



## Place, Design and Public Spaces

### Response to Submissions Report

<b>DPIE Reference Number</b>	PP-2020-141 PP_2020_NORTH_004_00
<b>Sydney North Planning Panel Reference Number</b>	2019SNH042
<b>LGA</b>	North Sydney Council
<b>LEP to be Amended</b>	North Sydney Local Environmental Plan (LEP) 2013
<b>Planning Proposal</b>	The planning proposal seeks to: <ul style="list-style-type: none"><li>• Increase the maximum building height from 12 metres to RL133 metres (24 storeys).</li><li>• Introduce a maximum floor space ratio (FSR) of 6.1:1.</li><li>• Introduce a new Special Provisions clause and related map and identify the Precinct on the map as 'Area 1'.</li><li>• Introduce a new Additional Local Provisions clause which incentivises site amalgamation through additional building height and includes solar access protections to Doris Fitton Park.</li></ul>
<b>Address</b>	173-179 Walker Street and 11-17 Hampden Street, North Sydney
<b>Lot and DP</b>	SP 11082, SP 86752, SP 9808 and SP 64615 Lot 1 DP119732, Lot 1 DP591516, and Lot 2 DP591516
<b>Applicant/Owner</b>	Avenor Pty Ltd Consultant: Urbis
<b>Submissions</b>	<ul style="list-style-type: none"><li>• Public submissions.</li><li>• North Sydney Council submission</li><li>• Transport for NSW submission</li></ul>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>• Conduct public panel meeting.</li><li>• Proceed to finalisation.</li></ul>
<b>Report by</b>	Derryn John, Specialist Planning Officer – Department of Planning Industry and Environment

#### 1. INTRODUCTION AND BACKGROUND

The purpose of this report is to provide a summary of the key matters raised within submissions during the public exhibition of the planning proposal for 173-179 Walker Street, North Sydney and 11-17 Hampden Street, North Sydney (**Figure 1**).

The planning proposal seeks the following amendments to the North Sydney LEP 2013:

- Increase the maximum building height from 12m to RL 133m (24 storeys).
- Introduce a maximum FSR of 6.1:1.
- Introduce a Special Provision clause and related LEP map to identify the site as 'Area 1' and include the following site-specific provisions:
  - Incentivise the amalgamation of all lots within the site through a height of building bonus allowing for a maximum building height of RL 148 (29 storeys);
  - Ensure that development consent cannot be granted to development at the site which leads to a net increase in overshadowing to Doris Fitton Park between 12pm-2pm during mid-winter; and
  - Ensure that the consent authority must be satisfied that there is adequate provision of social and community infrastructure when granting development consent.



Figure 1: Site location (Source: Urbis – overlay by DPIE)

## 1.1 The site

The site, often referred to as the East Walker Street Precinct, is zoned R4 High Density Residential and comprises seven properties between 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The site has an area of 3,949sqm, and is located north of the North Sydney CBD and west of the Ward Street Precinct Masterplan area.



The existing character of the site is primarily dominated by a series of three storey walk up residential flat buildings along the Walker Street Frontage. The site also comprises two single storey detached dwellings on its Hampden Street frontage. The site also contains a range of mature trees throughout **(Figure 2)**.

Surrounding development comprises predominantly high density residential uses, with some low density residential uses, mixed use, commercial and infrastructure uses **(Figure 3)**. This includes:

- A row of two storey heritage listed terrace houses on the Northern side of Hampden Street.
- Eight-story residential flat building to the East and adjacent to part of the site at 88 Berry Street.
- On-ramp to the Warringah Freeway is found to the East.
- 21-storey mixed use building comprising of commercial offices on the lower levels with residential dwellings above to the South and adjacent to the site.
- Opposite the site to the west is a heritage listed stone wall providing grade separation dividing Walker Street.
- A row of two storey heritage listed terrace houses on the Western side of Walker Street.
- Two single storey houses towards the northern end of Walker Street.
- 22-storey mixed-use building at 136-142 Walker Street.
- 10-storey building at 144-150 Walker Street.

The site is approximately 600m north of the North Sydney Train Station and approximately 200m east of the proposed Victoria Cross Metro Station **(Figure 4)**.



