

EAST WALKER STREET PRECINCT PLANNING PROPOSAL



173–179 Walker
Street & 11–17
Hampden Street,
North Sydney

PREPARED FOR
AVENOR PTY LTD
SEPTEMBER 2020



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EXECUTIVE SUMMARY

DOCUMENT CONTROL

This report has been amended since the original publication in March 2019, following the issue of the Gateway Determination by the Department of Planning, Industry and Environment (DPIE) in July 2020. The Planning Proposal, the draft Development Control Plan (DCP) and the submitted reference scheme has been refined to address the conditions of the 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 building height of RL133 for the Precinct;
- 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 which incentivise total precinct amalgamation through additional building height and preserve solar access to Doris Fitton Park between 12pm – 2pm (refer to *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, separation distances and the delivery of the Hampden Street Pocket Park. These draft controls will be finessed with council as part of the planning process, following the formal exhibition of the Planning Proposal.

The key objective of this Planning Proposal is to provide the evidence base to demonstrate that strategic and site-specific planning merit has been met, as determined by the Sydney North Planning Panel (the Planning Panel), as part of the rezoning review (RR_2019_NORTH_005_00). Specifically, this report assesses the relevant environmental, social and economic impacts of the proposal and responds to the conditions of the Gateway Determination and the key matters raised by the Planning Panel.

THE PRECINCT

The East Walker Street Precinct has a total area of 3,949m² and comprises seven lots, located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney (refer to **Figure 1**). 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.

Figure 1: Aerial image of the East Walker Street Precinct



PLANNING PROPOSAL HISTORY

In 2017, the Proponent lodged a Planning Proposal over land at 173-179 Walker Street. The Panel determined that the site has strategic merit. The Panel issued a set of site-specific criteria that was required to be met in order to demonstrate site-specific merit. Namely, the inclusive of all undeveloped properties within the Precinct and a transition in building height from the Ward Street Precinct to the Warringah Freeway. An amended Planning Proposal (the subject Planning Proposal) was prepared which included all properties identified in **Figure 1**, with revised LEP and DCP controls which addressed the site-specific criteria established by the Panel.

On 20 February 2020, the Planning Panel determined that the Planning Proposal should be submitted for a Gateway Determination because the proposal has demonstrated strategic and site specific merit.

On 6 July 2020, DPIE issued a Gateway Determination and associated conditions.

PLANNING CONTEXT

In accordance with the NSLEP 2013, the Precinct is zoned R4 High Density Residential and 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 submitted reference schemes include an exemplar urban design strategy that will deliver a range of built forms which positively responds to the transformation that North Sydney is currently undergoing, whilst addressing the relevant site complexities. Importantly, the proposal has been designed to achieve a holistic planning and urban design outcome, forming a nexus to the adjacent Ward Street Precinct and North Sydney CBD.

STRATEGIC MERIT TEST

The Panel determination of the original 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

This Planning Proposal demonstrates site-specific merit as:

- The Precinct creates one of the largest, encumbered residential zoned development parcels on the periphery of the CBD and has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land;
- Envelope massing process is based on the urban design principles adopted by North Sydney Council for the Ward Street Precinct Masterplan to ensure continuity between the Precinct and the surrounding area;
- The envelope massing has been further refined in accordance with the design guidelines contained within the draft Civic Precinct Planning Study, which identifies the site as a significant site;
- Built form testing takes into account the feedback provided by North Sydney Council in its report on the original Planning Proposal and the subject Planning Proposal as well as the feedback from the community during the public consultation process, undertaken by the Proponent;
- The proposed LEP and DCP amendments apply to the East Walker Street Precinct, eliminating issues associated with site isolation;
- The immediate area is undergoing a period of regeneration and revitalisation, characterised by tower style development, commensurate with the height and density proposed on the site;
- It provides 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 reference scheme demonstrates the ability to achieve compliance 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);
- The reference scheme and the proposed building heights across the site have been designed to achieve a human scale podium level, building heights and breaks which provide for view sharing, a paved streetscape to allow for traffic calming and to promote a shared and active environment and a high quality landscaped outcome within both the public and private domain; 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 complies with the site-specific merit criteria set by the Panning Panel as part of the determination of the rezoning review of the original Planning Proposal, 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.

To assist in conceptualising the character of the envisaged development, a reference scheme has been prepared by SJB (**Appendix A**) which is supported by draft amendments to the North Sydney DCP (**Appendix B**).

ASSESSMENT

Redevelopment of the Precinct 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 254 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 development 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 commiserate with the identified development trends in North Sydney and the site's identification as a significant site within the draft Civic Study. 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 has an area of 3,949m². 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).

Holistic redevelopment of the Precinct has enabled the site constraints to be effectively identified and managed within the submitted reference scheme. This includes balancing solar access, overshadowing, view sharing, heritage impacts 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 encumbered by large strata title allotments, heritage affectations or non-residential land uses (schools, churches and other institutions). In effect, the site is ripe for residential redevelopment.

- Public domain improvements:

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

- Other Public benefits:

Redevelopment of the Precinct will include the delivery of significant local community infrastructure, in accordance with the draft voluntary planning agreement (VPA). This includes:

- 5% of dwellings dedicated to Affordable Rental Housing in accordance with the *North Sydney Council Affordable Housing Strategy* (AHS) 2013; and
- Monetary Contribution at a rate of \$15,100 per additional net dwelling.

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 (the East Walker Street Precinct).

This report has been prepared on behalf of Avenor Pty Ltd (Avenor) (the Proponent) and Oxley Holdings Limited (Oxley) for Walker Street No. 100 Pty Ltd (owner of 173-179 Walker Street). Walker Street No. 100 Pty Ltd is a subsidiary company of Oxley Holdings Limited. The proposal has been prepared with the consent of the landowners at 11-17 Hampden Street.

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 high-density residential precinct on the periphery of the North Sydney CBD centre. Redevelopment of the Precinct will facilitate supply of additional housing that will positively contribute to meeting Councils housing targets and the vision to create a more vibrant CBD environment.

The intended outcome of this Planning Proposal is to:

- Establish a maximum building height of RL133 for the Precinct;
- 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 which incentivise total precinct amalgamation through additional building height and preserve solar access to Doris Fitton Park between 12pm – 2pm (refer to *Part 1 – Objectives and Intended Outcomes* of this report).

Future development of the Precinct will also be guided by 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 in collaboration with North Sydney Council, prior to final endorsement.

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 within 200m of the Victoria Cross Metro Station. The Precinct is also located on the periphery of the B3 Commercial Core, with the North Sydney CBD. This strategically located site 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, a new pocket park and improved pedestrian linkages will support the evolution of the North Sydney CBD into a greener and cleaner world class business, entertainment and residential 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 an Amended Planning Proposal
- Section 7: Planning Proposal
- Section 8: Mapping to accompany the proposal;
- Section 9: Description of the community consultation process; and
- Section 10: Project timeline.

This Planning Proposal is accompanied by the following specialist reports:

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 |
| Stakeholder Engagement Report | KJA | Appendix D |
| Draft VPA | Mills Oakley / Urbis | Appendix E |
| Traffic Impact Assessment | Arup | Appendix F |
| View Impact Assessment | Richard Lamb | Appendix G |
| Heritage Impact Assessment | Weir Phillips | Appendix H |
| Landscape Concept Report | Aspect Studies | Appendix I |
| Environmental Site Assessment | Aargus | Appendix J |
| Aeronautical Impact Assessment | Strategic Airspace | Appendix K |
| Wind Impact Assessment | Windtech | Appendix L |
| Economic Impact Assessment | Hill PDA | Appendix M |
| Hydraulic Report | Harris Page and Associates | Appendix N |
| LEP, SEPP65 and DCP Compliance | Urbis | Appendix O |

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 9th largest commercial core and Sydney's 3rd largest, with over 800,000m² 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 transforming, 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 McLaren Street;
- The recently approved Victoria Cross Over Station Development (SSD 10294), which includes a commercial officer tower up to RL230, delivering 61,500m² of commercial GFA;
- Amendment No. 23 to the NSLEP 2013 which increased the building heights within the B3 Commercial Core zone, maximising the commercial floor space capacity of the CBD by up to 530,000m² of additional commercial GFA;
- The endorsed Ward Street Precinct Masterplan which includes a number of key sites identified for substantial increased height and density, with the potential to deliver 170,987m² – 189,811m² of GFA within maximum building heights of up to RL285. The key sites include the council owned car park and the Ausgrid site;
- The draft Civic Precinct Planning Study which includes increased heights and densities to the north of the Ward Street Precinct; and
- 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 3** 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

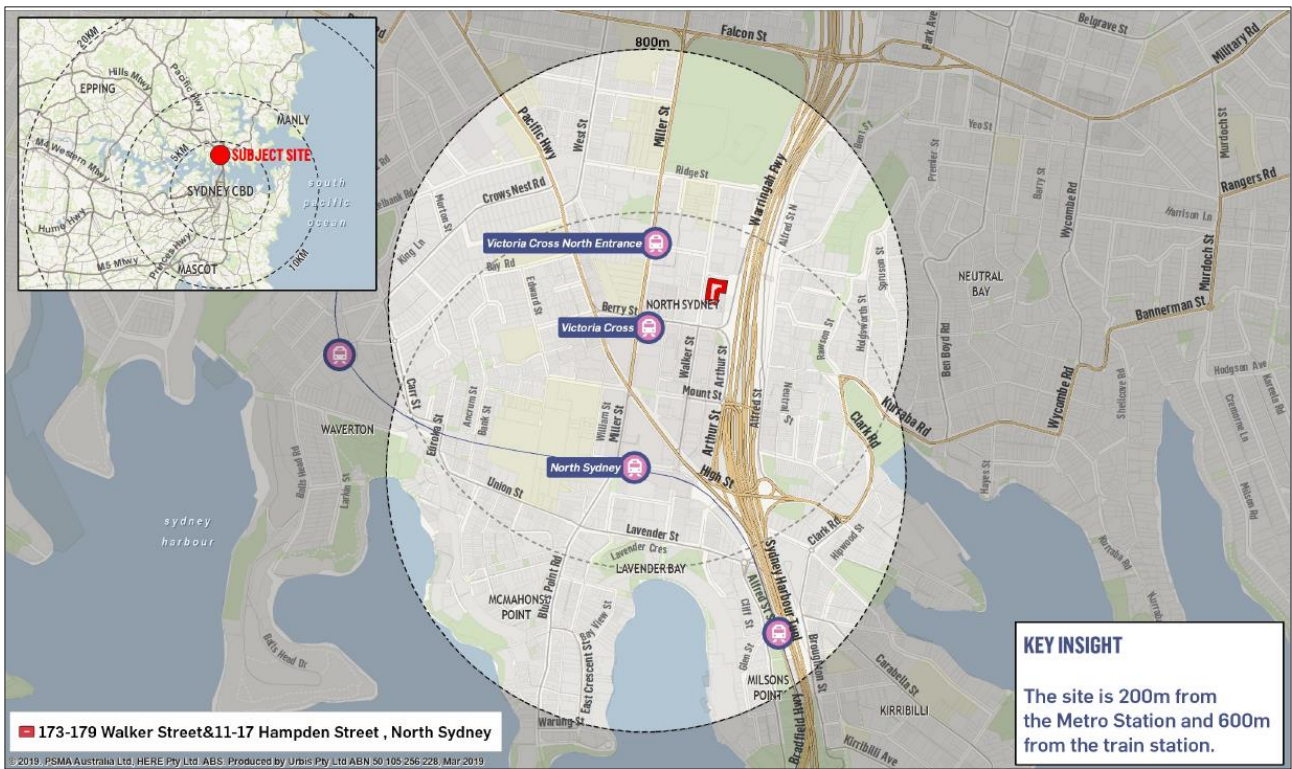
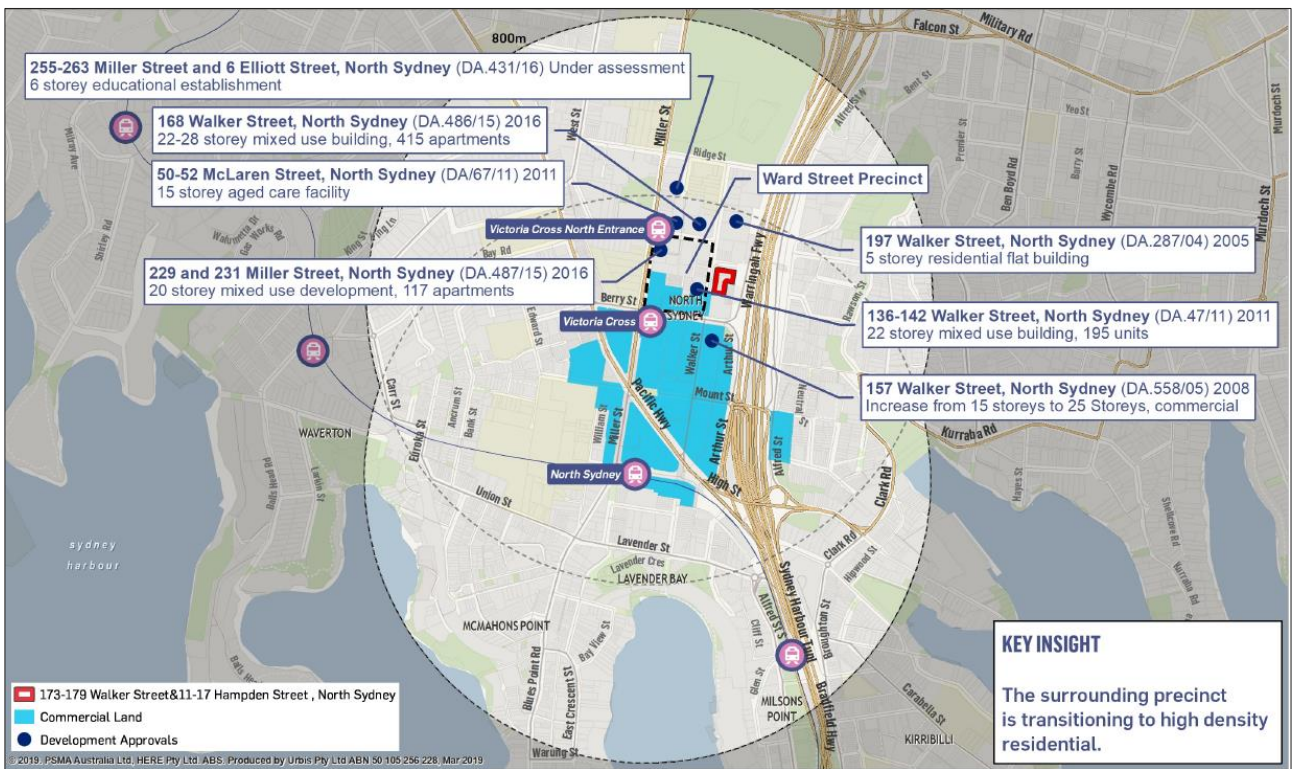


Figure 3: Surrounding development activity



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 3,949m². 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 ² | <ul style="list-style-type: none"> • Three storey residential flat building comprising 6 strata titled units. • Pedestrian access to the second floor, with on-street parking provided along Walker Street |
| 175 Walker Street (SP 86752) 505.69m ² | <ul style="list-style-type: none"> • Three storey residential flat building comprising 6 strata titled units. • Pedestrian access to the second floor, with on-street parking provided along Walker Street. |
| 177 Walker Street (SP 9808) 506.06m ² | <ul style="list-style-type: none"> • Three storey residential flat building comprising 6 strata titled units. • Pedestrian access to the second floor, with on-street parking provided along Walker Street |
| 179 Walker Street (SP 64615) 809.33m ² | <ul style="list-style-type: none"> • Three storey residential flat building comprising 6 strata titled units. • Pedestrian access to the second floor, with on-street parking provided along Walker Street |
| 11 Hampden Street (Lot 1 in DP119732) 800m ² | <ul style="list-style-type: none"> • Part three, part four storey residential flat building comprising 19 apartments • Vehicular access off Hampden Street |
| 15 Hampden Street (Lot 1 in DP591516) 542m ² | <ul style="list-style-type: none"> • Single storey detached dwelling • Vehicular access off Hampden Street |
| 17 Hampden Street (Lot 2 in DP591516) 267m ² | <ul style="list-style-type: none"> • Single storey detached dwelling • No off-street vehicular parking |

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



Source: SJB

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 5th 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.

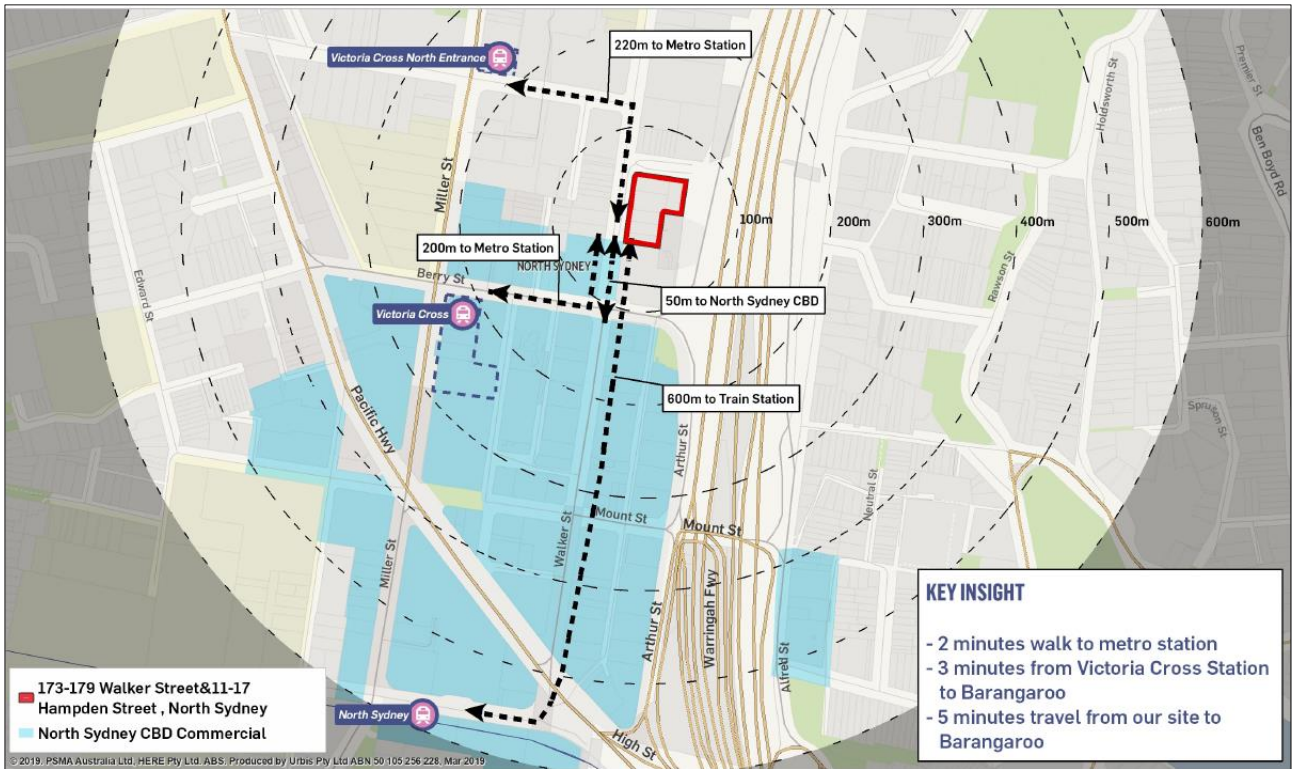
Victoria Cross will be accessed via the pedestrian plaza opening up onto Miller, Denison and Berry Streets. A secondary pedestrian entrance will be located at 50 McLaren Street, providing for underground connectivity between the two access points. This puts the Precinct within 200m of the Metro station.

