIA)



Figure 20 - View from the north east at 168 McLaren St (Source: VIA)

The northern side of Hampden Street is characterised by low scale development, as such the existing views from this location are minimal and generally consist of the existing developments at the site. **Figure 21** depicts a visual representation of the anticipated view should the proposed development progress under the special provisions scheme. The VIA demonstrates that the impacts from this location are

similar under all three proposed schemes. The impacts from this locality are not anticipated to detract from any significant scenic or valued features.



Figure 21 - View from 2 Hampden Street (Source: VIA)

Overall, the visual impacts anticipated to derive from the proposed development are considered to be mostly acceptable. It is noted that development particularly along the Walker Street frontage is considered to have unacceptable elements. However, it is considered that this can be rectified through the preparation of a revised Urban Design Report that considers the recommendations of the Panel and revised planning controls as per the conditions of the Gateway determination.

Overshadowing:

The planning proposal and the associated reference schemes contained in the Urban Design Report prepared by SJB demonstrate that overshadowing impacts have been considered as part of the revised proposal (**Attachment A1**).

The maximum building heights sought under the original proposal resulted in a range of overshadowing impacts on the surrounds which were considered unacceptable based on impacts to residential communities and public open spaces as far as the eastern side of the Warringah Freeway. The revised proposal substantially reduces the building heights sought from 47-storeys to 29-storeys.

The following figure depicts the overshadowing impacts associated with the proposal at 12pm and 3pm mid-winter and portrays the locations of priority open spaces in the locality.



Figure 22 – Overshadowing Impacts with highlighted priority spaces (Source: Urbis)

The proposal also includes a site-specific provision that seeks to ensure the protection of solar access to Doris Fitton Park between 12pm-2pm in mid-winter in accordance with Council’s concerns relating to the original proposal. The existing provisions contained under North Sydney LEP 2013 that seek to protect the park are not applicable to the site as it is located outside the bounds of the North Sydney CBD. The inclusion of the provision is considered to be an appropriate mechanism to ensure that solar access is retained to the park as intended by the existing LEP provisions.

Overall, the proposal is considered to have acceptable overshadowing impacts and the additional protective measures sought to Doris Fitton Park are considered appropriate. It is noted that the conditions of the Gateway determination require the reconsideration of detailed design elements relating to the proposed development prior to the commencement of public exhibition. It is considered paramount that in any reconfiguration of the reference schemes that no greater overshadowing impacts are created.

Height Transition:

The previous planning proposal included a range of height limits which were not deemed to provide for an acceptable transition from surrounding developments. The proposal included heights of up to RL210 and 48 storeys.

The revised proposal has substantially reduced its proposed maximum heights and has clearly considered its surrounded context with greater attention. 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. This is depicted below in Figure 23.

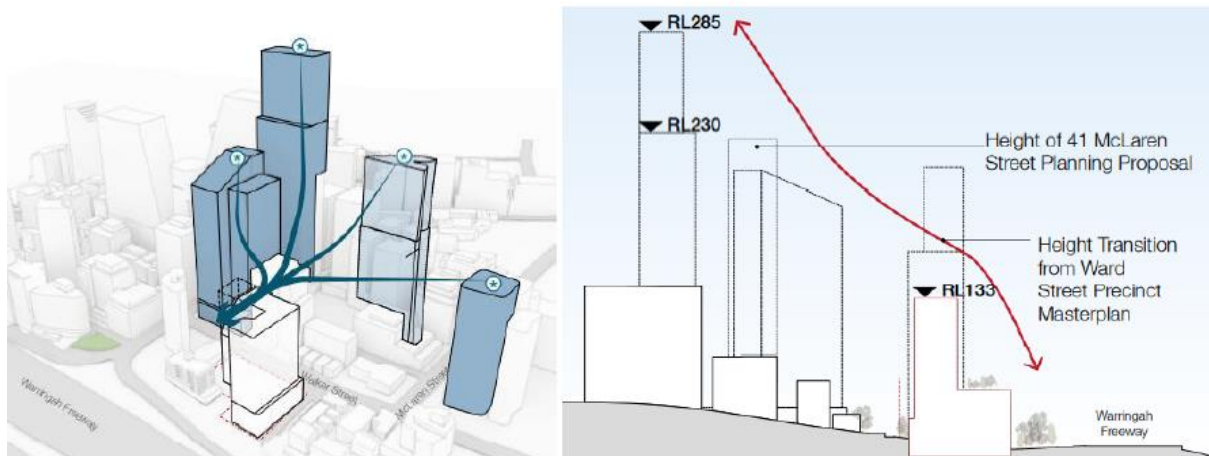


Figure 23: Height transitions (Source: Planning Proposal)

Heritage

The proponent has commissioned Weir Phillips to prepare a Heritage Impact Statement (HIS) that accompanies the proposal (**Attachment A3**). It is noted that the HIS is dated March 2019 and does not contain consideration of the Panel's recommendations made in the determination of rezoning review RR_2019_NORTH_005_00.