Figure 2: Existing development on subject site (Source: Weir Phillips)





Figure 3: Aerial view of the site and surrounding North Sydney CBD from the north east (Source: SJB)

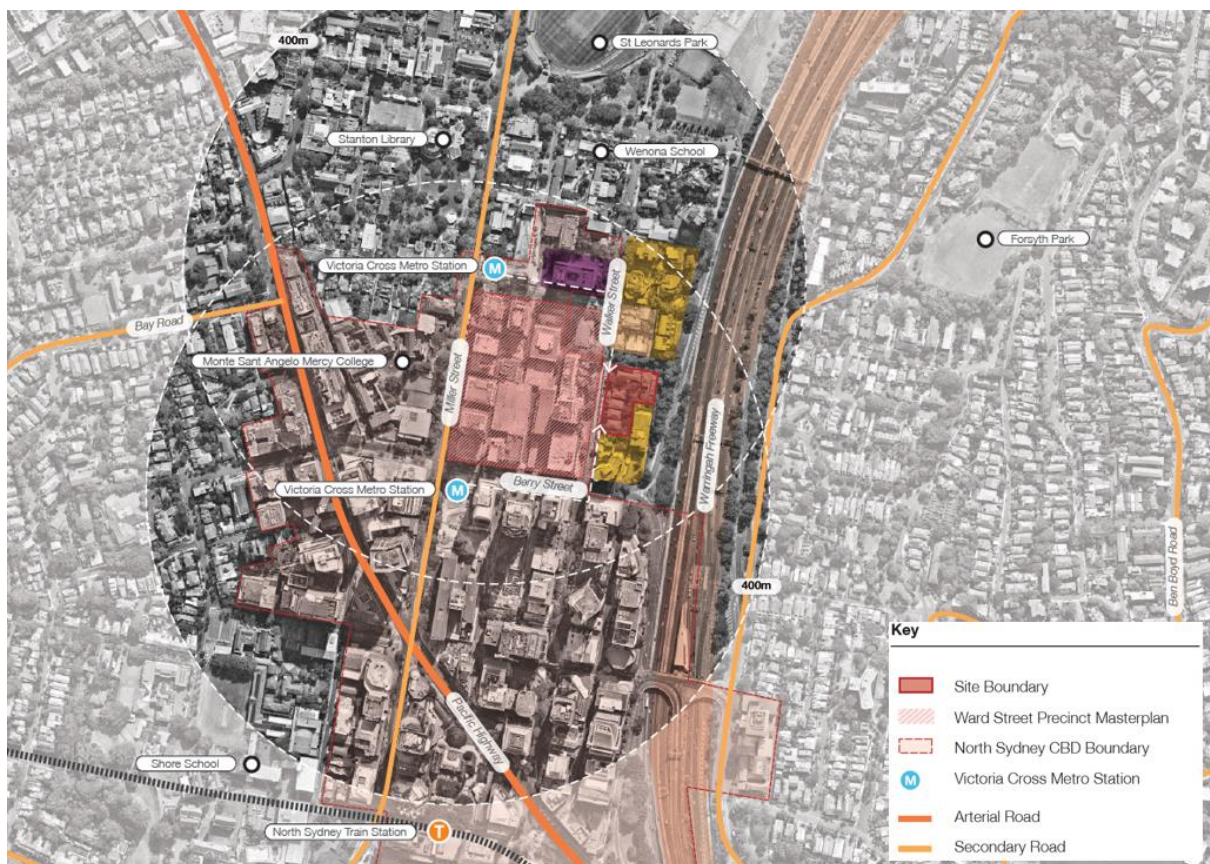


Figure 4: Site context map (Source: SJB)



## 1.2 The planning proposal

The planning proposal seeks to amend the North Sydney LEP 2013 in relation to 173-179 Walker Street and 11-17 Hampden Street, North Sydney to:

- Increase the height of buildings from 12m to RL133m (24 storeys) for the site.
- Establish a maximum FSR of 6.1:1 for the site.
- Introduce a new Special Provisions Map within North Sydney LEP 2013 and identify the site on the map as 'Area 1' and include new site-specific provisions to:
  - Incentivise the amalgamation of all lots within the site through a height of building bonus allowing for a maximum building height of RL 148m (29 storeys).
  - Ensure that development consent cannot be granted to development at the site which leads to a net increase in overshadowing to Doris Fitton Park between 12pm-2pm during mid-winter.
  - Ensure that the consent authority must be satisfied that there is adequate provision of social and community infrastructure when granting development consent.