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

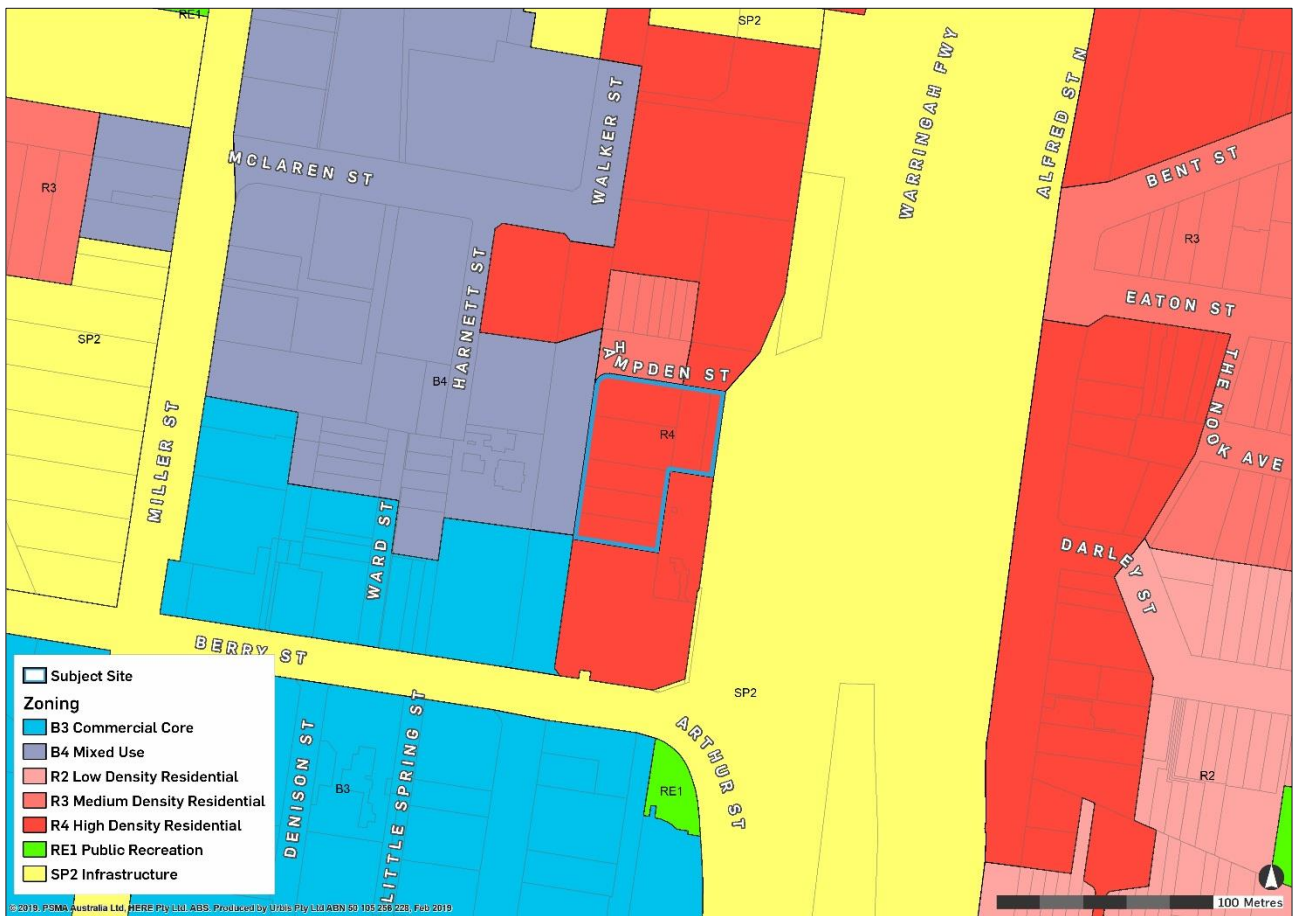


Table 3: R4 High Density Residential zone objectives and permissibility

| | |
|-------------------------------------|---|
| <p>1. Objectives of zone</p> | <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a high density residential environment.</i> <i>To provide a variety of housing types within a high density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>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.</i> |
|-------------------------------------|---|

| | |
|------------------------------|--|
| | <ul style="list-style-type: none"> To ensure that a reasonably high level of residential amenity is achieved and maintained. |
| 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; Residential flat buildings ; 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



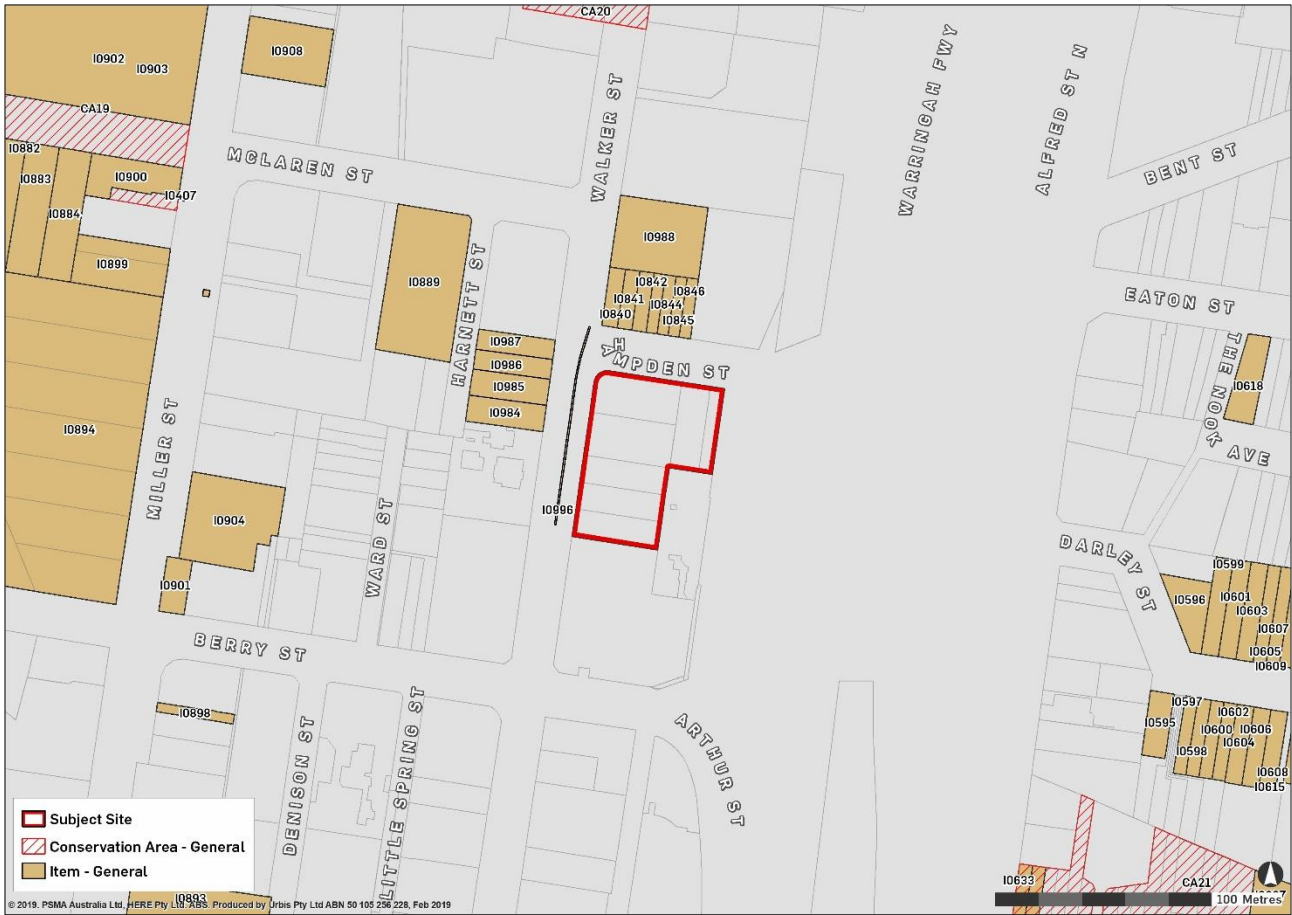
3.1.4. Heritage Conservation

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 MASTER PLAN (2016)

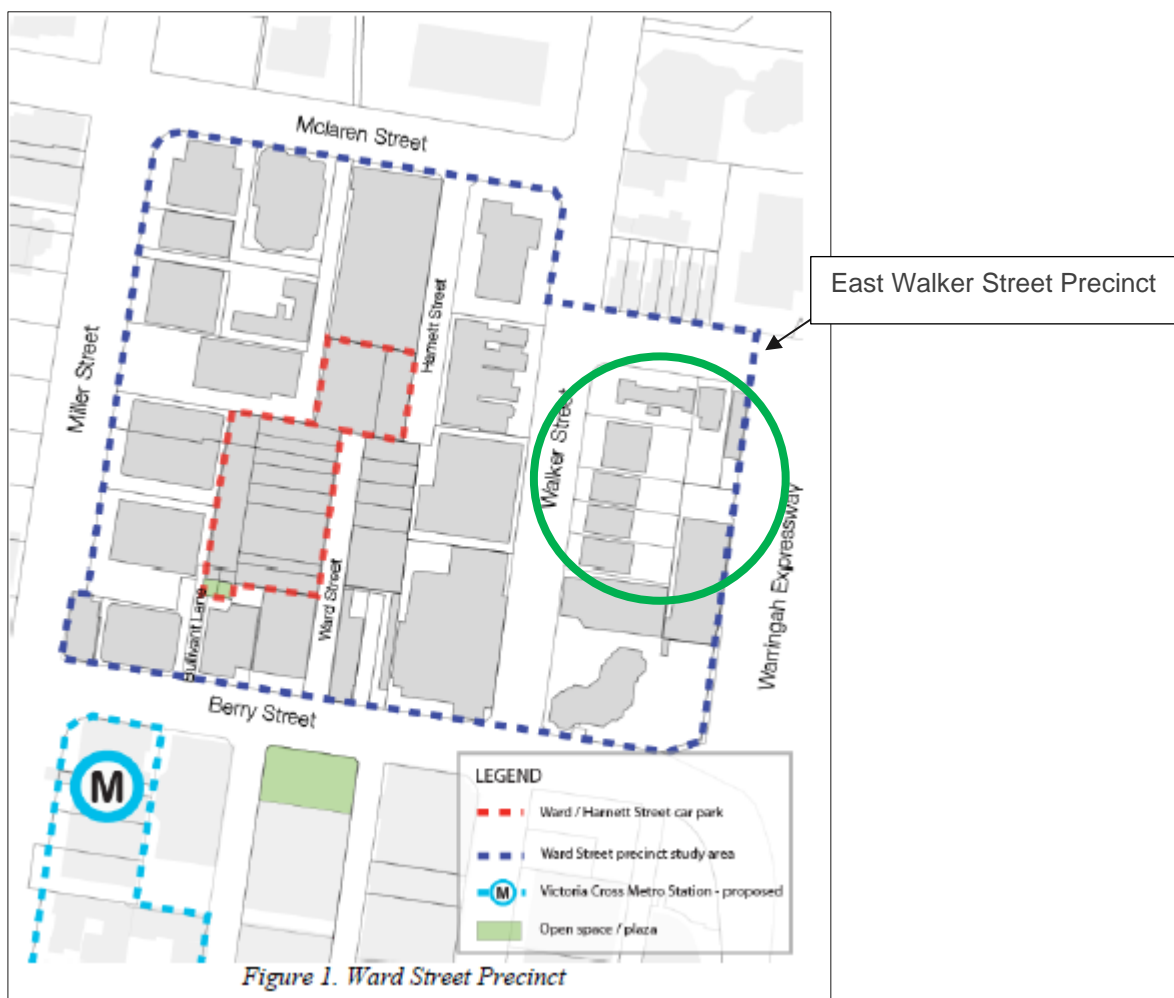
North Sydney Council identified significant opportunity for urban renewal and transformation within and around the Ward Street Precinct. This coincided with the termination of the Wilson car park lease, the introduction of the Metro Station and the partial decommission of the Ausgrid substation.

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 (EOI) from external consultants to assist in the preparation of the Ward Street Precinct Masterplan (WSPM).

On 14 June 2016, the WSPM 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



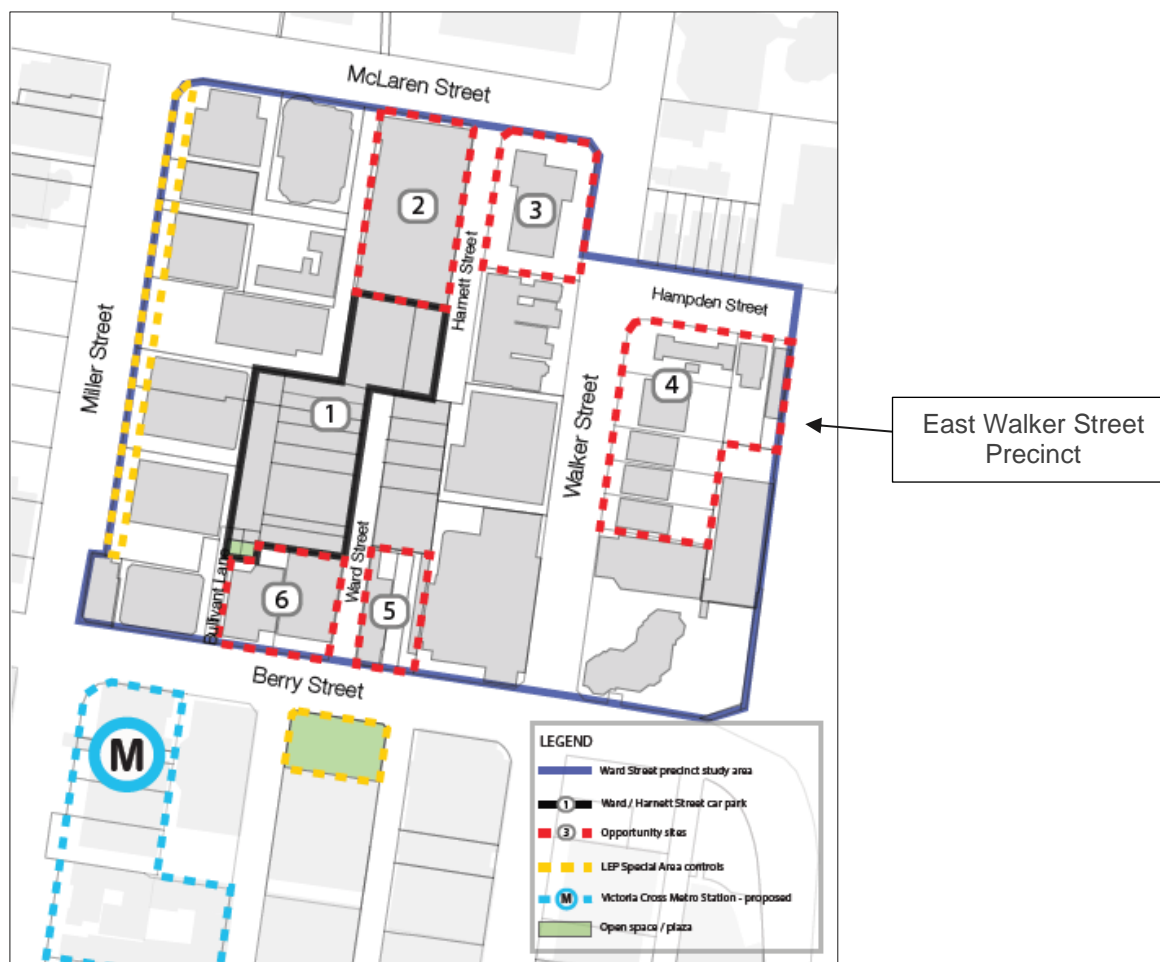
Source: North Sydney Council Report, Item CiS04, dated 14/06/16

On 8 November 2016, the WSPM 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 WSPM 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)

On completion of the Stage 1 WSPM study, Council elected to engage new consultants, taking on board feedback to develop the Stage 2 WSPM.

Stage 2 was publicly exhibited between 7 August and 8 October 2018 and included 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.

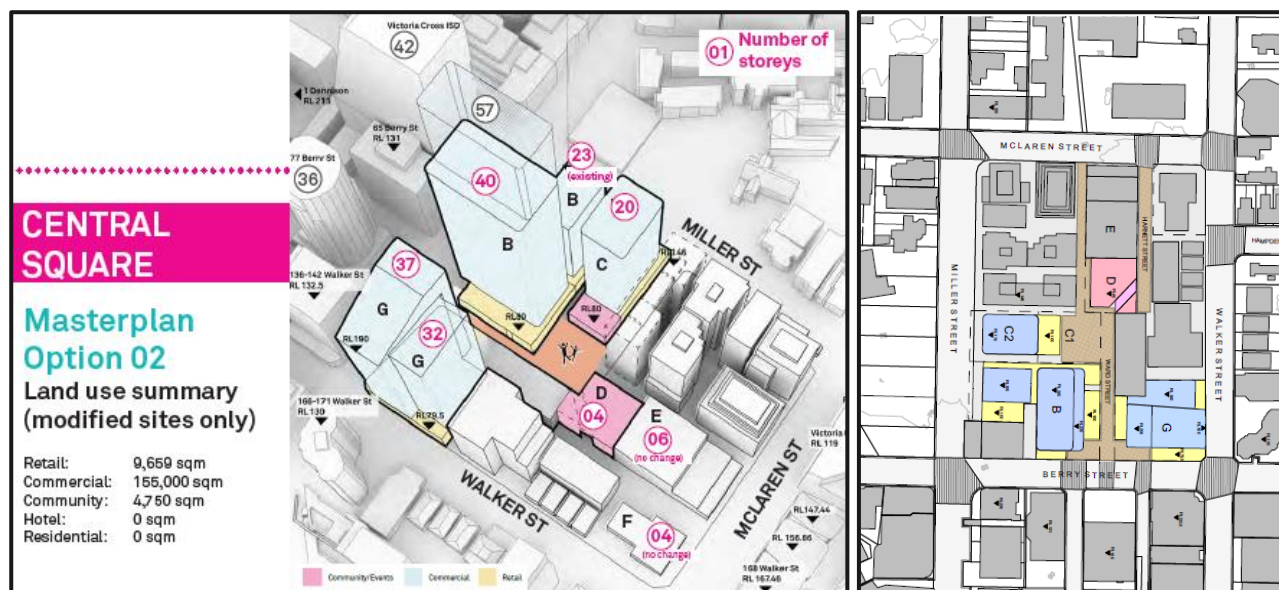
The Central Square option sought to deliver B grade commercial space and focused heights and densities at the northern end of the Ward Street Precinct. This outcome provided a smaller consolidated civic space within the centre of the precinct, restricting future development to the north.