The HIS that accompanies the proposal concludes that the proposed development will have an acceptable impact on surrounding heritage items. The HIS identifies the following surrounding heritage items for consideration in its assessment:

- *Stone Wall, Walker Street (near Hampden Street) (I0996)*
- *House, 144 Walker Street, North Sydney (I0984)*
- *House, 146 Walker Street, North Sydney (I0985)*
- *House, 148 Walker Street, North Sydney (I0986)*
- *House, 150 Walker Street, North Sydney (I0987)*
- *Simsmetal House, 41 McLaren Street, North Sydney (I0889)*
- *House, 2 Hampden Street, North Sydney (I0840)*
- *House, 4 Hampden Street, North Sydney (I0841)*
- *House, 6 Hampden Street, North Sydney (I0842)*
- *House, 8 Hampden Street, North Sydney (I0843)*
- *House, 10 Hampden Street, North Sydney (I0844)*
- *House, 12 Hampden Street, North Sydney (I0845)*
- *House, 14 Hampden Street, North Sydney (I0846)*
- *House, 185 Walker Street, North Sydney (I0988)*

An extract of the North Sydney Heritage Map is provided above in Figure 5 of Section 1.4 of this report, depicting the location of these abovementioned items. Figures 24-26 depict photography of nearby heritage items.



Figure 24 – Heritage listed houses 2-14 Hampden Street (Source: Weir Phillips HIS)



Figure 25 – Heritage listed stonewall dividing Walker Street (Source: Weir Phillips HIS)



Figure 26 – Heritage listed buildings located on western side of Walker Street (Source: Weir Phillips HIS)

It is evident that consideration of potential heritage impacts has been made within the preparation of both the proposal and associated reference schemes, which have been designed to mitigate impacts on surrounding heritage items.

The transition of Walker and Hampden Streets to a shared zone, including both the linear park on the Walker Street frontage and the pocket park located on Hampden Street, is anticipated to provide a buffer to mitigate impacts on the adjacent Hampden Street properties and complement the heritage listed stone wall on Walker Street.

A podium based design solution was considered in the original proposal and is demonstrated in the reference design schemes. This was envisioned to allow for the mitigation of impacts arising from the tower form of the development. However, in its determination of the most recent rezoning review the Panel determined that the podium based design was not an appropriate solution in response to the sites residential zoning noting that it is within a heritage precinct and requested that the site specific DCP be amended to reconsider this.

The Panel also recommended amendments to the Hampden Street frontage with a need to better mirror the bulk and rhythm of adjacent heritage items and incorporate greater breaks in the built form.

It is noted that this has not been amended prior to the submission for a Gateway determination. However, it is considered that the removal of the FSR bonus under the proposed site specific clause as stated in the Panel's recommendation, is anticipated to allow for sufficient flexibility to remove or modify the podium based

design and allow for substantial vertical breaks in the building fronting both Walker and Hampden Streets.

5.3 Economic

The proposed development is anticipated to generate a range of economic benefits for the surrounding North Sydney locality. The proposal is supported by an Economic Impact Assessment (EIA) prepared by Hill PDA (**Attachment A2**). It is noted that the EIA was prepared with consideration of a previous scheme which included the provision of a small commercial floor plate. However, the EIA is still considered relevant as it adequately considers the residential components which remain part of the revised proposed development.

As discussed above, the provision of 211-284 new residential dwellings is anticipated to have a positive impact on housing affordability in the area, placing downward pressure on rental and mortgage stress. Additionally, the proposal also includes a dedication of 5% of housing stock for the purpose of affordable rental housing which is to be undertaken in accordance with the North Sydney Council Affordable Housing Strategy (AHS) 2013.