A preferred concept design (**Figures 5-7**) has been prepared providing a 29 storey residential tower (being the bonus height scheme), with two eight storey components and a consistent 2-3 storey podium within the site.

The preferred concept design demonstrates a scheme that consists of 254 apartments, 208 car spaces and 233 bicycle spaces.

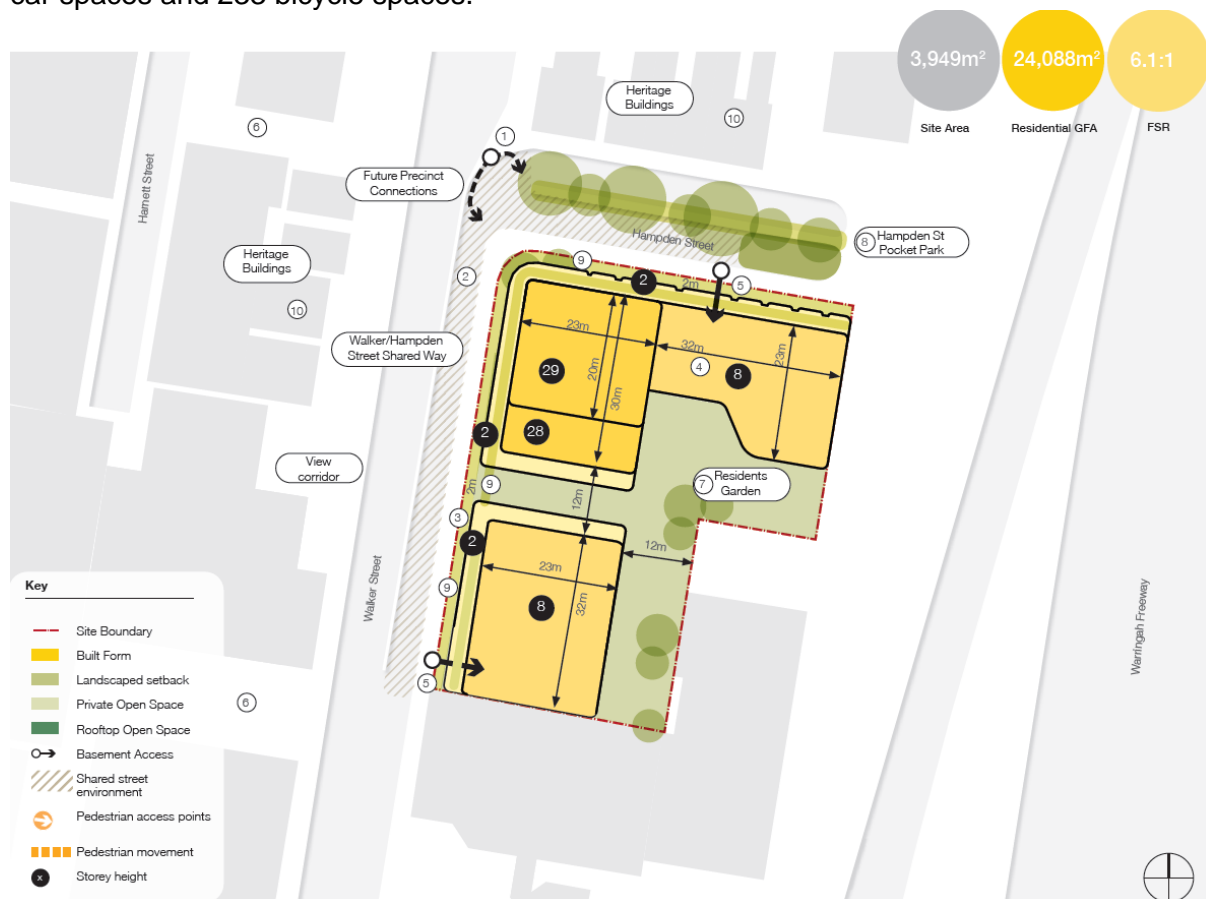


Figure 5: Proposed concept plan (Source: SJB)