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)



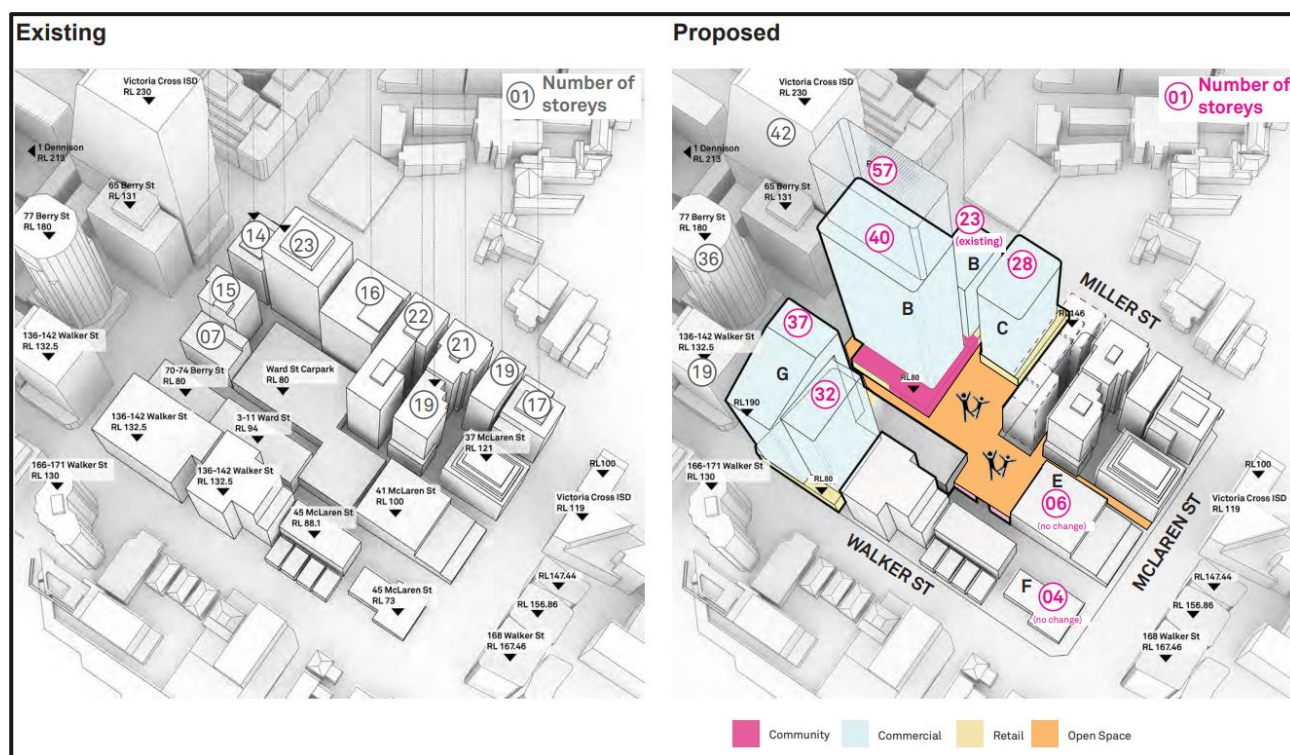
Figure 20: Central Square (Option 2)



On 24 June 2019, Council resolved to endorse the finalised Stage 2 WSMP, as amended (refer to **Figure 21**). The endorsed WSMP invites landholders to pursue Planning Proposals that reflect the outcomes of the master plan.

The endorsement of the WSMP is significant as it now establishes a clear plan in terms of land use, building heights and scale, open space and pedestrian connections. The built form outcomes, public domain strategy and pedestrian connectivity have been reflected in this Planning Proposal to ensure achievement of a holistic urban design outcome.

Figure 21: Final Ward Street Master Plan Built Form



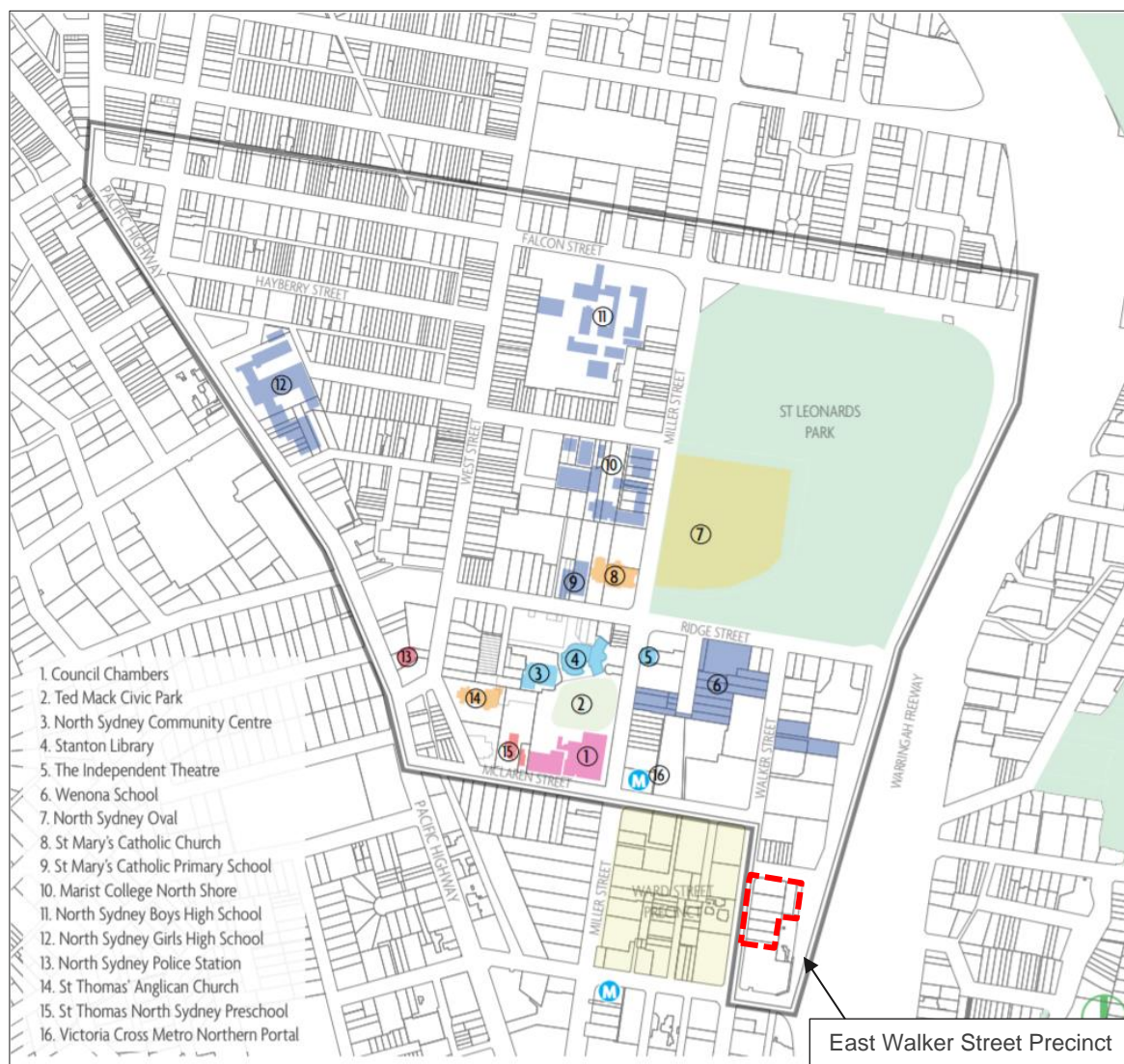
4.3. DRAFT CIVIC PRECINCT PLANNING STUDY

The draft Civic Precinct Planning Study (the Study) was on exhibition between 18 May 2020 and 20 July 2020. The Study has been prepared in response to the construction of the Victoria Cross Metro Station and the significant transformation to the areas surrounding the Study area. The Study area is bound by McLaren Street, Pacific Highway, Falcon Street and the Warringah Freeway.

The East Walker Street Precinct forms the south eastern extent of the Study area and is identified as a significant site.

It is noted that the Proponent has been actively progressing planning for and within this Precinct since 2016, well in advance of the Study and at such time when the East Walker Street Precinct formed part of the WSPM. By virtue of the Precincts location, residential land use zoning, semi-developed nature and progressed planning status, the East Walker Street Precinct should be excised from the Study area so that it can continue to be progressed by the Proponent (refer to **Figure 22**). Notwithstanding, this Planning Proposal has been amended to address the relevant design guidelines identified in the Study, for the East Walker Street Precinct.

Figure 22: Civic Precinct Study Area



Source: Civic Precinct Planning Study

4.3.1. Inconsistencies between the Study and the Gateway Determination

Whilst the Study is an aspirational strategy until such time that the final design of the Western Harbour Tunnel (WHT) is resolved, there are notably inconsistencies which prevail between Council's Study and the Gateway Determination issued for this Planning Proposal, as documented in the following points.

1. Land use

The draft Study seeks to rezone the Precinct from R4 High Density Residential to part B3 Commercial and part B4 Mixed-Use.

This suggested rezoning is presented in the absence of any evidence-based studies which would support this change in land use. In fact, the change in land use zone is contrary to the outcomes and recommended actions of the adopted North Sydney CBD Capacity and Land Use Study (CLU Study).

The CLU Study investigated the potential for lateral expansion to accommodate greater commercial and mixed-use floor space. An investigation of the Hampden Precinct (currently referred to as the East Walker Street Precinct) was undertaken, due to the relatively unconstrained and underutilised nature of the precinct.

This Study established that, in the short term, *“lateral expansion for additional commercial space is not required”* and that it *“is preferred that significant commercial growth is contained within the existing commercial core.”*

What this Study has revealed is that there is very limited ability to deliver high density housing in proximity to the Metro station, within the existing residential or mixed-use zones. This is because the locality is significantly constrained by heritage listings, conservation area listings, existing large strata titled arrangements or overshadowing sensitivities.

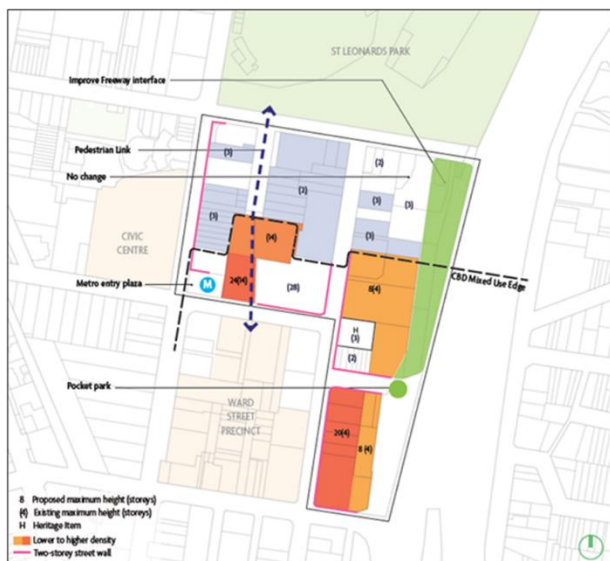
Council's proposed rezoning of the site from R4 High Density Residential to B3 Commercial Core and B4 Mixed Use is completely unfounded and thwarts the potential on a relatively constraint free suitably zoned site to facilitate additional housing in close walking distance of the CBD and public transport. The Study is also inconsistent with the decision of the Planning Panel and the Gateway Determination, which supports the redevelopment of the site for residential purposes. Noting that this Precinct and the land along this eastern portion of Walker Street is established with residential land uses.

2. Height

The LEP amendments to the maximum height of buildings and the measures introduced to restrict overshadowing to Doris Fitton Park, as documented in this Planning Proposal, have been extensively considered by the Planning Panel. The urban design analysis prepared by SJB (**Appendix A**) demonstrates that the building envelopes and heights are suitable for the site and surrounding context. The Sydney Planning Panel has provided support and a Gateway Determination has been issued for a maximum building height of RL148 (29 storeys).

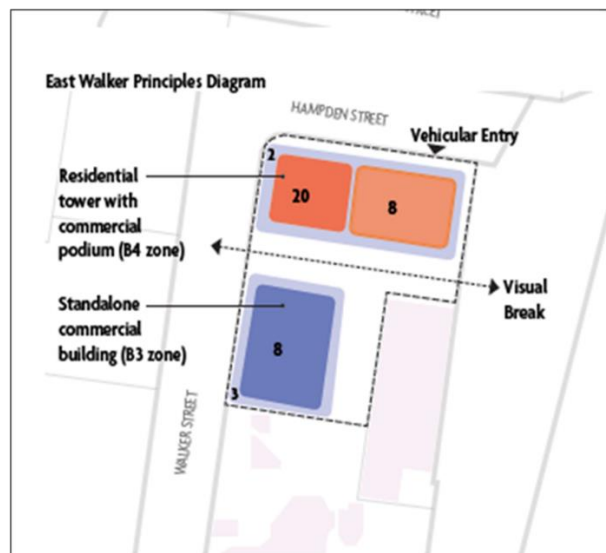
The Study proposes building heights of 8 storeys and 20 storeys. This is inconsistent with the current Planning Panel decision and that of the Gateway Determination. We also note the Study maps two different building heights over the Precinct, presenting confusion and an inconsistent and flawed approach (refer to **Figure 23** below).

Figure 23: Mapped building heights for the East Walker Street Precinct



Picture 1 A vibrant mixed-use fringe

Source: Civic Precinct Planning Study



Picture 2 Significant Sites Guidelines

Source: Civic Precinct Planning Study

The endorsed height of RL148 for the East Walker Street provides a height transition down from the planned heights of RL168 - RL225 within the Ward Street Precinct. The envelope massing process was based on urban design principles established by North Sydney Council for the Ward Street Precinct Masterplan to ensure continuity between the CBD, Ward Street and East Walker Street Precincts.

There is no logical planning basis or demonstrable improved environmental amenity outcome for the draft Study to vary building heights on the site, from that which are documented within the Planning Proposal.

3. Minimum non-residential FSR

Pursuant to the Gateway Determination and the Sydney Planning Panel decision, a residential FSR of 6.1:1 is deemed suitable for the Precinct.

The Study seeks to introduce a minimum non-residential FSR of 2:1, with a fully dedicated, small to mid-size commercial building along the southern end of Walker Street. The proposed minimum non-residential FSR control has been mapped over the site in the absence of any evidenced-based studies which would support the introduction of a minimum non-residential FSR on land zoned R4 Residential High Density. The minimum non-residential FSR is far greater within the Precinct than any other land, including existing land zoned B4 Mixed-Use. The introduction of a minimum non-residential FSR within a proposed B3 zone is also flawed, given that the B3 zone prohibits residential land uses.

4.3.2. Consistencies between the Study and the amended Planning Proposal

Notwithstanding the above, this Planning Proposal and the reference design is generally consistent with the design guidelines for the East Walker Street Precinct and the associated Civic Precinct Public Benefits. These include:

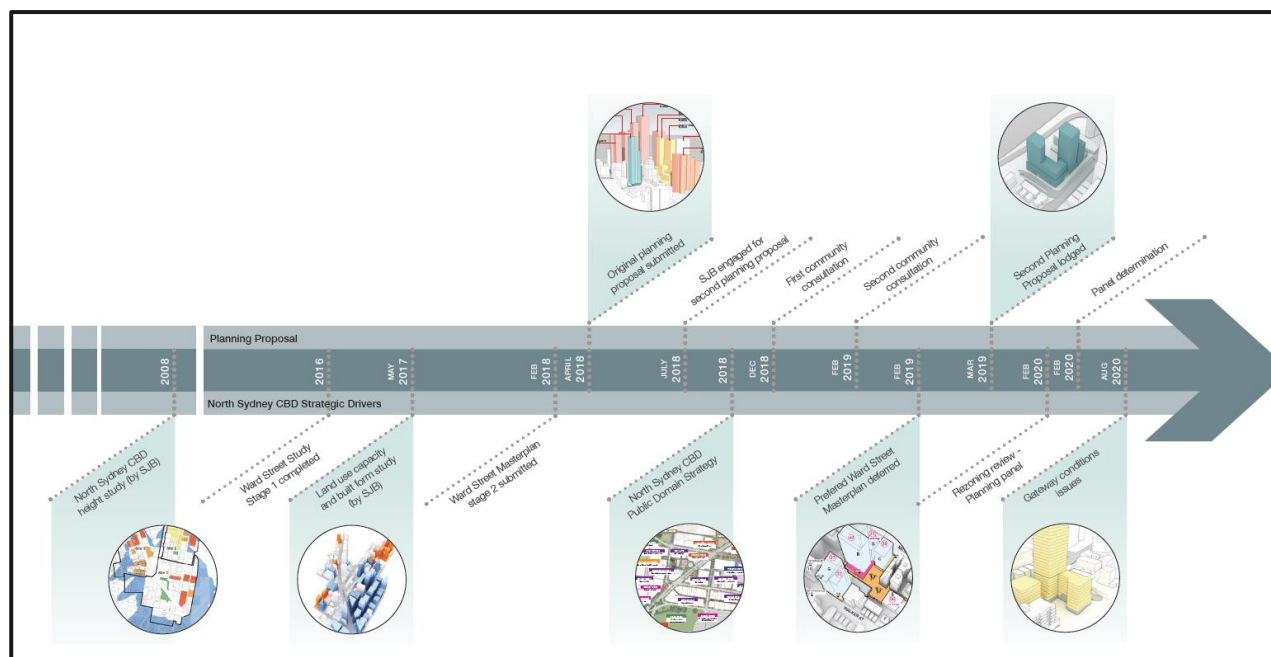
- ✓ A step down approach from Ward Street to the Warringah Freeway
- ✓ A 2-3 storey street wall along Walker Street with upper level setbacks of 3m
- ✓ A break between buildings to allow for filtered views from street to the rear landscaped areas
- ✓ No additional overshadowing to Doris Fitton Park
- ✓ New development to adopt view sharing principles with existing developments on western side of Walker Street
- ✓ New buildings should be designed to be respectful of heritage items in regard to bulk, scale and aesthetics
- ✓ New Pocket Park at the eastern end of Hampden Street
- ✓ Provision of affordable housing

The above design guidelines have been used to further refine the design of the building envelope and massing and are reflected in the draft DCP (**Appendix B**) and submitted draft Planning Agreement (**Appendix E**).