The provision of 211-284 new residential dwellings is anticipated to generate a new resident population of an estimated 373-502 residents. New residents will support the growth and commercial viability of the North Sydney CBD through retail expenditure. The EIA outlines that new residents are expected to generate an additional \$7.8-\$10.6 million in retail expenditure, which is primarily anticipated to be spent within the nearby North Sydney CBD. This additional expenditure is also anticipated to support the creation of the North Sydney CBD's 18-hour economy.

If a development application is lodged and approved for the site, the proposal will also provide much needed stimulation for the construction industry. The EIA outlines that a total of 1,136 direct jobs will be generated during the construction phase of the development. The EIA also estimates the potential for a further 700 indirect construction related jobs to be generated by the proposal. During the current COVID-19 pandemic the NSW Government has been committed to ensuring continued investment in the development industry through its Planning System Acceleration Program. The program has a strong focus on the stimulation of the construction industry and the progression of this proposal is considered to actively support this initiative.

5.4 Infrastructure

Traffic and Site Access:

The proponent has commissioned ARUP Pty Ltd to prepare a Traffic and Transport Assessment (TTA) that accompanies the proposal (**Attachment A7**). The TTA has been prepared with modelling based on a development that comprises 200-300 new residential dwellings. The planning proposal outlines that access to the site is to be retained from Walker Street and a driveway will also be provided from Hampden Street.

The TTA estimates that the proposed development will result in the generation of 29 trips during the AM peak period from the development, with most residents directly accessing the freeway. Whilst the PM peak period is only anticipated to generate an average of 7 trips.

The traffic modelling and trip generation estimates have been prepared with consideration of the site's proximity to both the Victoria Cross Metro Station and

North Sydney Railway Station. The planning proposal also states that 71% of both workers and residents within North Sydney either walk, cycle, utilise public transport or ride share to work. As such, traffic generation emerging from the proposal is considered to be generally acceptable due to its location in proximity to public transport infrastructure and the services available in the North Sydney CBD which is a walkable distance from the site.

However, as recommended by the Panel, consultation will be required with the Roads and Maritime Services branch of Transport for NSW prior to finalisation of the proposal. This consultation is to have regard to the cumulative impact of traffic matters within the CBD and any potential implications for the Wester Harbour Tunnel Port from Berry Street.

Parking:

The proposal includes an allowance for 120 car parking spaces.

It is noted that the development will result in the net loss of 6 on street parking spaces on Hampden Street. However, the proposal outlines that residents in the new development will not be eligible for resident parking permits, whilst existing residents who reside in the existing developments at the site are currently eligible for permits. Therefore, despite the net loss in on street parking spaces, it is anticipated that the demand for on street parking will be reduced as new residents will have access to off street parking located within the development.

As such, the net loss of on street parking is considered to be acceptable as the development is expected to result in a reduction in demand which outweighs the anticipated loss of on street parking. It is also noted that the loss of parking will be as a result of the provision of new open space in the form of a pocket park at the eastern end of Hampden Street which will deliver a range of social and community benefits.

6. CONSULTATION

6.1 Community

The planning proposal outlines the community engagement process that has been undertaken by KJA documented at Appendix D to the proposal. The engagement process occurred following the Sydney North Planning Panel's recommendation that consultation be undertaken prior to the consideration of a further proposal being lodged.

Community engagement undertaken to date has included hosting two collaborative community information sessions, consultation with key stakeholders including interest groups, surrounding strata committees and neighbouring residents. Additionally, a project website has also been established which includes project information and an online survey to allow for feedback to be provided.

The Department is supportive of the proponent's active approach to engagement that has occurred to date, and considers a minimum 28-day exhibition period to be appropriate, due to the extent of the planning proposal. This is reflected in the recommended conditions of the Gateway determination.

6.2 Agencies

The planning proposal outlines the existing and planned provision of surrounding infrastructure. However, does not clearly outline the agencies that are deemed appropriate to consult during exhibition. It is also noted that in its determination of the most recent rezoning review the Panel stated that:

- *“prior to any finalisation of the planning proposal there be consultation with RMS/TfNSW regarding the cumulative impact of traffic matters in the CBD and any implications for the western harbour tunnel portal from Berry Street.”*

Additionally, as discussed above in Section 4.4 of this report, the PPA will be required to consult with CASA or its nominated delegate to ensure consistency with Ministerial Direction 3.5 Development near licenced aerodromes.