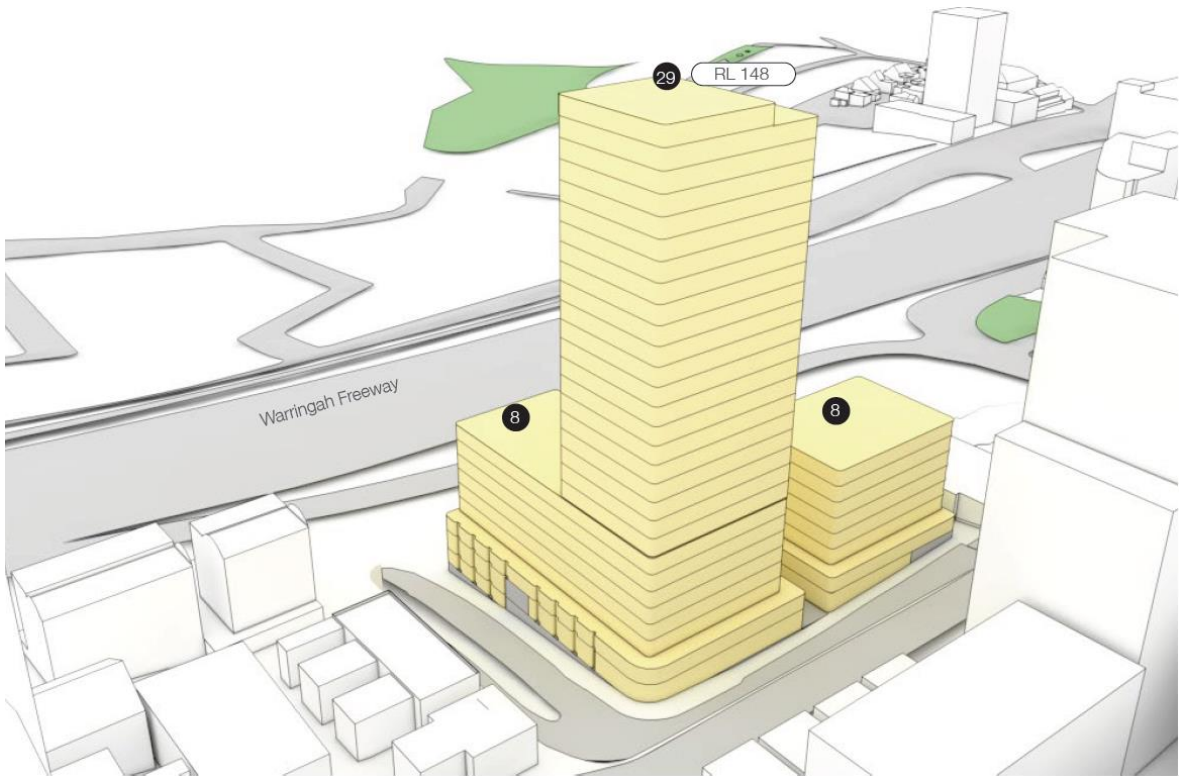


Figure 6: Concept plan showing elevation and articulation to Hampden street (Source: SJB)



Figure 7: Concept building envelope plan as viewed from the south east (Source: SJB)

### 1.3 Site history

#### Original Planning Proposal (2017-2018)

On 20 October 2017, a planning proposal was lodged with Council and proposed the following changes to the North Sydney LEP 2013:

- Increase the maximum building height to RL 210m (equivalent to 47 storeys).
- Increase the maximum FSR to 13.63:1.

On 25 January 2018, a rezoning review application was lodged with the Department as Council notified the proponent that the request to prepare a planning proposal would not be supported.

On 11 April 2018, the Sydney North Planning Panel (the Panel) considered the rezoning review request and determined that while the proposal had strategic merit, it did not have sufficient site specific merit to proceed to Gateway determination.