5. PLANNING PROPOSAL HISTORY

This section provides a summary overview of the planning history to date, noting that the Proponent first began negotiations with Council in 2016, when the site was identified by Council as an opportunity site.

Figure 24 Overview of Planning Proposal history



Source: SJB urban design report

5.1. ORIGINAL PLANNING PROPOSAL (2017)

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

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

On 30 January 2018, the Proponent lodged a rezoning review request with the Department of Planning and Environment (now referred to as DPIE), as Council had failed to determine the application within 90 days.

On 11 April 2018 The Sydney North Planning Panel (the Planning Panel) reviewed the Planning Proposal and determined that the proposal had demonstrated strategic merit but not site specific merit. The Panel strongly encouraged the Proponent and Council to work together to resolve the site specific issues and provided a set of site-specific criteria to be addressed within a revised proposal.

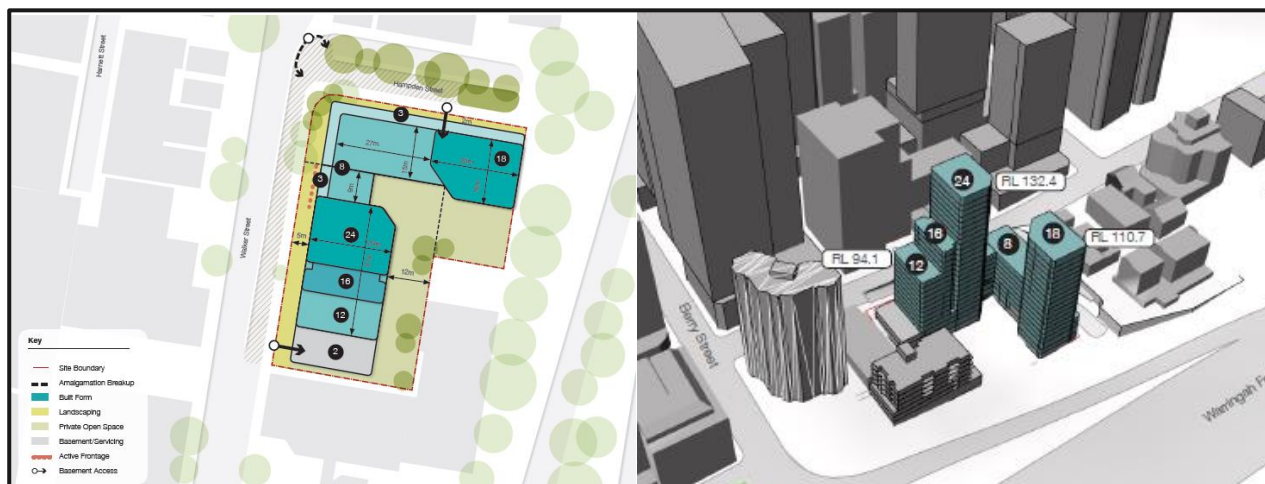
5.2. PLANNING PROPOSAL (2019)

Following the advice and direction of the Planning Panel, as outlined in **Table 4**, the Proponent prepared a revised Planning Proposal (2019). The Planning Proposal was lodged with North Sydney Council on 22 March 2019. At the time of lodgement, the Proponent had not yet obtained landowners consent from all affected parties. Therefore, two schemes were presented and included a 'base' scheme and an 'incentivise provision' scheme.

The base scheme sought to amend the NSLEP 2013 to introduce:

- A maximum building height of RL133 (24 storeys); and
- An FSR of 6.1:1.

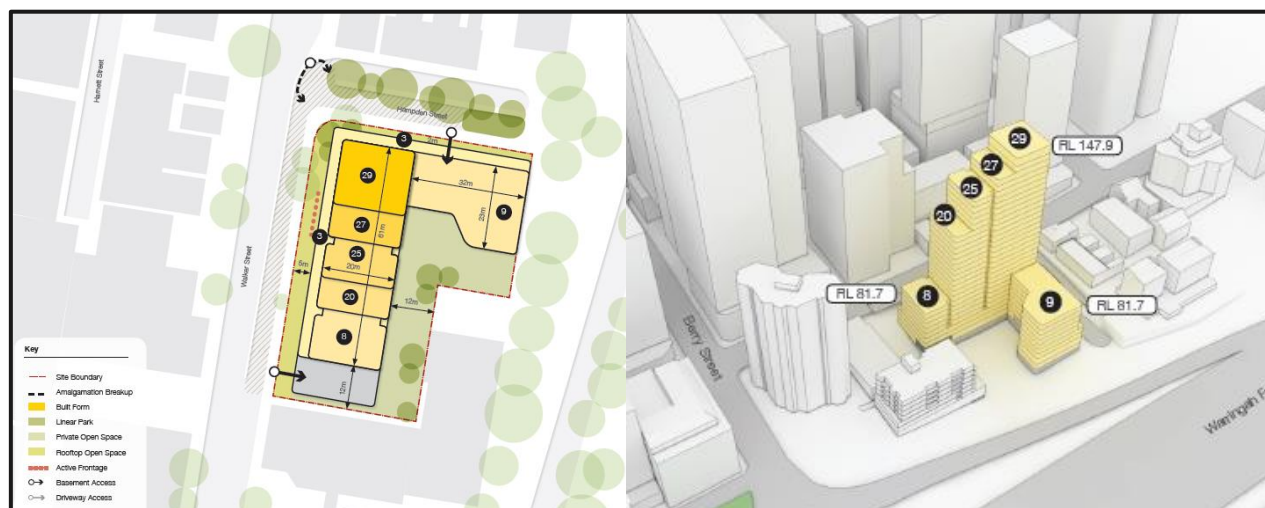
Figure 25: As lodged base reference scheme



The incentivised scheme sought to encourage Precinct amalgamation by introducing:

- A maximum building height of RL148 (29 storeys);
- An FSR of 6.9:1; and
- The introduction of an incentives provision clause.

Figure 26: As lodged incentive provision scheme



The two schemes were presented to the Planning Panel for their review and assessment.

5.2.1. Response to Panel's site-specific assessment criteria

The following table (Table 4) provides an explanation as to how the revised Planning Proposal addressed the site-specific criteria that the Panel outlined in their reasons for the decision on the original Planning Proposal.

Table 4: Response to Panel's Decision (2018)

| Panel's site-specific assessment criteria | Proponent's response to the site-specific criteria | Criteria met |
|--|--|--------------|
| 1. The planning proposal should incorporate the current site and the | 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. | Yes |

| Panel's site-specific assessment criteria | Proponent's response to the site-specific criteria | Criteria met |
|--|--|--------------|
| adjacent properties on Hampden Street | | Yes |
| 2. Consolidation of the site with the adjacent properties on Hampden Street | All adjacent Hampden Street properties have been incorporated into the Planning Proposal. The landowners for all properties at 173-179 Walker Street and 11-17 Hampden Street have provided landowners consent to the preparation of the Planning Proposal. The Planning Proposal includes controls which incentivises consolidation of the sites. | |
| 3. The site is more suited to residential than commercial use. | Noted. The concept is for high density residential consistent with the current R4 High Density Residential zoning. | |
| 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 maximum building height on the site has been reduced from RL210 (47 storeys) to RL148 (29 storeys).</p> <p>The proposed LEP amendments also include specific provisions which prohibit overshadowing on Doris Fitton Park, between 12pm – 2pm on June 21st.</p> <p>The proposed building envelope provides a height transition down from the planned heights of RL168 - RL285 within the Ward Street Precinct Masterplan to RL148 on the site, providing for a height transition which falls way to the Freeway.</p> <p>Acknowledging that 41 McLaren Street is not proceeding, the building envelopes have been modelled with regard to the existing height of adjacent buildings as well as the heights of buildings proposed within the endorsed Ward Street Precinct master plan.</p> | |
| 5. Views from the west should be maximised through the site | <p>The built form has been arranged to maximise views from the west, across the site.</p> <p>A maximum height of 8 storeys has been applied at the southern end to maintain key view lines across the site, from Belvedere. The built form then steps up to 28 storeys and 29 storeys where located towards Hampden Street. A 12m break has also been applied between the 8 storey building and the 28-29 storey tower, providing a view corridor through the site.</p> <p>An FSR of 6.1:1 further restricts the density within the Precinct, which is substantially lower than the opposing Belvedere, which has an FSR of 9.4:1.</p> <p>The View Impact Assessment has been undertaken by Richard Lamb and Associates (RLA) (Appendix G), in</p> | |

| Panel's site-specific assessment criteria | Proponent's response to the site-specific criteria | Criteria met |
|--|--|--------------|
| | <p>accordance with the Tenacity planning principle established in the Land and Environment Court of New South Wales (<i>Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours</i>).</p> <p>RLA advised that “<i>in analysing the viewer sensitivity, notwithstanding that the composition of views to the east would change for some of the closest neighbours to the site, it was concluded that the majority of private domain view loss would not include highly valued iconic features as defined in Tenacity.</i>”</p> <p>The information documented by RLA has assisted SJB in forming building envelopes that enable equitable view sharing thereby maximising view corridors from the west to east.</p> <p>The report concluded that the reference design provided an acceptable view sharing outcome, and that the Planning Proposal and any subsequent DA can be supported on visual impact grounds. Impacts were minor because most scenic features, icons and highly valued features in the composition of views exist in oblique views to the south-east and south and will be unaffected by the massing proposed.</p> | |
| 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 Stakeholder Engagement Report -Appendix D).</p> <p>Further details regarding vehicular movement is outlined within the Traffic Impact Assessment Report provided in Appendix F.</p> | Yes |
| 7. Public consultation should be undertaken prior to consideration of a further proposal | <p>Community consultation has been undertaken by KJA and the Proponent and is documented in Appendix D.</p> <p>KJA 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. The feedback was used to refine the scheme for 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 www.eastwalkerstreet.com.au which contained project information and an online survey for feedback.</p> | Yes |

| Panel's site-specific assessment criteria | Proponent's response to the site-specific criteria | Criteria met |
|--|--|--------------|
| 8. Overshadowing east of the freeway should be minimised | <p>The proposed height has been reduced from 47 storeys to a 28-29 storey tower that bookmarks the north western corner of the site. The tower is joined by two smaller 8 storey buildings extending along the Walker Street and Hampden Street frontages. 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 21st.</p> | Yes |
| 9. Any future proposal should include a draft DCP | <p>This Planning Proposal includes a draft amendment to Part C – Character Statements, Section 2.4 Hampden Neighbourhood of the NSDCP 2013.</p> <p>The amendment to the DCP will enable a new section to be inserted, being <i>2.4.4 East Walker Street Precinct Controls. (Appendix B)</i></p> <p>The East Walker Street Precinct will form a sub-precinct of the Hampden Neighbourhood, and provides specific building envelope controls to guide future development within the Precinct.</p> | Yes |
| 10. Provision of well-connected open space on the site | <p>As illustrated by the draft DCP and building envelope controls, well connected open space is provided within the rear setback 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, with 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.</p> <p>In response to the community feedback, the reference scheme includes substantial public domain improvements within Walker Street and Hampden Street to create the Hampden Street pocket park and a pedestrian and vehicular shared zoned coupled with large canopy trees, bench setting</p> | Yes |

| Panel's site-specific assessment criteria | Proponent's response to the site-specific criteria | Criteria met |
|---|--|--------------|
| | <p>and a café that opens out onto the streetscape. These improvements will significantly enhance the sense of place, and pedestrian connections to the Ward Street Precinct and the Victoria Cross Metro Station.</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 Studios (Appendix I).</p> | |

5.2.2. North Sydney Council Determination

On 30 August 2019, Council notified the Proponent that it will not support the proposed amendment and a request for a rezoning review was subsequently lodged with DPIE on 2 September 2019 (RR_2019_NORTH_005_00).

5.2.3. Rezoning Review & Planning Panel Decision

On 20 February 2020, the Sydney North Planning Panel determined that the Planning Proposal demonstrates strategic merit and site-specific and should be submitted for a Gateway determination.

The Panel notes in their decision that:

“Council and the Panel accept that the current proposal has responded to the issues raised in the prior planning proposal, albeit further detail is required as to certain matters and is a site which has capacity and should be the subject of controls to allow greater densityThe Panel accepts that the building typology in the reference schemes and that anticipated in the DCP does need further work. However, that work does not preclude the matter progressing to Gateway where these matters can be adequately addressed.”

The Panel, in their assessment, provided the following commentary for consideration with the issue of the Gateway Determination:

- *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 to 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 Hampden Street to also 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*

5.2.4. Planning Panel Appointment as PPA

Following the rezoning review, North Sydney Council were invited to continue the role of planning proposal authority (PPA) but declined.

In accordance with section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has considered the matter and determined to appoint itself as the PPA.

5.3. GATEWAY DETERMINATION

On 6 July 2020, the DPIE issued a Gateway Determination, supporting the proposed amendments to the NSLEP 2013 to facilitate the residential redevelopment of the East Walker Street Precinct.

The Gateway requested that the following conditions be satisfied prior to public exhibition:

Table 5: Response to Gateway conditions

| Gateway conditions | Response |
|--|---|
| <p>The Planning Proposal, Urban Design Report and Draft Site Specific Development Control Plan are to be updated to consider the Sydney North Planning Panel's recommendations to:</p> <ol style="list-style-type: none"> Demonstrate a new special provisions scheme which is compliant with the revised proposal considering the removal of the proposed bonus FSR provision. Reconsider the podium based built form to better respond to the site's residential zoning and impacts on nearby heritage properties; 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; better mirror the rhythm and bulk of adjacent heritage items located on the northern side of Hampden Street; and Consider the design guidelines contained in North Sydney Council's draft Civic Precinct Planning Study. | <p>The Planning Proposal, Urban Design Report and Draft DCP have been updated to:</p> <ul style="list-style-type: none"> Include a revised reference scheme which has a maximum height of RL148 and an FSR of 6.1:1. The maximum height any buildings on the site are based upon the protection of solar access to Doris Fitton Park. The podium base built form has been amended to include a 2-3 storey street wall height with a 3m landscaped upper level setback. A physical break has been provided between the two building forms along Walker Street, to allow for a view corridor through the site. The podium, as it fronts Hampden Street, has been revised to include a number of breaks and articulation which rhythms the heritage buildings to the north. The design guidelines of the draft Civic Precinct Planning Study have been considered and the reference scheme has been amended to reflect the relevant key considerations. |
| <p>The revised proposal and design 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.</p> | <p>As confirmed by the submitted urban design report and the traffic report, the amended reference design does not result in any greater overshadowing impacts or further loss of on street parking, from that which was submitted as part of the 2019 Planning Proposal.</p> <p>The Planning Proposal did not include the provision of public open space within the East Walker Street Precinct. As part of the public benefit offering, the Proponent proposes to transform the eastern extent of Hampden Street into a pocket park (council owned land). This is consistent with the outcomes of the draft Civic Study. The amended Planning Proposal does not reduce the provision of public open space.</p> |

| Gateway conditions | Response |
|---|--|
| The planning proposal is to be updated to include a discussion outlining its consistency with both the North Sydney Local Strategic Planning Statement and North Sydney Local Housing Strategy. | Refer to Section 7.4.2 which provides a response to the LSPS and North Sydney LHS. |
| Should it be determined that the proposed development requires a permit to conduct a controlled activity within the prescribed airspace under the <i>Airports Act 1996</i> , 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. | <p>As confirmed by the submitted Aeronautical Impact Statement (Appendix K), the maximum building height of RL148, is below Sydney Airport's Obstacle Limitation Surfaces (OLS) height of 156m AHD and therefore would not require prior airspace approval.</p> <p>Given the OLS height is 8m greater than the maximum building height, there is ample height clearance for a crane. Cranes that would not infringe the OLS would not require a prior approval under the Airports (Protection of Airspace) Regulations.</p> |

5.4. AMENDED PLANNING PROPOSAL (2020)

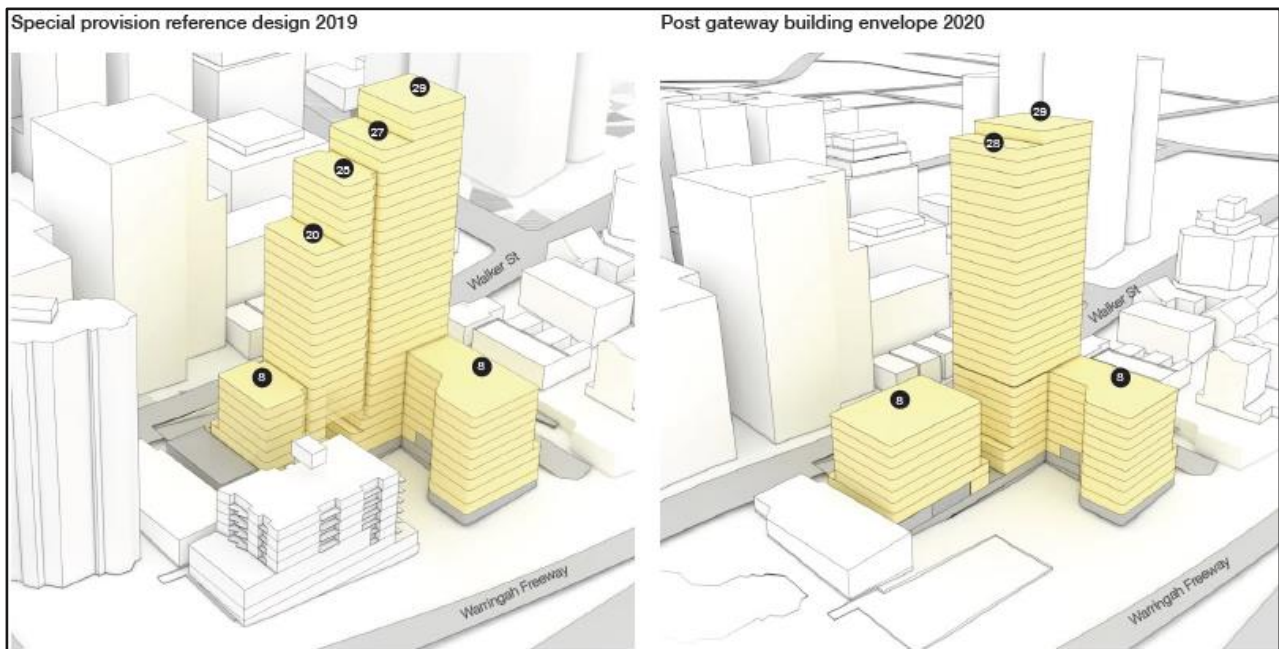
Following the advice and direction of the Planning Panel and the conditions of the Gateway Determination, as outlined in **Table 5**, the Proponent amended the Planning Proposal (2020) and prepared a refined reference scheme.