Due to the nature of the planning proposal and with consideration of the Panel’s recommendation the following government agencies and corporations are to be consulted during the public exhibition period:

- Transport for NSW;
- Transport for NSW (Roads and Maritime Branch);
- Civil Aviation Safety Authority;
- NSW Department of Education;
- NSW Department of Health;
- Ausgrid; and
- Sydney Water

7. TIME FRAME

Given that the Sydney North Planning Panel is appointed as the PPA for this proposal and consultation may be required with the Civil Aviation Safety Authority prior to the commencement of public exhibition, a 12-month timeframe for completion is considered appropriate to allow for a suitable level of flexibility.

8. LOCAL PLAN-MAKING AUTHORITY

As the Sydney North Planning Panel are the PPA for the subject proposal, Council is not authorised to be the Local Plan making Authority.

9. CONCLUSION

The planning proposal is considered adequate to proceed with conditions as it demonstrates sufficient site specific and strategic merit. However, it is noted that the proposal require samendment prior to the making of any LEP for the site to address finer detailed design elements. These elements are considered throughout this report and are addressed in the recommended conditions of the Gateway determination.

The proposal is considered appropriate to proceed to Gateway as it:

- seeks to facilitate the development of 211-284 residential units, providing a sizeable contribution to North Sydney's housing target under the North District Plan;
- the provision of additional residential accommodation will place downward pressure on housing affordability;
- includes the provision of affordable rental housing;
- seeks to leverage off and support the NSW Government's investment in the Sydney Metro Project;
- is located in a strategic location with excellent access to infrastructure and services associated with the North Sydney CBD and surrounds;
- is anticipated to generate a range of economic benefits, particularly through its stimulation of the construction industry;
- demonstrates both site specific and strategic merit;
- will provide public benefits including the provision of new public open space;
- supports the growth of and provides an appropriate transition to the north of the North Sydney CBD.

The proposal will be required to proceed with conditions as:

- The proposal does not address its consistency with either the North Sydney LSPS nor LHS;
- consultation with CASA or its nominated delegate is required prior to public exhibition to ensure compliance with Section 9.1 Direction 3.5 Development Near Licensed Aerodromes.
- detailed consultation with the RMS branch of TfNSW is required to ensure that traffic impacts associated with the North Sydney CBD and any potential implications for the Wester Harbour Tunnel Port from Berry Street are acceptable; and
- the planning proposal, urban design report and site specific development control plan require amendments to address detailed design elements arising from the recommendations of the Sydney North Planning Panel.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition the Planning Proposal, Urban Design Report and Draft Site Specific Development Control Plan are to be updated to consider the Panel's recommendations to:
 - (a) Demonstrate a new special provisions scheme which is compliant with the revised proposal considering the removal of the proposed bonus FSR provision;
 - (b) Reconsider the podium based built form to better respond to the site's residential zoning and impacts on nearby heritage properties;

- (c) Include greater vertical building breaks with greater consideration of view impacts arising from the street level and properties located west of the site on Walker Street;
- (d) Better mirror the rhythm and bulk of adjacent heritage items located on the northern side of Hampden Street; and
- (e) Consider design guidelines contained in Council's draft Civic Precinct Planning Study.

The revised proposal and associated reference schemes are not to result in any greater overshadowing impact, loss of further on street parking or reduce the net proposed provision of public open space. The revised proposal is to be submitted to the Department and approved prior to the commencement of public exhibition.

2. The planning proposal is to be updated to outline its consistency with both the North Sydney Local Strategic Planning Statement and North Sydney Local Housing Strategy. This to be submitted to and approved by the Department prior to the commencement of public exhibition.
3. Should it be determined that the proposed development requires a permit to conduct a controlled activity within the prescribed airspace under the *Airports Act 1996*, under section 9.1 Direction 3.5 Development Near Licensed Aerodromes, the planning proposal authority is to seek permission from the relevant Commonwealth authority prior to the commencement of public exhibition.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Civil Aviation Safety Authority;
 - Sydney Airport Corporation;
 - Transport for NSW;
 - Transport for NSW (Roads and Maritime Branch);
 - Ausgrid;
 - Sydney Water;
 - NSW Department of Education; and

- NSW Department of Health

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
8. Prior to completing the LEP the planning proposal authority is to consider any outcomes of North Sydney Council's draft or final Civic Precinct Planning Study.
9. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



Luke Downend
A/Director, North District



6 July 2020
Malcolm McDonald
Executive Director
Eastern Harbour City

Assessment officer: Bailey Williams
Para Planner, North District
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