#### Revised Planning Proposal (2019-2020)

On 22 March 2019, following the advice and direction of the Panel, the proponent prepared a revised proposal. The proponent presented three possible schemes to Council including a base 'reference' scheme, a 'special provisions reference' scheme and a 'separate landholdings' scheme:

- The base reference scheme sought the following provisions:
  - A maximum building height of RL133m (24 storeys).
  - An FSR of 6.1:1.
  - The proposal would result in two development parcels (173-179 Walker Street and 11-17 Hampden Street) with a consistent podium, three storey street wall and two towers.
- The special provisions reference scheme sought the following provisions:
  - A maximum building height of RL 148m (29 storeys).
  - A maximum FSR of 6.9:1.
  - Amalgamation of the site with a consistent podium, three storey street wall, a tower on Walker Street and 11 Hampden Street.
- The separate land holdings reference scheme:
  - A maximum building height of RL 133 (24 storeys).
  - A maximum FSR of 6.1:1.
  - No amalgamation of 11-17 Hampden Street, a consistent podium, three storey street wall and a tower on the Walker Street site.

The three schemes were presented to the Panel for its consideration.

On 14 August 2019, Council resolved to not support the proposal being forwarded to the Department for Gateway determination due to concerns, including excessive height; inadequate view analysis; overshadowing and traffic impact.

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

On 20 February 2020, the Panel considered this second rezoning review and determined that the proposal demonstrated both strategic and site-specific merit and recommended that it proceed to Gateway determination.

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

- Consider the outcomes of Council's Northern CBD Planning Study.
- Consult with the form Roads and Maritime Services (RMS) / Transport for NSW (TfNSW) regarding the impact of traffic matters and implications for the Western Harbour Tunnel Portal.
- The additional FSR sought with the 'Special Provisions Clause' is undesirable. Retaining the FSR of 6.1:1 with the additional height of RL 148m would allow flexibility of the podium's built form and allow for breaks in the building.
- The site specific DCP needs to be amended to address the following.
  - Reconsider the built form of the podium to better reflect the residential zoning, in a heritage precinct.
  - Hampden Street frontage needs to mirror heritage items.
  - Open space to be reworked to improve transition of built forms.
  - Physical breaks in the built form on Walker Street to allow for public and streetscape views, and views through the site from existing residential flat buildings.

These matters were considered further through the Gateway determination process.

#### **1.4 Planning proposal authority**

Following the Panel's recommendation, in February 2020, that the planning proposal should proceed to Gateway determination, Council advised that it did not want to be the planning proposal authority for the proposal and the Sydney North Planning Panel accepted the planning proposal authority (PPA) role.

#### **1.5 Gateway determination**

On 6 July 2020, a Gateway determination was issued for the proposal (**Attachment B**). The Gateway required the planning proposal to be further updated prior to exhibition:

1. To be updated to consider the Sydney North Planning Panel's recommendations to:
  - a. Demonstrate a new special provisions scheme with the removal of the proposed bonus FSR provision;
  - b. Reconsider the podium based built form to better respond to the site's residential zoning and impacts on nearby heritage properties;
  - c. Include greater vertical building breaks with greater consideration of view impacts arising from the street level and properties located west of the site on Walker Street;
  - d. Better mirror the rhythm and bulk of adjacent heritage items located on the northern side of Hampden Street; and
  - e. Consider the design guidelines contained in North Sydney Council's draft Civic Precinct Planning Study.

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.

2. 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.
3. Should it be determined that the proposed development requires a permit to conduct a controlled activity within the prescribed airspace under the Airports Act 1996, under section 9.1 Direction 3.5 Development Near Licensed Aerodromes, the planning



proposal authority is to seek permission from the relevant Commonwealth authority prior to the commencement of public exhibition.

In September 2020, following the advice and direction of the Panel and the conditions of the Gateway determination, the proponent amended the planning proposal and associated documents to satisfy the above conditions so that the proposal could proceed to exhibition.

## **2. PUBLIC EXHIBITION**

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The planning proposal was publicly exhibited for 28 days by the Department from 29 October 2020 to 26 November 2020.

The Department placed an advertisement in the Mosman Daily advising of the public exhibition. A letter was also sent to surrounding property owners and occupiers. Hard copies of the exhibition material were provided for display at Council's administration building and the Stanton library. Documentation was also provided on the Department's planning portal.

## **3 SUMMARY OF SUBMISSIONS**

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One hundred and thirty nine (139) submissions were received from members of the community. Two (2) submissions were received from public agencies, being North Sydney Council and Transport for NSW. All submissions objected to some aspect of the proposal.

The majority of submissions were received from nearby residents of properties on Walker Street, Miller Street and Hampden Street. A few submissions were from the body corporates or developers of nearby buildings.