Primarily, the amendments include:

- A revised reference scheme and amended LEP controls which include a maximum height of RL148 and an FSR of 6.1:1, based on Precinct amalgamation;
- An alternative reference scheme, with a maximum height of RL133 and an FSR of 6.1:1, based on an unamalgamated site;
- A physical break in the built form fronting Walker Street to allow for a view corridor through the site;
- The introduction of a 2-3 storey podium with a 3m upper level landscaped setback to create a human scale in response to the residential land use zoning and in line with the heritage datum;
- Articulation within the podium level where fronting Hampden Street to mimic the rhythm of the heritage items to the north; and
- Further refined open space strategy as part of the delivery of the Hampden Street pocket park.

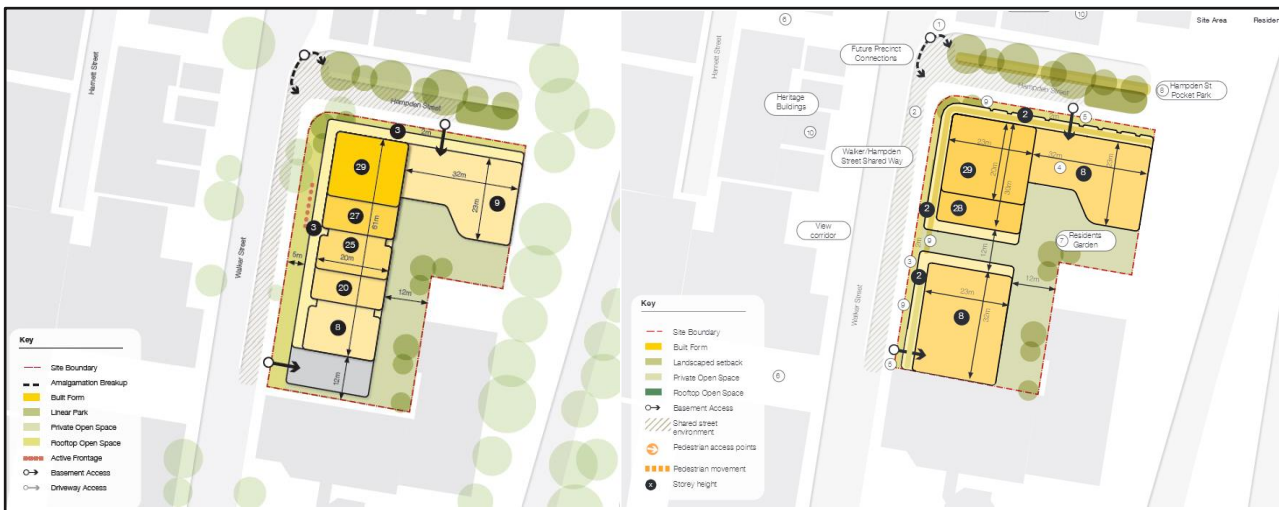
A comparison between the reference scheme which formed part of the Planning Proposal submission and the amended Planning Proposal is provided in **Figure 27** below.

Figure 27 Comparison between the as lodged reference design and the refined reference design – 3D view



Source: SJB

Figure 28: Comparison between the as lodged reference design and the refined reference design – aerial view



Source: SJB

6. THE REFERENCE SCHEME

6.1. REFERENCE SCHEME GUIDANCE

A reference scheme has been prepared by **SJB Urban** and **Aspect Studio**. SJB has collaborated with the Proponent, 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 the *East Walker Street Precinct*).

The development of the reference scheme has been informed by:

- The Planning Panels assessment of the original Planning Proposal and the site-specific criteria;
- The Planning Panels assessment of the amended Planning Proposal (2019);
- The Gateway Determination issued by DPIE;
- The Community Consultation outcomes;
- The endorsed Ward Street Precinct Masterplan; and
- The Civic Study design guidelines.

Together, the advice and guidance has enabled SJB to formulate a set of robust design principles, as discussed further below.

6.1.1. Design Principles

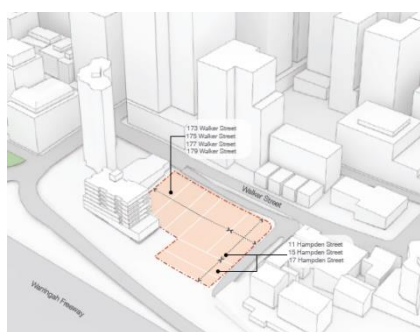
The design strategy has been specifically tailored to respond to the constraints and characteristics of the Precinct and surrounds whilst incorporating the key principles identified within the WSMP, the community consultation and engagement outcomes and the relevant guidelines within the Civic Study.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

- **Precinct planning:** A holistic approach to redevelopment of the Precinct has been achieved through the inclusion of all developable land parcels (Walker Street and Hampden Street). This provides opportunities for a range of building envelopes, public domain improvements and site planning opportunities.
- **Street wall:** The streetscape responds to the local character and takes cues from the adjacent buildings to inform a street wall height that compliments the surrounding built form.
- **Street setback:** Introduction of a landscaped setback to improve the street amenity and degree of deep soil planting.
- **Public Domain:** Contribute to the ideology of a walkable and well-connected community through the provision of a shaved pedestrian and vehicular paved environment within Walker Street, enhancement of the Hampden Street community garden and the establishment of the Hampden Street pocket park, as documented in the Civic Study
- **Site access:** The existing access arrangement to Walker Street and Hampden Street is 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.
- **Podium setbacks and heritage response:** 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. This includes articulation of the podium along Hampden Street and a two storey street wall height that wraps around Walker Street and Hampden Street, with landscaped upper level setbacks.
- **Height transition:** Utilising the building heights established within the endorsed WSMP and neighbouring approved / developed building heights, the proposed heights have been designed to transition and fall away to the east.

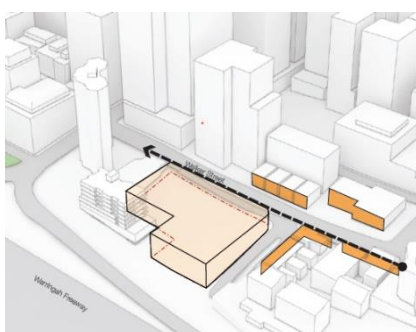
- **Overshadowing:** The single tower form has been positioned on the site to minimise solar impacts to neighbouring residential development and is contained within the solar access plane so that it has no additional overshadowing to Doris Fitton Park between 12pm – 2pm on June 21.
- **Apartment Design Guidelines (ADG):** The ADG further refines the design through building separation, cross-ventilation and solar provision to the proposed development and neighbouring residential buildings. The reference design demonstrates that compliance with the ADG is capable of being achieved.
- **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.

Figure 29 below illustrates graphically how the reference scheme has been developed based upon the adopted design principles.

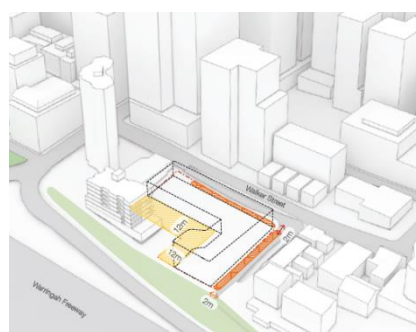
Figure 29: Design principles used to inform the reference scheme



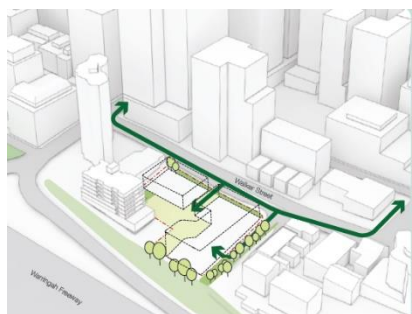
Picture 3 Precinct planning



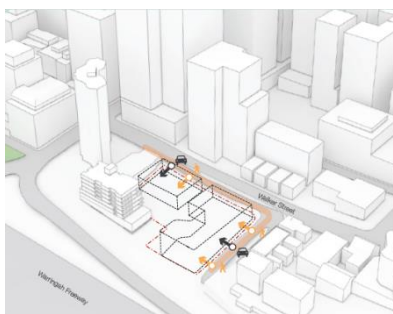
Picture 4 Street wall



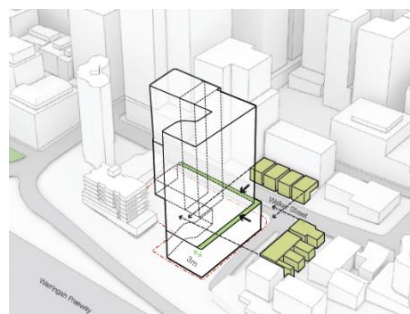
Picture 5 Street setback



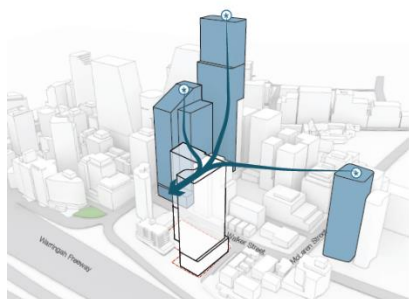
Picture 6 Public domain



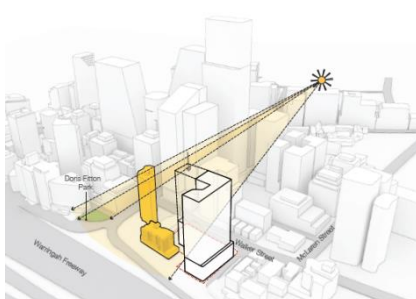
Picture 7 Site access



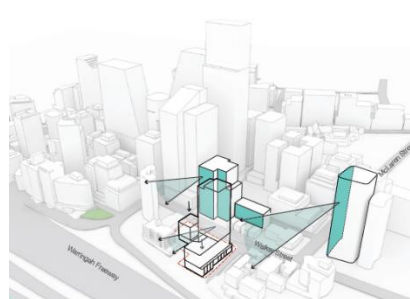
Picture 8 Heritage response



Picture 9 Height transition



Picture 10 Overshadowing



Picture 11 View sharing

Source: SJB

6.2. REFERENCE DESIGN

By applying the design principles, SJB have developed a reference design that demonstrates how future development could occur on the site and within the proposed building envelope. The reference design and building envelope take into consideration the:

- Maximum height of RL148;
- Maximum FSR of 6.1:1;
- Doris Fitton Park solar access plane;
- SEPP65 and the Apartment Design Guide;
- The site-specific DCP controls; and
- The urban design principles applying to the site.

The reference design includes a 28-29 storey (RL148) tower that frames the corner of Walker Street and Hampden Street. The tower is joined by two smaller 8 storey buildings extending along the Walker Street and Hampden Street frontages.

The Hampden Street wing includes a 2-3 storey street wall height with a 6 storey building above the podium. The 3 storey street wall height in the eastern corner is in response to the sites sloping topography, enabling the height datum of the podium to be retained. The podium base has been designed with a number of indentations and articulation zones within the façade which mimic the rhythm of the heritage dwellings to the north. The height, bulk and scale has been sensitively designed to be compatible with the future activation of Hampden Street as a public place, the landscaped nature and the built form which extends to the north, along the Warringah Freeway.

The Walker Street wing includes a 2 storey street wall height, with the podium base extending along the full frontage of the Walker Street and Hampden Street interface, with a 3m landscaped setback atop the podium. The Walker Street wing will an 8 storey building with a landscaped communal open space area above the basement entrance.

The stepping of the tower form and physical breaks between the buildings within the Walker Street wing has been designed in response to the Doris Fitton Park solar access plane, view sharing from the west to the east, solar access to neighbouring residential dwellings and physical breaks and articulation in the built form.

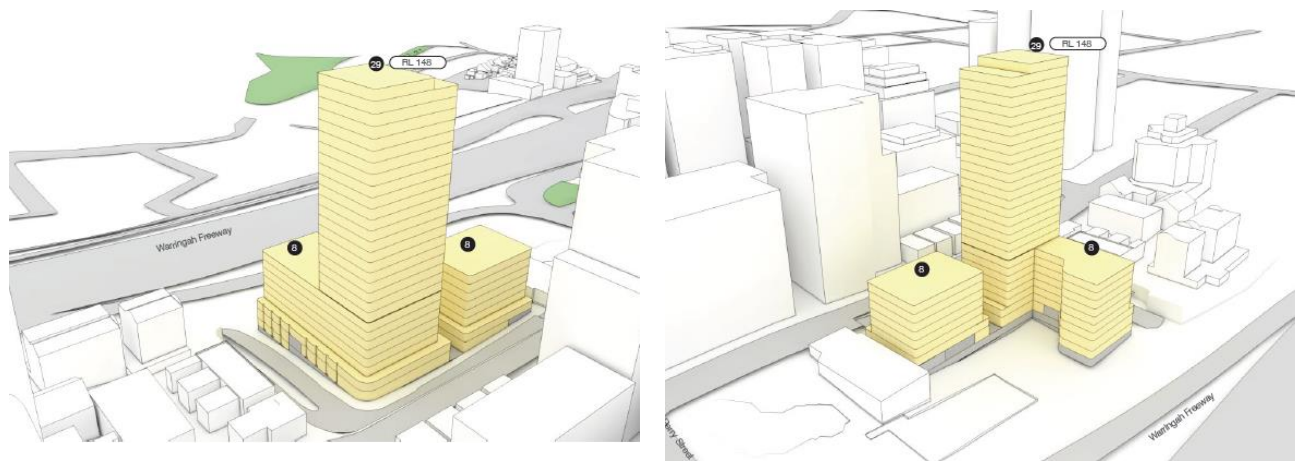
The built form envelope takes cues from the heritage datum to the north and north west of the Precinct, resulting in a street wall height of 3 storeys and a 3m podium setback above the street wall height. The tower at the southern part of Walker Street is reduced in a nil street wall height which mirrors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

Figure 30: 3D view of the proposed reference design



Source: SJB

Figure 31: Proposed master plan of the reference design



Source: SJB

6.2.1. Numerical Overview

The key numerical details of the reference scheme is provided in Table 6 below.

Table 6: Key numerical details

| Indicator | Development outcome | |
|-------------------|--|------------------------------------|
| Land Use | Residential accommodation Neighbourhood shop | |
| Height | RL148 / 29 storeys | |
| FSR | Total FSR of 6.1:1 GFA: 24,088m ² | |
| GFA | Residential | 24,008m ² |
| | Neighbourhood shop | 80m ² |
| Apartments | 254 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: | 208 car spaces |
| | Bicycle | 1 per dwelling + 1 per 10 visitors |
| | Total: | 233 bicycle spaces |

6.2.2. Land Use

The Planning Proposal seeks to retain the R4 High Density Residential zoning, providing a maximum GFA of 24,088m². The reference design includes the provision of a neighbourhood shop (café or the like to service the residents and Hampden Street Park)

It is anticipated that the redevelopment of the Precinct would accommodate approximately 254 residential dwellings. A neighbourhood shop is also proposed along the Walker Street frontage which would primarily service the residents of the Precinct.

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 endorsed Ward Street Master Plan, 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.

6.2.3. Height and built form

The Planning Proposal proposes a maximum building height of RL148 which will allow for a built form that steps across the site. A single slender tower of 29 storeys is proposed on the corner of Hampden and Walker Street, which steps down to 28 storeys and 8 storeys. A physical break is provided between the 28 storey and 8 storey tower, supporting a view corridor from the west to the east and through the site. An 8 storey built form extends from the tower form, to the west along Hampden Street.

Key considerations have included an assessment of site and surrounding constraints and the 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 7.4.3.

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 32: Height in context, as viewed from the north

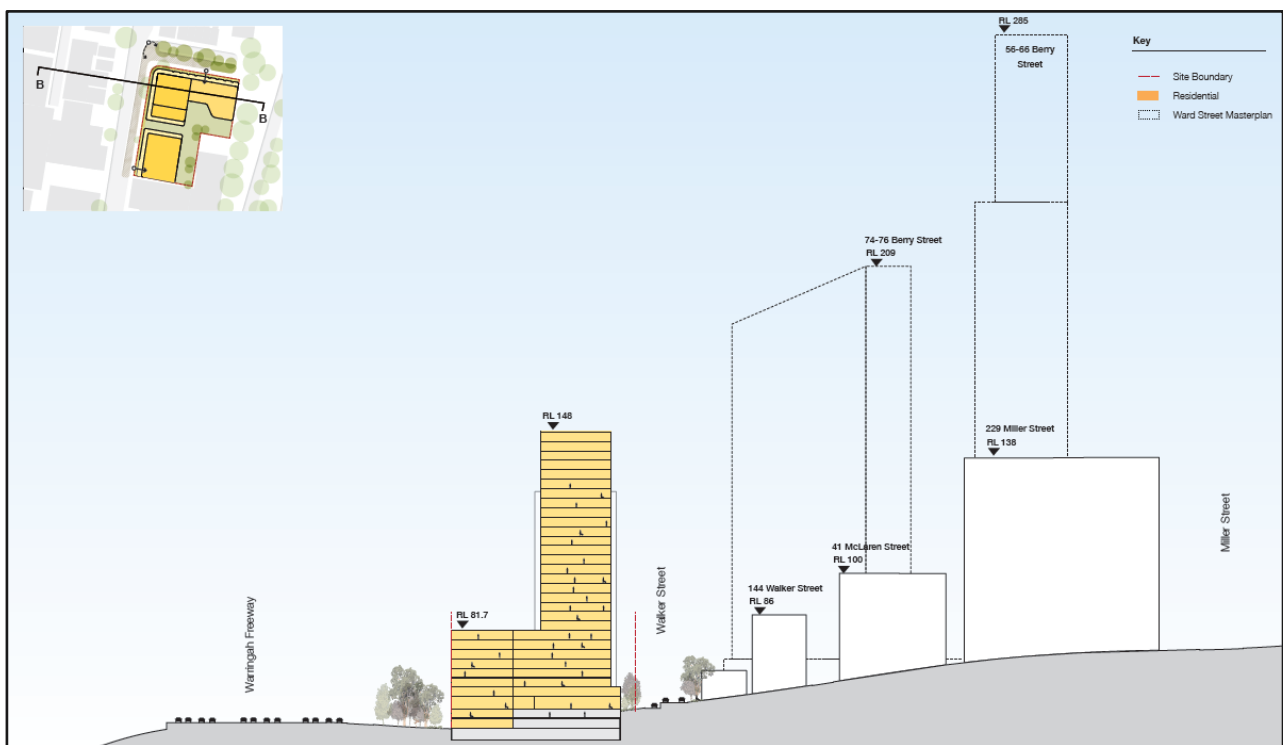
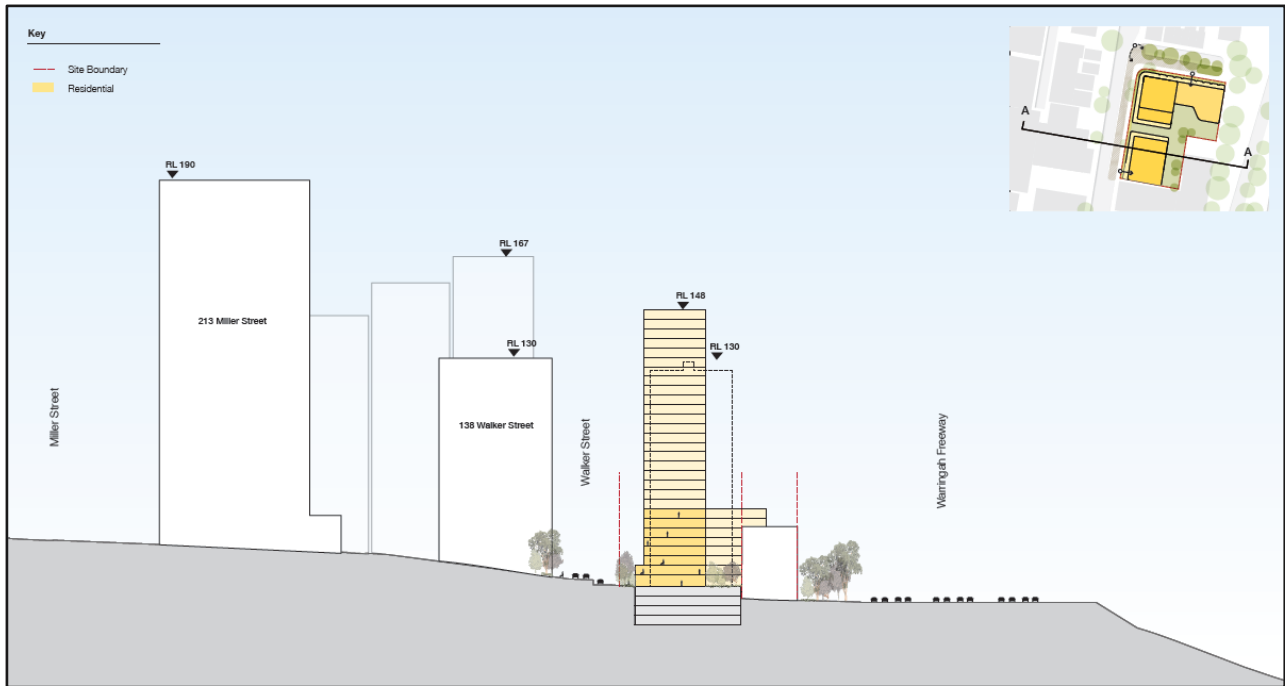


Figure 33: Height in context, as viewed from the south



6.2.4. Public domain and landscape outcome

The Landscape Concept Report prepared by Aspect (**Appendix I**) illustrates a high quality landscape and public domain outcome, achieved by creating a shared and paved pedestrian and vehicle street network which intercepts with the proposed Hampden Street pocket park. The landscape concept also includes substantial landscaped communal open space areas for future residents of the Precinct.

Any future development application would include medium sized street trees and upgraded footpaths, in accordance with the North Sydney Public Domain Manual.

Figure 34: Walker Street public domain improvements and site landscaping



6.2.5. Site access

Vehicle access to the Precinct will be off Walker Street, as per the existing access arrangements. The reference design includes the provision of two vehicular entry points: one at the southern end of Walker Street and one at the eastern end of Hampden Street.

The vision is to transform Walker Street and Hampden Street into shared pedestrian and vehicular zones. Any future redevelopment of the Precinct will maintain the on-street parking in a similar manner to that which currently exists, albeit the space required for site access.

The reference design includes provision for a total of 208 car parking spaces, plus loading and service zones. The basement car be suitably accommodated on the site to enable sufficient deep soil planting within the rear setback zones.

6.3. 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 in collaboration with Council, following the exhibition of the Planning Proposal.

This includes the following key numerical controls:

Table 7: Proposed DCP key numerical controls

| Control | Provision |
|--------------------|--|
| Setbacks | Walker Street: 2m Hampden Street: 2m Rear setback: 12m Side setback: 0m |
| Street wall height | Walker Street: 2 storeys Hampden Street: 2- 3 storeys |
| Podium setback | 3m |

6.4. 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.

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 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.

It is intended that the monetary contribution would help fund the type of public benefits needed in the community, such as those listed in the draft Civic Study. This includes:

- Public domain upgrades
- Improved community facilities
- Public infrastructure
- Public art and sculptures

6.5. ALTERNATIVE REFERENCE DESIGN

An alternative reference design has been prepared in the event that full Precinct amalgamation does not eventuate. This alternative reference design assumes the redevelopment of the Precinct into two landholdings, being the Walker Street Properties and Hampden Street Properties (refer to **Figure 35**). Under this scenario, future development would be in accordance with the proposed base building height (RL133) and FSR controls (6.1:1), noting that the sun access plane would ultimately depict the height of any future building envelope (refer to **Figure 37**).

Under this scenario, the site would be developed with two towers: a 21 storey tower within the north eastern corner fronting Hampden Street and a 24 storey tower fronting Walker Street.

Any future development would continue to remain compliant with the proposed site-specific DCP, including setbacks, street wall heights and separation distances. The intent of the DCP and the over arching objectives would remain applicable, regardless of whether the site was amalgamated or unamalgamated.

Figure 35: Aerial illustrating the boundary of the two landholdings within an unamalgamated scenario



Figure 36: Potential building envelope within an unamalgamated scenario



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 precinct amalgamation and prohibit overshadowing of Doris Fitton Park.

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)

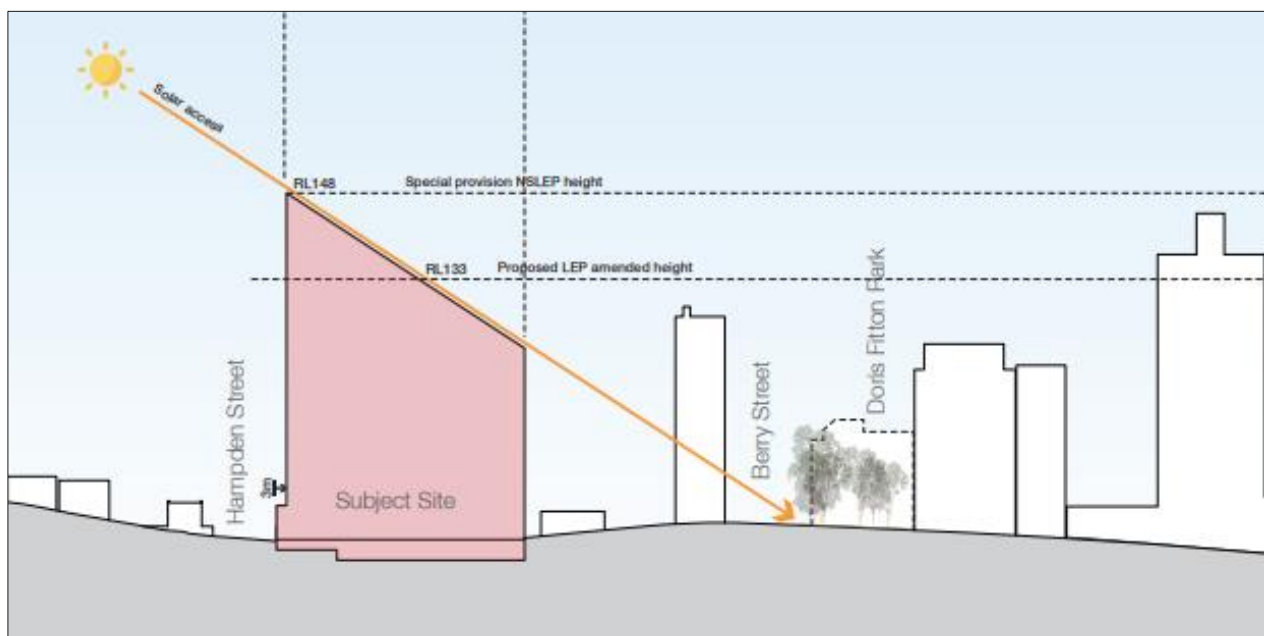
(2) Despite Clause 4.3(2), if all lots within "Area 1" are amalgamated, the consent authority may grant development consent to the erection of a building on land to which this clause applies, to a maximum building height of RL148.

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

The intent of the additional local provision is to encourage the amalgamation of all landholdings within the Precinct, as well as preserving solar access to Doris Fitton Park.

Whilst a maximum building height of RL148 applies to the entire Precinct, the building envelope would be constrained to satisfy the special provision solar access plane, as per **Figure 37** below.

Figure 37: Proposed building envelope achievable under the additional local provisions



Source: SJB

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 8 below.

Table 8: 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> |
| a) Does the proposal have strategic merit? Will it: | |
| <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? |
| b) Does the proposal have site-specific merit, having regard to the following? | |
| <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. This 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.** Whilst it is acknowledged that North Sydney Council has completed their draft Local Housing Strategy (LHS) for Department review and sign-off, the draft LHS assumes that there is sufficient capacity within the existing land use zones, the St Leonards Crows Nest OSD and current active planning proposals to meet the projected housing needs, as set by the GSC. The draft LHS states that once endorsed, it will be subject to a 10-year review, merely bypassing the opportunity for residential growth in proximity to the North Sydney CBD and Victoria Cross Metro.
- In addition, it is considered that the proposal meets the Strategic Merit Test, as confirmed by the Panel in the assessment of the original Planning Proposal (2017) and reiterated in **Table 4**. This was re-confirmed by the Panel's determination of the amended Planning Proposal (2019), whereby the Panel determined not only does the site have strategic merit, but the proposal also has site-specific merit.
- 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 Proponent 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 original application. The Planning Proposal and building envelope controls have been further refined following the Panel's assessment of the amended Planning Proposal and the conditions set out within the Gateway Determination.

To arrive at the chosen building envelope, SJB have also applied the underlying principles that guided the building envelopes within the endorsed Stage 2 WSMP as well as the more recent development guidelines that have been made available within the draft Civic Study. This confirms that a holistic approach to Precinct planning has been adopted.

A summary of the strategic planning background undertaken to date, is outlined in Table 9 below.

Table 9: Strategic planning background

| Strategic Planning Document | Timing | Comment |
|---|---------------------|--|
| Draft WSMP | 14 June 2016 | <ul style="list-style-type: none"> East Walker Street Precinct was identified as an opportunity site. The WSMP outlined the framework for various stakeholders to carry out future development planning. Invited landowners of sites to submit site specific Planning Proposals to Council for individual consideration. |
| Stage 1 WSMP | 5 December 2016 | <ul style="list-style-type: none"> Site excised from the WSMP as it did not present a direct contribution to the public benefit outcome Site constraints needed to be carefully managed Applicant engaged with Council officers to discuss the merits of the previous Planning Proposal |
| PP Lodged + Rezoning review determination | Oct 2017 – Jan 2018 | <ul style="list-style-type: none"> 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. 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. |
| Stage 2 WSMP | Sep 2018 - Oct 2018 | <ul style="list-style-type: none"> Stage 2 WSMP was placed on public exhibition providing clarity around the design principles used to formulate building envelopes for the Precinct. |
| LEP Accelerated funding request | Nov 2018 | <ul style="list-style-type: none"> 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. |

| Strategic Planning Document | Timing | Comment |
|--|----------------------|---|
| North of CBD Planning Study (now referred to as draft Civic Study) | Jan 2019 | <ul style="list-style-type: none"> • Council prepared a brief to engage external consultants to prepare the Northern CBD Planning Study. |
| Draft Civic Precinct Study | May 2020 - July 2020 | <ul style="list-style-type: none"> • Draft Civic Precinct Study was on exhibition between May 2020 - July 2020 and identified the East Walker Street Precinct as a significant site. • The Study proposed to alter the land use zone to B3 Commercial and B4 Mixed-Use and increase the building heights to 8 storeys and 20 storeys, respectively. • The draft Study included design guidelines for the Precinct relating to street setbacks, street wall heights overshadowing, view sharing principles and relationship to nearby heritage items. • The draft Study included a list of potential public benefits including the delivery of the Hampden Street Pocket Park, affordable housing and public domain upgrades. • The amended Planning Proposal and the draft DCP have been updated to reflect the design guidelines and the list of public benefits identified within the Study. |

Summary

In 2016, Council identified the site as an opportunity site suitable for residential redevelopment. Council did not pursue master planning for the Precinct due to the need to further consider public benefit opportunities and site constraint considerations, which required further resolution.

The Proponent outlaid significant time and resources to procure the strata titled allotments at 173-179 Walker Street. In 2017 a site-specific Planning Proposal was lodged and ultimately did not proceed to Gateway as the Planning Panel determined that site-specific merit was not achieved.

However, the Panel recommended that the applicant collaborate with Council to resolve the site-specific planning issues and provided site-specific criteria that was required to be met within any future Planning Proposal.

At the direction of the Panel, in 2019 the Proponent prepared an amended Planning Proposal (this proposal) which extended to encompass the entire East Walker Street Precinct, which included the Hampden Street properties. A new urban design and landscape architect team were engaged and a reference scheme was prepared which addressed the site-specific criteria.

Subsequent to the lodgement of the amended Planning Proposal, Council advised the Proponent that the draft Civic Precinct Study was progressing which included specific controls for the Precinct.

It is noted that planning for this Precinct has been occurring well in advance of the wider Study. The Gateway Determination issued by DPIE now provides the strategic direction to guide the built form control changes for this precinct, and whilst consideration of the Study has and will continue to occur prior to the gazettal of this planning proposal, it will not be the determining factor of the final built form controls.

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 draft Civic Precinct Study. The draft Study will not result in changes to the LEP and still requires property owners to lodge individual Planning Proposals.
2. Lodge a development application pursuant to Clause 4.6 – Exceptions to Development Standards
3. Lodge a Planning Proposal which includes a LEP height and FSR controls and site-specific provisions

Each of these items are discussed in full below:

Option 1 – Wait for Council to finalise the draft Civic Study and submit a Planning Proposal

Site analysis and an extensive undertaking of the opportunities and constraints within the East Walker Street Precinct has significantly advanced. The Planning Panel's assessment of the original Planning Proposal, along with Council feedback provided the necessary guidance for the preparation of an amended Planning Proposal. This included the direction to resubmit an amended Planning Proposal which encompasses the Precinct and to collaborate with Council to resolve the local planning issues, which the Proponent has acted upon.

Council has recently exhibited the draft Civic Precinct Study which identifies the Precinct as a significant site and provides design guidelines for future planning on the site. However, it is noted that the Study is in its early phases and ultimately will not lead to an amendment of the LEP. Rather, the purpose of the Study is to set a framework to guide future Planning Proposals within the study area.

Given that planning has been underway within this Precinct since 2016 and that the Proponent has completed the necessary technical studies at the direction of Council and the Panel, forming the evidence base to support the proposed amendments to the LEP, it is neither reasonable or appropriate to wait for Council to finalise their draft Study and submit yet another Planning Proposal.

The site is already zoned R4 High Density Residential however the built form controls are out-dated and do not represent the sites potential and strategic location close to the CBD and the new metro station. The Planning Proposal has been guided by feedback from Council, the Planning Panel and DPIE and the design principles used in the endorsed WSMP have been applied. The proposal will stimulate urban development as envisaged by Council and will not in any way jeopardise the outcomes of Council's future strategies.

For these reasons, in our view it is not reasonable to wait for the draft Study to be finalised when its purpose is to encourage independent landowners to submit Planning Proposals. There is a critical need to continue to support proposals that will add to the housing supply pipeline. Noting, Council are required to deliver 3,000 dwellings by 2021 and another 10,250 additional dwellings by 2041.

In this case, the site is unique given the proposal has already been granted strategic merit and site-specific merit and the proposed reference scheme has been amended to reflect the site-specific criteria established by the Panel and further refined by the conditions of the Gateway Determination issued by the DPIE.

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. The scale of development permitted is clearly out-dated given the strategic location of the site. 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. There would also be a loss of public benefit which would otherwise be afforded to the community.
- 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 -Base LEP height and FSR controls and additional local provisions

- Amending the height and FSR LEP controls and introducing additional local provisions is considered the most appropriate approach as it would enable the timely delivery of additional residential dwellings to take advantage of the nearby Victoria Cross Metro Station. The Planning Panel determination, the DPIE Gateway Determination and the draft Civic Study have established that the site is a significant site and warrants uplift, so there is no reason to wait.
- The built form and proposed amendments to the LEP controls can only be achieved through a Planning Proposal. The additional local provisions included as part of the Planning Proposal introduces a precinct specific solar access plane which protect Doris Fitton Park from overshadowing and also limit the height of any building envelope on the site.

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. It is 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, consistent with Council's vision.

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 has confirmed that the proposal has strategic merit and that the strategic merit test has been adequately addressed.

In line with feedback provided by the Planning Panel on the original proposal, this Planning Proposal incorporates the additional properties within the Precinct. 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."*

Refer to **Table 10** consistency with the *Greater Sydney Region Plan* (GRSP) and **Table 11** 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 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 10** 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 10: Consistency with the Greater Sydney Region Plan

| Greater Sydney Region Plan | Comment |
|--|---|
| Direction 1: A City supported by infrastructure | |
| <i>Objective 4: Infrastructure use is optimised</i> | <p>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.</p> <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> |
| Direction 2: A city of people | |
| <i>Objective 7: Communities are healthy, resilient and socially connected</i> | <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> |
| Direction 3: Housing the city | |
| <i>Objective 10: Greater housing supply</i> <i>Objective 11: Housing is more diverse and affordable</i> | <p>The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> 0-5 year target (2016-2021): 25,950 additional homes; 20-year (2016-2036): 92,000 additional homes. <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 254 new dwellings can be provided within the Precinct. This outcome would positively</p> |

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|---|--|
| Greater Sydney Region Plan | <p>Comment</p> <p>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 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 additional 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.</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> |
| Direction 4: A city of great places | |
| <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 scheme illustrates 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 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> |
| Direction 5: A well-connected city | |
| <i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i> | <p>North Sydney is 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</p> |

| | |
|---|---|
| <p>Greater Sydney Region Plan</p> <p><i>Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</i></p> | <p>Comment</p> <p>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> |
| <p>Direction 6: Jobs and skills for the city</p> | |
| <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> |
| <p>Direction 7: A city in its landscape</p> | |
| <p><i>Objective 31: Public open space is accessible, protected and enhanced</i></p> | <p>This Planning Proposal seeks to deliver, a pocket park within the eastern bookend of Hampden Street and residential community gardens and landscaped open space across a significant portion of the site.</p> |
| <p>Direction 8: An efficient city</p> | |
| <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 the 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.