### **2.1 Public Submissions**

The key concerns raised by the community addressed the following issues:

- View loss and view sharing - 79%
- Overshadowing - 68%
- Traffic and pedestrian movement - 84%
- Building height, bulk and scale - 43%
- Heritage - 21%
- Loss of property values - 31%
- Inconsistency with the North Sydney LEP 2013 - 21%

The issues raised in submissions are discussed in **Section 4** below.

### **2.2 Agency Submissions**

In accordance with the Gateway determination, the following agencies were consulted:

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

Submissions were received from Council and Transport for NSW.

North Sydney Council provided a submission (**Attachment D**) raising several concerns with the proposal including:

- View loss
- Consideration of Council's Civic Precinct Planning Study
- Building bulk
- Heritage impacts
- Criticism of the presentation of exhibition material

Transport for NSW provided a submission (**Attachment E**) which raised the following issues:

- Trip generation
- Car parking (off and on-street)
- Noise attenuation
- Warringah Freeway upgrade

These issues are considered along with other submissions in the body of the report below.

## **4 KEY ISSUES**

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The following section provides details of the key issues raised in submissions. These details are also included in the submissions table (**Attachment Table**). The Department's comments are also provided below.

The proponent was given the opportunity to respond to key issues raised in submissions. The proponent responded on 10 February 2021 (**Attachment C1**) and the proponent's comments are included.

### **4.1 View loss and view sharing**

The proposal is supported by a visual impact assessment by Richard Lamb and Associates. The analysis states that there would be some loss of views however the height and location of the tower element has been carefully considered to provide an adequate view sharing outcome.

#### Submissions

Residents and building managers to the west of the site (Walker, Miller Street, including the Aqualand and Belvedere buildings) raised concerns about view losses east to the harbour.

Submitters identified that the view impact analysis is inadequate and requires further refinement. The proponent's analysis is considered to be dismissive of loss of views from Miller Street, and only considers sharing of harbour views and not the extensive district views to the east. Submissions claim that the view impact assessment submitted with the original planning proposal does not appear to have been updated to respond to the revised scheme.

Submissions during the public exhibition raised concerns about the loss of privacy with proposed apartments able to look into existing apartments.

Submissions consider that the proposal does not address the critical principle of whether the view loss from affected properties is reasonable. The proposal should allow for reasonable view sharing in accordance with the principles established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC.

#### Proponent Response

The proponent has prepared a revised Visual Impact Assessment by Richard Lamb and Associates to support the proposal. In response to the 168 Walker St (Aqualand – north west of site) submission the proponent states that existing development would continue to have expansive views including of Sydney Harbour and the Sydney Harbour Heads. The planning proposal concept design has been significantly amended and adjusted to cater to feedback from surrounding landowners.



During the assessment of the proposal by the Panel and Council, it was sought to achieve the objective of maximising views through the site from the west towards the east, rather than from the north to the south. The view image in the Aqualand Visual Impact Assessment (VIA) which claims loss of Opera House views, actually illustrates that the proposed location and height of the building envelope would not obstruct those views (**Figure 8**) where currently visible.



*Figure 8: Harbour views from level 23 (81m) of the approved Aqualand building.* The significant physical distance (100m) of Aqualand to the site and higher ground level (15-20m) results in the proposed building envelope on the site being only a minor built element in the expansive viewshed.

The Aqualand visual impact assessment only provides images of affected view locations and does not confirm the extent of the available wider panoramic view. A full and proper analysis of the extent and impact of the view has not been provided. Therefore, the visual impact assessment has not been legitimately prepared in accordance with the assessment criteria for the view sharing planning principle established under *Tenacity Consulting v Warringah Council* [2004] NSWLEC.

In the Visual Assessment Report (VAR) prepared by Richard Lamb (for proponent) (**Figure 9**), the Opera House is not visible from the Aqualand site at RL119.6m as any view corridor from this level is blocked by Century Plaza.



Figure 9: Image from south east corner of Aqualand (168 Walker St).

The proposed building envelope has been tested and refined to promote view sharing within a sensitive location at the eastern edge of a CBD. The surrounding area is of a high density residential nature. It is accepted that some private domain views will be compromised. However, the development promotes the principles of view sharing.