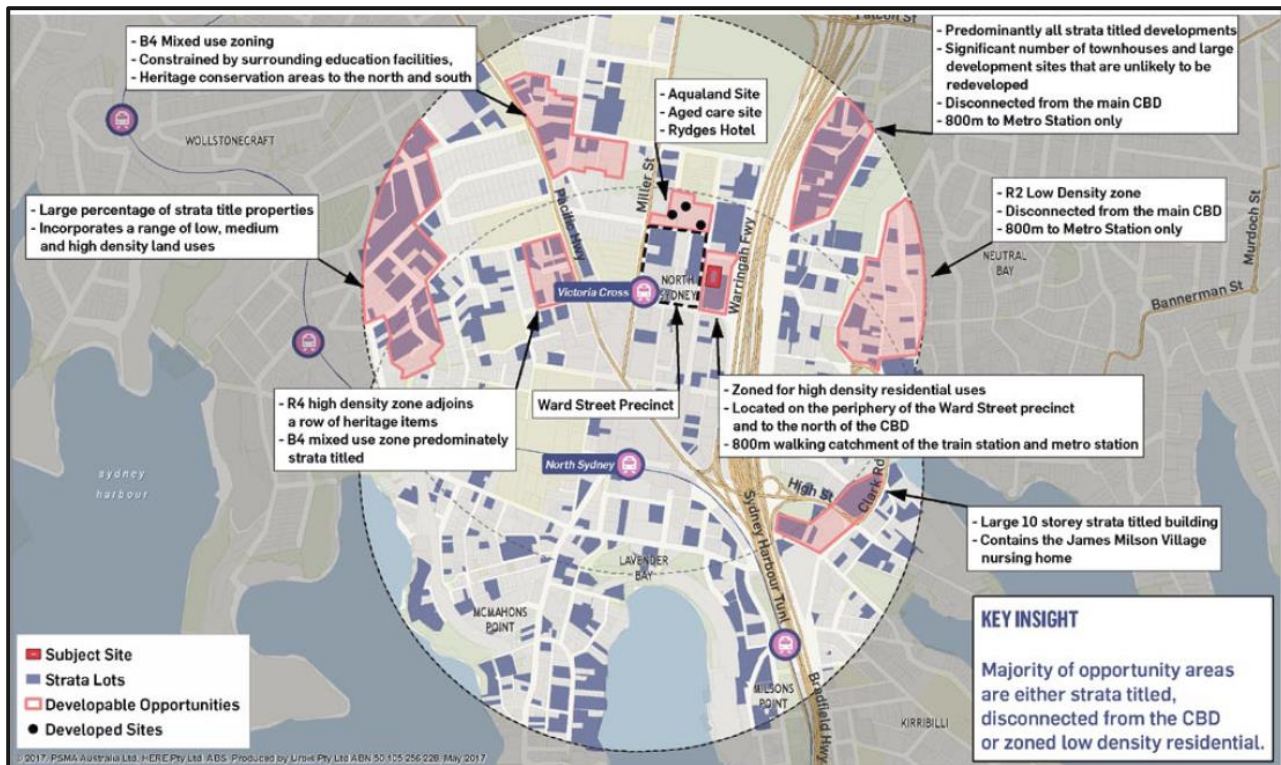
A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in **Table 11** below.

Table 11: Consistency with the North District Plan

| North District Plan | Comment |
|---|--|
| <p>N1. <i>Planning for a city supported by infrastructure</i></p> <p>N12. <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>N4. <i>Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p>N5. <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p>N6. <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 38 below details the findings of a 'sieve 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 suitable for increased density.</p> <p>The sieve analysis found 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"> • Heritage items or conservation areas • Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals) • Large strata properties <p>Figure 38 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 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</p> |

| | |
|--|---|
| <p>North District Plan</p> | <p>Comment</p> <p>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> <p>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.</p> |
| <p><i>N20. Delivering high quality open space</i></p> | <p>The Planning Proposal identifies the potential for the creation of 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, who live within the Precinct.</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 38: 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:

- Local Strategic Planning Statement (endorsed)
- Draft Local Housing Strategy (pending DPIE review and sign-off)
- North Sydney Residential Development Strategy 2009
- North Sydney CBD Capacity and Land Use Strategy
- Community Strategic Plan 2018 – 2028
- Stage 2 Ward Street Masterplan
- Draft Civic Precinct Study
- Stage 2 Public Domain Strategy for the CBD
- Traffic & Pedestrian Study

It is noted that the only DPIE endorsed strategy is the Local Strategic Planning Statement. All other strategies are Council adopted documents, draft strategies pending DPIE endorsement or draft studies.

North Sydney Local Strategic Planning Statement (LSPS)

On 24 March 2020, Council adopted the North Sydney Local Strategic Planning Statement (LSPS), which is part of the DPIE mandated LEP review.

The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

The LSPS guides the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and supports Council's consideration and determination of any proposed changes to the development standards under the LEP (via Planning Proposals).

The vision for North Sydney states:

A progressive, vibrant and diverse North Sydney is the community's vision for the future. This vision is embedded in the North Sydney Community Strategic Plan (CSP) 2018-2028, which was developed with the community and has guided North Sydney Council's work since. The LSPS builds on the key directions and outcomes of the North Sydney CSP.

This Planning Proposal is consistent with local planning priorities outlined in the LSPS. as documented in **Table 12** below.

Table 12: Consistency with North Sydney LSPS

| Planning Priorities | Consistency |
|---|--|
| Infrastructure & collaboration | |
| <i>I1 – Provide infrastructure and assets that support growth and change</i> | <p>As illustrated within the Urban Design study, the future redevelopment of the Precinct include upgrade works to Walker Street and Hampden Street and the provision of a public pocket park, as nominated in the draft Civic Study.</p> <p>The Planning Proposal is also accompanied by a draft VPA offer which, when executed, would provide the necessary funding for council to carry out public domain improvement works and local infrastructure works. The funding would provide a benefit to the North Sydney community.</p> |
| Liveability | |
| <i>L1 – Diverse housing options that meet the needs of the North Sydney Community.</i> | <p>The reference design demonstrates that, subject to the proposed LEP amendment, future redevelopment of the Precinct can accommodate approximately 254 dwellings, including 5% of those dwellings as affordable housing. The reference scheme includes a mix of 1, 2 & 3 bedroom unit typologies, which will capitalise on the sites location on the fringe of the NS CBD and within 200m of the Victoria Cross Metro Station.</p> |
| <i>L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.</i> | <p>As stated above, the Planning Proposal is accompanied by a draft VPA offer which includes a monetary contribution per additional dwelling. The intent is that this will fund the necessary and required social and local infrastructure. The proposal does include the provision for additional open space within the Hampden Street road reserve which will enhance social connectivity.</p> |
| <i>L3 – Create great places that recognise and preserve North Sydney’s distinct local character and heritage</i> | <p>The Precinct interfaces with heritage items to the north, north-west and within the Walker Street road reserve.</p> <p>The reference scheme has been designed to complement the North Sydney local character through the establishment of a 2-3 storey podium level that wraps around the street frontage with a 3m landscaped upper level setback. The podium level includes a fine grain human scale and articulation that is consistent with the rhythm of the heritage houses to the north.</p> <p>The proposed upgrade works to Walker Street and Hampden Street will be sympathetic to the Walker Street heritage retaining wall, whilst creating a safe community environment.</p> |
| Productivity | |

| Planning Priorities | Consistency |
|--|---|
| <i>P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney</i> | Future redevelopment of the Precinct encourages active walking and cycling and capitalises on the State Governments investment in the metro line. |

Draft Local Housing Strategy

North Sydney Council have prepared a draft Local Housing Strategy (LHS). The draft LHS is currently being reviewed by the Department and is yet to be endorsed.

Review of existing planning controls is mandated by the requirement to deliver housing in accordance with the targets set by the North District Plan. However, the LHS states that there is sufficient capacity within the existing planning controls, within existing planning proposals and within the St Leonards Crows Nest Precinct to enable the delivery of the 13,250 additional dwellings required to house the population, up to 2041. The LHS does not identify any additional housing around the new metro entrances within the North Sydney CBD and fails to acknowledge the role of the draft Civic Study in contributing to the supply of housing. The LHS claims that changes to the existing controls are not required to meet the GSC dwelling targets. However, the GSC has confirmed that Council will fall short of the **minimum 5-year housing target** by 170 dwellings.

As demonstrated within the Planning Proposal, and what Council's draft LHS fails to acknowledge is that 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.

The reference design demonstrates that the redevelopment of the Precinct has the potential to deliver 254 dwellings, in line with the 6-10-year housing targets required under the North District Plan. 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 (1.9%) of the 20 year target of 13,250 dwellings within the North Sydney LGA for 2041.

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. Whilst this document continues to apply, it will be superseded by the LHS, as detailed above, and therefore is out-dated and not relevant.

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.

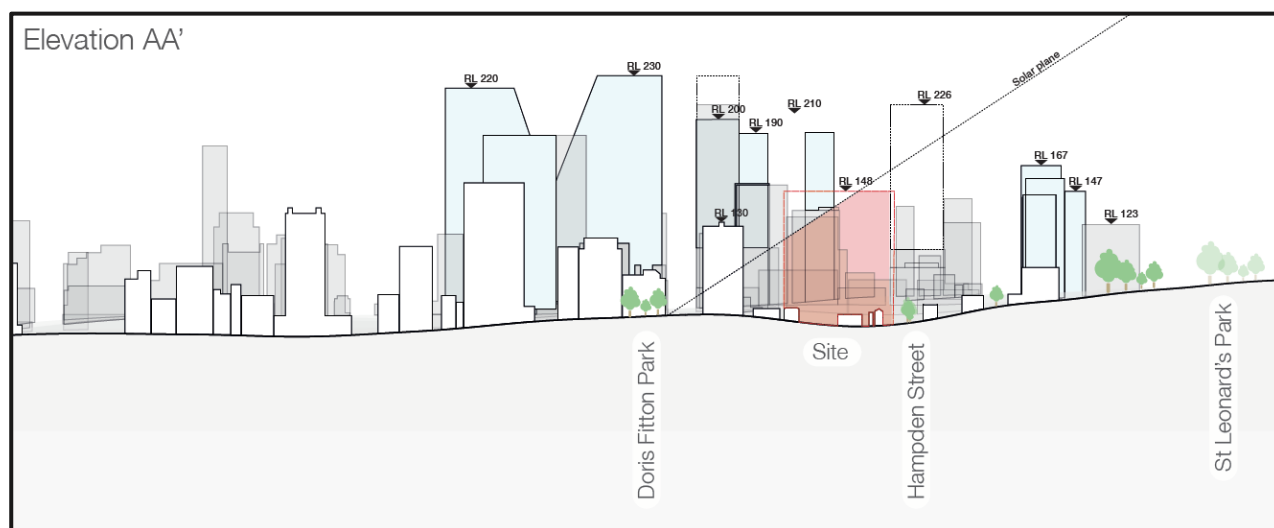
The Precinct is located within the R4 High Density Residential zone and therefore is generally exempt from the study area.

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 endorsed 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 39: North-south section illustrating the building height in comparison to the North Sydney skyline



Source: SJB

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 13: Achieving the outcomes of the Strategic Plan

| Outcome | Strategies | Planning Proposal |
|--|--|---|
| Direction 1: - Our Living Environment | | |
| 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 ² of the site area to deep soil planting. The residents garden within the eastern setback creates the ideal space for a residential 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 indicates the potential for a pocket park at the eastern end of Hampden Street. |
| Direction 2: Our Built Infrastructure | | |
| 2.1 Infrastructure, assets and facilities that meet community needs | 2.1.1 Expand and adapt existing infrastructure to meet future needs | The Planning Proposal is accompanied by a draft VPA offer which includes a monetary contribution per additional dwelling, with the intent that this will provide needed funding for local and social infrastructure for the North Sydney community. |
| 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 landscaped setbacks at both the ground floor level and podium level, incorporating active frontages along Walker Street and the provision of a neighbourhood shop for a café or the like. |
| 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 approximately 208 off-street parking spaces and 13 on-street parking spaces would be provided. |

| Outcome | Strategies | Planning Proposal |
|---|---|--|
| Direction 3: Our Future Planning | | |
| 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 | 3.4.2 Strengthen community participation in land use planning 3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain 3.4.5 Use a place-based planning approach to achieve design excellence and management 3.4.7 Advocate for affordable housing | <p>This Planning Proposal and the supporting reference scheme has been prepared and refined through the feedback received during the community consultation sessions undertaken by the Proponent, in addition to the advice and guidance provided by the Panel and Council and the conditions of the Gateway Determination.</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 5% of the additional floor space to affordable housing whilst the increased supply in housing stock will assisting in alleviating the pressures associated with housing affordability.</p> |

Stage 2 Ward Street Precinct Masterplan

The Stage 1 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 4.1** of this document for a comprehensive history and commentary on the relevance of the Ward Street Precinct Masterplan.

Draft Civic Precinct Planning Study

The draft Civic Precinct Study identified the East Walker Street Precinct as a 'significant site.' This confirms the suitability of the site for high density residential redevelopment.

This Planning Proposal has the potential to deliver Council's vision for the Precinct, providing a nexus to the Ward Street Precinct and a construction timeframe that would align with the cycle of development which is currently transforming 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 within the Gateway Determination and the previous comments 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. Refer to Section 0 of this document which provides commentary in response to the Study.

Draft North Sydney Public Domain Strategy 2020 – Stage 2

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 for the commercial core in the CBD and more recently the commissioning of further housing strategy studies which recognise 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 14.

Table 14: 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 (Appendix F) 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. The reference scheme has been designed and orientation to facilitate future BASIX compliance, which will be documented at the development application stage. |
| SEPP 65 Design Quality of Residential Flat Buildings | 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: The building envelopes generate a yield of approximately 254 apartments which will include a range of 1 bedroom, 2 bedroom and 3 bedroom apartments. The reference scheme prepared by SJB demonstrates that the proposed building envelopes achieve compliance with the ADG criteria relating to design and configuration. This includes separation distances, solar access, |

| Policy | Details |
|--------|--|
| | overshadowing, communal open space, deep soil planting, pedestrian and vehicular access and parking. |
| | Whilst assessment under Part 4 of the ADG is more relevant at the DA stage, the reference scheme includes 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. |

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 15**.

Table 15: Consistency of the Planning Proposal with the applicable s.9.1 Ministerial Directions

| Direction | Comment |
|--|---|
| 1. Employment and Resources | |
| 1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. | The subject site is located in the R4 High Density Residential zone and therefore this Direction is not applicable. Nonetheless, the proposal is consistent with this Direction as follows: 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. |
| 1.2 Rural Zones | Not applicable |
| 1.3 Mining, Petroleum Production and Extractive Industries | Not applicable |
| 1.4 Oyster Aquaculture | Not applicable |
| 1.5 Rural Lands | Not applicable |
| 2. Environmental Heritage | |
| 2.1 Environment Protection Zones | Not applicable |
| 2.2 Coastal Management | Not applicable |

| Direction | Comment |
|---|---|
| 2.3 Heritage Conservation | <p>The 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 Appendix H 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> |
| 2.4 Recreation Vehicle Areas | Not applicable |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs. | Not applicable |
| 2.6 Remediation of Contaminated Land | <p>Aargus have prepared a preliminary site investigation assessment involving site visit, review of site information and historical records (Appendix J). 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> <p>Notwithstanding, the site is currently utilised and zoned for residential purposes and this planning proposal does not seek to change the use of the land. The proposal is consistent with this direction.</p> |
| 3. Housing, Infrastructure and Urban Development | |
| <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>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</p> |

| Direction | Comment |
|--|---|
| <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>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>(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>The proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> • The proposal supports the principle of integrating land use and transport. • 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 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. • 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. • 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. |

| Direction | Comment |
|--|--|
| 3.5 Development near regulated airports and defence airfields | 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 Appendix K). The Planning Proposal seeks to introduce a new height limit of RL148. This remains below the OSL. The aeronautical assessment confirms that there is ample room to accommodate a crane for any future construction of a building with a maximum height of RL148 and therefore any future development would not constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i> . |
| 3.6 Shooting ranges | Not applicable |
| 3.7 Reduction in non-hosted short term rental accommodation period | Not applicable |
| 4. Hazard and Risk | |
| 4.1 Acid Sulfate Soils | The site 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 |
| 5. Regional Planning | |
| 5.1 Implementation of Regional Strategies | Revoked |
| 5.2 Sydney Drinking water catchment | Not applicable |
| 5.3 Farmland of State and Regional significance on NSW far north coast | Not applicable |
| 5.4 Commercial and retail development along the pacific highway, North Coast | Not applicable |
| 5.5 -5.8 | Revoked |
| 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 10 . |
| 6. Local Plan Making | |
| 6.1 Approval and Referral Requirements | This is an administrative requirement for the PPA. |

| Direction | Comment |
|---|---|
| 6.2 Reserving Land for Public Purposes | This is an administrative requirement for PPA. |
| 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> . |
| 7. Metropolitan Planning | |
| <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 10 . |
| 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 Interim Land Use and Infrastructure Implementation Plan | Not applicable |
| 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 J**), 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?

This Planning Proposal (of which the Planning Panel has determined that the site has site-specific 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 the potential environmental effect or completely minimise any potential effects to ensure that 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 is demonstrated, preparation of this Planning Proposal directly responded to the feedback from the relevant authorities and the local community, including:

- **Planning Panel determination** that identified the site-specific criterion to be addressed. (Refer to **Table 4** for a summary of how the Planning Proposal addresses the Panel’s site-specific criteria).
- **Council’s 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 Master planning process to ensure a holistic planning outcome is achieved.
- **Councils draft Civic Precinct Planning Study** which identified the site a significant site and provide design guidelines for consideration within future Planning Proposals. This has helped refine the building setbacks, street wall heights, podium setbacks and has assisted in the preparation of a site-specific DCP for the Precinct.
- **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 Residential. It sits within a precinct of R4 residential 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 zoned land 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 1,740m². The built form has a maximum height of RL130 and an FSR of 9.4:1, containing 195 apartments. The reference scheme has similar height of RL148 at the upper most level, however, has a much lower density, with an FSR of 6.1:1. The maximum height is similar to the existing residential tower (RL130) to the south of the site, at 171 Walker Street.

As such the proposal will facilitate the continuance of residential uses on the site, which is consistent with the residential towers and heritage dwellings within this eastern, established residential portion of Walker Street.

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. The endorsed WSMP will facilitate the construction of large 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 *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
- Podium resolution
- Overshadowing impacts
- View sharing
- Heritage
- Traffic Impacts
- Wind
- Acoustics
- Open space

Building height and scale transition

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 endorsed Stage 2 WSMP which confirms that the surrounding land will continue to transformation within the near future.

It is also acknowledged that Council have recently exhibited the draft Civic Precinct Planning Study which identifies opportunities for increased residential growth in and around the metro station, in order to capitalise on the State Government's investment in the area.