The proponent states that the Belvedere (west of site) submission has not properly reviewed the new revised proposal. In which, the building envelope shifts the tower form to the north with the specific objective of addressing previous feedback about view loss and overshadowing. By shifting the built form north this allows for view sharing and preserves the majority of views from the Belvedere tower (**Figure 10**).

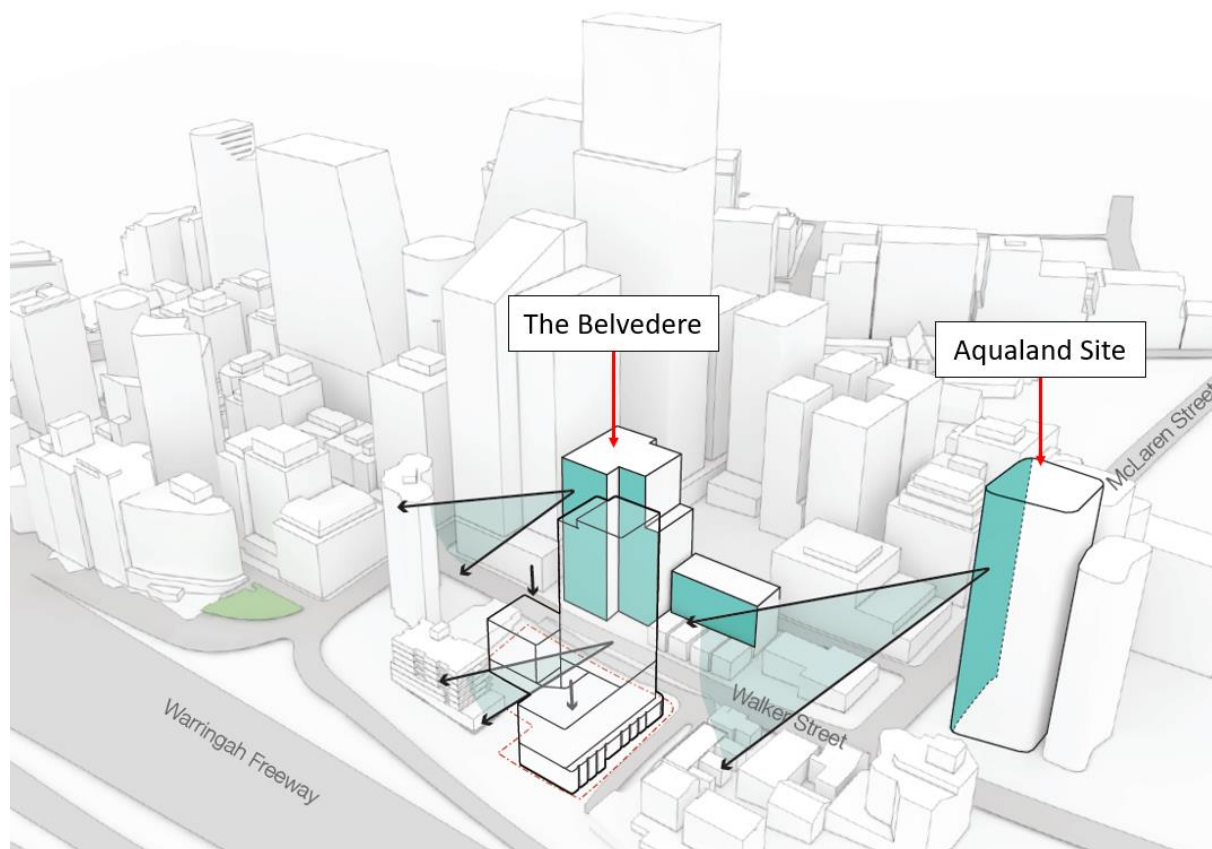


Figure 10: View sharing diagram (Source: SJB).

The break within the building envelope has been designed to retain views from within Belvedere, across the site. This view corridor is evident in the building envelope plan (**Figure 11**). A full view corridor from west to east is provided in the 12m gap between built forms and above 8 storeys over the southern building. The Belvedere tower is 20 storeys.