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 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

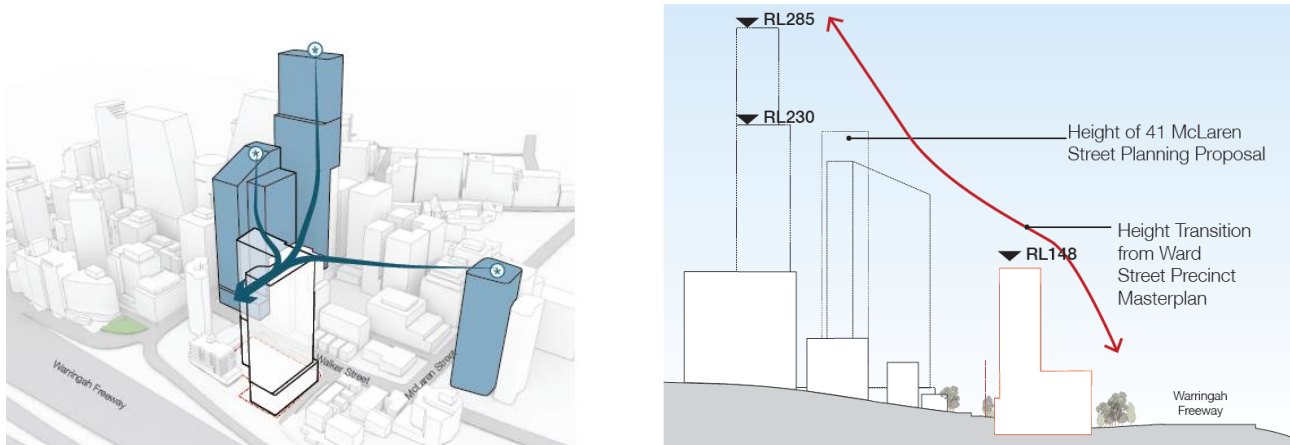
Recent amendments to the LEP 'Height of Buildings Map' for the CBD has resulted in the following future building uplifts:

- 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 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 40: Proposed building envelope, demonstrating the transition from west to east

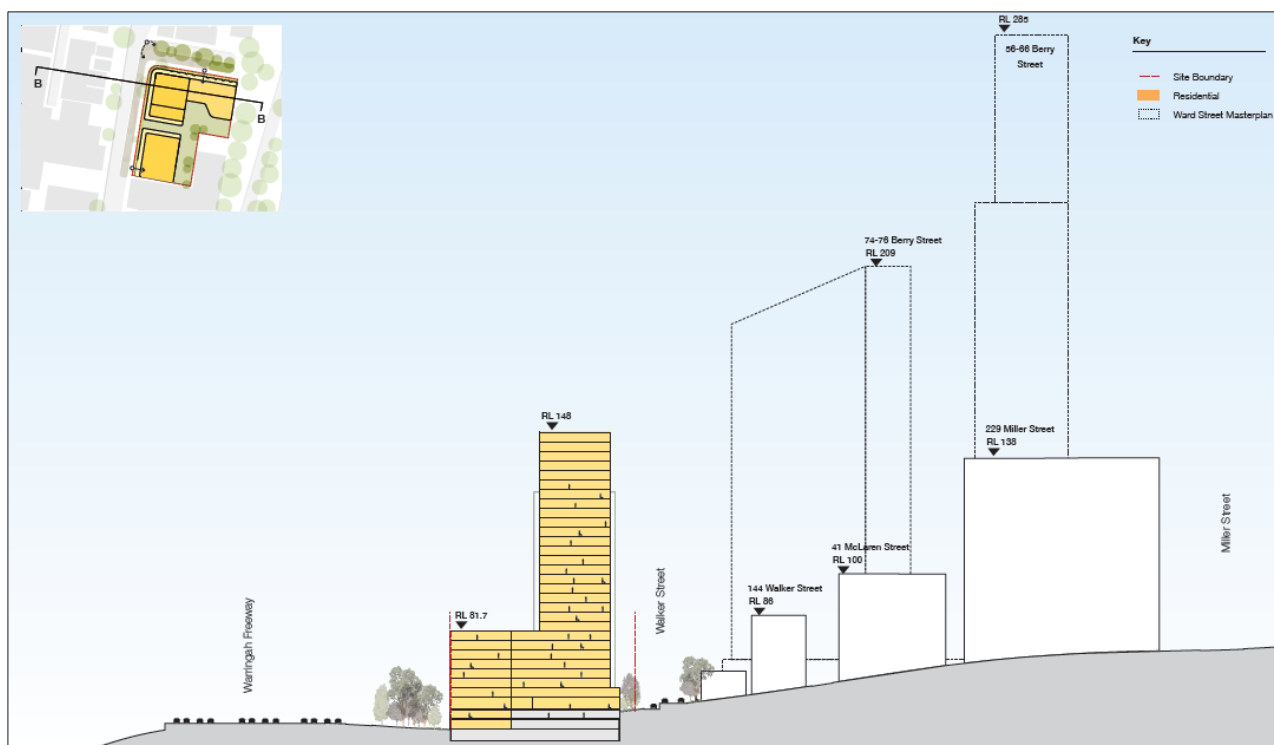


Source: SJB

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;
- Capable of servicing existing and planned employment generating commercial uses for the precinct; and
- Is consistent with the Panel resolution and the Gateway Determination.

Figure 41: East-west section through the site confirm the height transition from west to east



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 building envelope; and
- Compliant separation distances are capable of being achieved on the site.

In summary, the building height has drawn reference from the transforming urban 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, the building height and transition satisfies the Panel's site-specific building height criteria.

Podium resolution

The Planning Proposal and submitted reference scheme has been refined to include a 2-3 storey podium that wraps around the Walker Street and Hampden Street frontages. A 3m upper level landscaped podium setback has been introduced to create a human scale feel and the ground plane. The podium response to the street character and contributes to the local sense of place.

A physical break is provided within the podium between the 28 storey tower and the 8 storey building fronting Walker Street. It is envisaged that a neighbourhood shop would be situated in this locality further activating the street and taking advantage of the break within the built form.

The height datum of the podium has been defined in response to the surrounding residential character and, the heritage items to the north and the north west.

Fronting Hampden Street, the podium has been designed to be of a fine grain nature with the incorporation of articulation zones that mimic the rhythm of the heritage buildings to the north.

The refined podium base has been designed in response to the matters raised by the Planning Panel and the conditions of the Gateway Determination.

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 impacts, particularly 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 from overshadowing the park during 12pm-2pm on June 21st. The existing Special Areas Provision in the NSLEP does not apply to the Precinct as it is outside the North Sydney Centre. The Planning Proposal seeks to include the application of this clause to the Precinct. By including this provision, it ensures the solar amenity is retained. Consequently, this controls the building envelope on the site and provides certainty that the 29 storey tower is limited in its location within the Precinct.

As demonstrated in the Urban Design Report, the refinements to the building envelope do not result in any greater overshadowing, than that which was provided within the as lodged Planning Proposal.

The existing planning controls applying to the site do not prohibit overshadowing to the east of the Freeway. The reference scheme results in negligible impact, which is restricted to a small area between 2:30pm – 3pm. This is consistent with the shadow cast by residential development to the north of the Precinct, is illustrated in **Figure 42** and **Figure 43** 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.

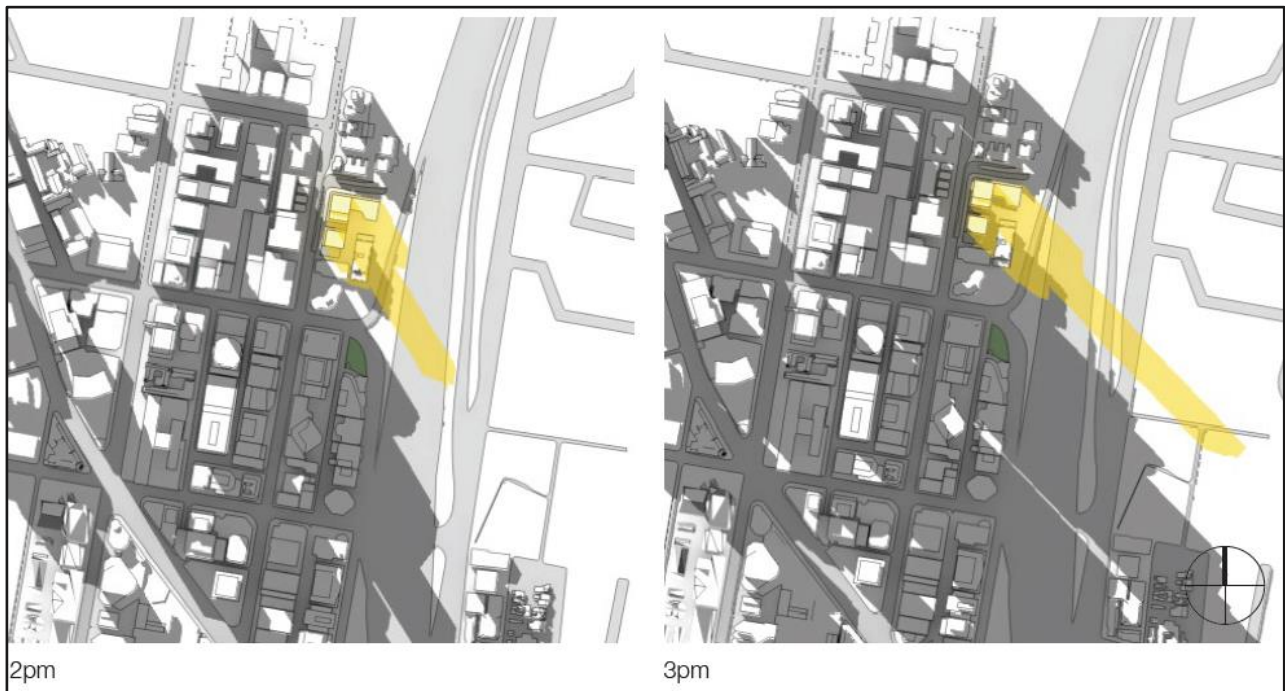
For the reasons outlined above, the proposal achieves an acceptable level of shadow impact for a densely populated CBD environment.

Figure 42: Solar access study showing the priority zones



Source: SJB

Figure 43: Overshadowing to the east of Warringah Freeway



Source: SJB

View Sharing

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

To limit the extent of view impact and promote view sharing, the LEP height and FSR controls and the associated reference design have been prepared with the guidance and input from a specialist view impact consultant. The urban design principles that underpin the reference schemes are based on the principle of view sharing. The reference scheme has also taken specific guidance from the Gateway Determination to create a visual break to the building form along Walker Street.

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) and the Hampden Street dwellings.

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

The VIA confirms that the proposed LEP height controls and the submitted reference scheme, 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 44 View sharing analysis



Picture 12 Top of the Belvedere, confirming the proposed height plane will not obscure upper level views (at RL128)



Picture 13 Unit 1516, 138 Walker Street (at RL88) demonstrating equitable view sharing



Picture 14 View from 168 McLaren Street (RL119), illustrating that variation heights promote view sharing and retain view corridors to the east and south east of the site



Picture 15 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

Source: Richard Lamb & Associates

Any future development application lodged over the site will need to address the view sharing planning principles established in *Tenacity*. The reference scheme prepared by SJB, demonstrates 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 in the eastern corner to allow for views through the site.

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 16: 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 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 the endorsed LEP controls and draft DCP controls, must be designed in such a way as to promote view sharing from the</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>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 2-3 storey street wall height and 3m upper level podium setback on ensures that a strong vista is maintained to the CBD.</p> <p>A physical break has also been provided within the building envelopes to enable a view corridor from Walker Street to the rear of the site.</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.

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 approximately 250 dwellings, consistent with the intended density within the Precinct.

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 27 vehicle trips during peak hours. This is 1 approximately 1 vehicle every 3 minutes. The net change in traffic movement associated with the Planning Proposal (compared to that generated by the existing 44 dwellings) is less than 20 vehicles per hour.
- 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 percentages 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 crossovers 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 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 L** 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 L**.

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 I** Landscape Concept Report

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 contributory role in enhancing the pedestrian amenity and local environment. The Planning Proposal realises the vision of the draft Civic Study by transforming the eastern end of Hampden Street into a new local public open space area.

Through engagement with community it became evident that localised pedestrian connectivity is important. Accordingly, the reference scheme includes the vision to convert Walker Street and Hampden Street into a shared pedestrian and vehicular zone, with new precinct connections, landscaped setbacks with large canopy trees and coupled with a café that opens out onto the streetscape. This presents a high quality and well-connected pedestrian and open space, which is in keeping with the local character. The key moves include:

- Upgrades to the footpaths and paved shared streetscape
- Creating the Hampden Street Pocket Park
- New pedestrian connections that link into Ward Street

The Figure below illustrates the high-level concept. A more detailed plan will be developed at the DA stage to ensure that any public domain improvement works reflect the community aspirations.

Figure 45: Proposed open space strategy



Source: Aspect

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 **positive economic outcomes** 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 1,088 jobs directly and indirectly during construction and 22 jobs post construction;
 - \$166 million of activity in production induced effects;
 - Total economic activity of around \$413 million; and
 - Total of \$5.8 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 within the NS CBD 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 254 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 254 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 edge 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-served 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

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

| | |
|--|--|
| St Mary's Primary School | 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?

The Proponent has consulted with the Sydney Planning Panel as part of the Rezoning Review and DPIE as part of the Gateway assessment and prior to the issue of the Gateway Determination. Consultation with the relevant State and Commonwealth authorities will be undertaken during the 28 day exhibition period.

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 46: LEP Mapping amendments



Picture 16 – Existing height

Source: NSLEP 2013



Picture 17 – Proposed height

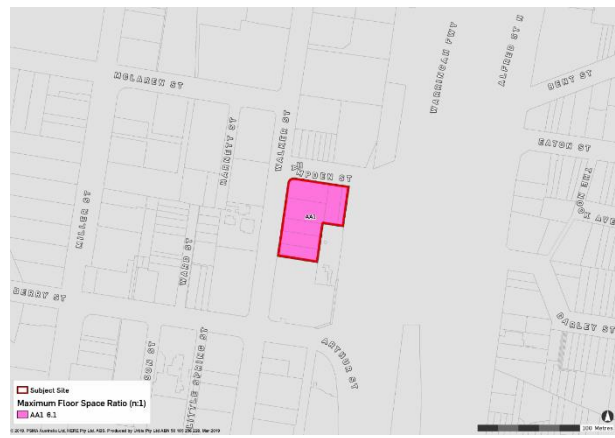
Source: Urbis



Picture 18 – Existing FSR

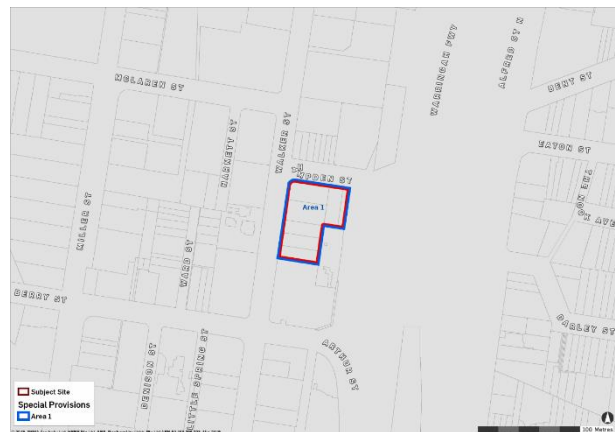
Source: NSLEP 2013

N/A



Picture 19 – Proposed FSR

Source: Urbis



Picture 20 – 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 Figure 47 below and discussed in detail within the proceeding sections.

Figure 47: 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 |
| Traffic |  Height control and transition adequately managed | ✗ | ✓ | Reduction of 78m in height from previous planning proposal |
| |  Retain of existing street and parking conditions on both Walker St and Hampden St | ✓ | ✓ | Retention of majority on street parking along Walker Street |
| Green |  Concern over traffic congestion | ✓ | ✓ | Traffic study undertake by ARUP |
| |  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.

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 DPIE issued 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 17: Indicative Project timeline

| Stage | Timeframe and/or Date |
|---|---|
| Consideration by Council | March 2019 |
| Council Decision | 30 August 2019 |
| Rezoning Review request for Gateway Determination | 2 September 2019 |
| Rezoning Review determination | 20 February 2020 |
| Gateway Determination by DPIE | 6 July 2020 |
| Commencement and completion of public exhibition period | Anticipated timeframe for public exhibition is 28 days. End September – End October 2020 |
| Consideration of submissions | October 2020 |
| Consideration of the Planning Proposal post-exhibition | November 2020 |
| Submission to DPE to finalise the LEP | December 2020 |
| Gazettal of LEP Amendment | Early 2021 |

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 and this has been confirmed in the Panel’s decision to support the Planning Proposal and the subsequent Gateway Determination by DPIE.

The proponent has actively collaborated with Council, the community and stakeholders over the last 3 years, procuring 24 individual strata titles, releasing the potential for Precinct amalgamation of the 3,948m² unconstrained development parcel on the fringe of the North Sydney CBD.

More recently, Council has identified the site as a strategic site within the draft Civic Study and identifies it for uplift potential. The proposal has been refined to incorporate, where relevant, the design guidelines contained within the draft Study, as they relate to setbacks, street wall heights, overshadowing, views and open space.

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 254 new dwellings on the fringe 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 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 2-3 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 references schemes which are compliant with the proposed LEP and DCP controls, ensuring that all sites can be equally developed.
- The reference scheme 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).
- 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 original Planning Proposal, 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 from the west to the east;
- ✓ 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.

The Planning Proposal also satisfies the conditions of the Gateway Determination, including:

- A reference scheme and proposed LEP amendment controls which include a maximum height of RL148 and an FSR of 6.1:1, for an amalgamated site;
- An alternative reference scheme which includes a maximum height of RL133 and an FSR of 6.1:1, for an unamalgamated site;
- A physical break in the built form fronting Walker Street to allow for a view corridor;
- The introduction of a 2-3 storey podium with a 3m upper level landscaped setback to create a human scale in response to the residential land use zoning and in line with the heritage datum;
- Articulation within the podium level where fronting Hampden Street to mimic the rhythm of the heritage items to the north;
- Further refined open space strategy as part of the delivery of the Hampden Street pocket park; and
- Confirmation that the refined reference design does not result in any greater overshadowing or loss of on-street parking, in comparison to the as lodged scheme.

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.

We submit that this Planning Proposal has been updated in accordance with the requirements of the Gateway Conditions and that it should proceed to public exhibition.

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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 LANDSCAPE CONCEPT REPORT

APPENDIX J ENVIRONMENTAL SITE ASSESSMENT

APPENDIX K AERONAUTICAL IMPACT ASSESSMENT

APPENDIX L WIND IMPACT ASSESSMENT

APPENDIX M ECONOMIC IMPACT ASSESSMENT

APPENDIX N HYDRAULIC REPORT

APPENDIX O LEP, SEPP65 & DCP COMPLIANCE



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