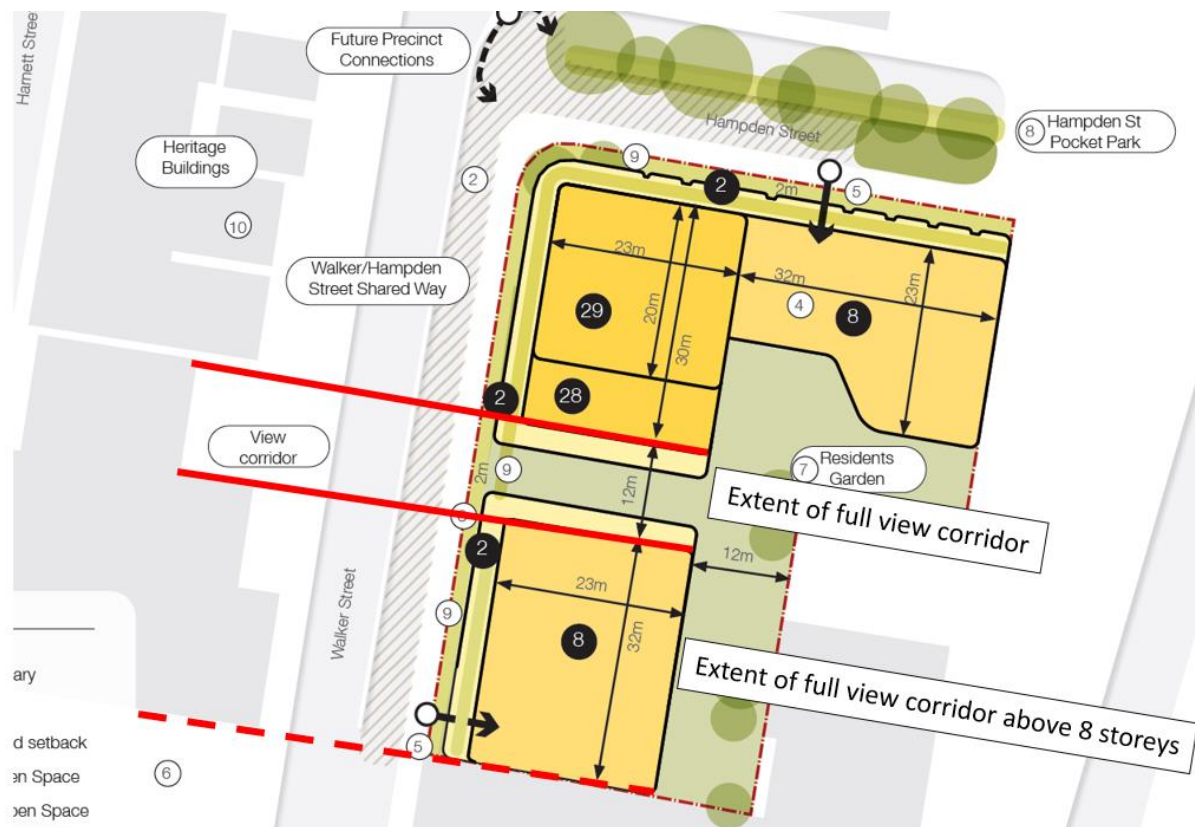


Figure 11: Building envelope plan showing view corridors (Source: Urbis).

Aerial imagery and the location of the tower confirm that it is located to the north west of the Belvedere apartments and therefore, upper level views from these apartments would likely be retained.

Submissions were received from residences in Miller Street, which is approximately 160m from the site. Work for Council's Ward Street Precinct Masterplan, states that these buildings do not have critical views. The location of the proposed tower only forms a small portion of the broader arc of view to the east for these properties. Any view that has the potential of being impacted is of distant views and not iconic or highly valued views.

The proposed building envelope promotes view sharing by consolidating the tower form to the northwestern corner, enabling a view corridor across the southern portion of the site. The proponent's Visual Assessment Report dated August 2020 reflects the intended building envelope that was refined to satisfy the recommendations of the Panel and the conditions of the Gateway determination.

#### Department Comments

The Department considers that the majority of submissions raised concerns about missing out on the morning sun and views through the site from the West to the East, and rightly this has been the focus of refinements to the proposal.

The site is at the edge of a major CBD, where high rise commercial and residential towers are characteristic of surrounding development. On a site that is zoned high density residential it is expected that some views will be impacted, however the proposal has been modified to provide for increased view sharing and decrease bulk and scale. The evolution of the design scheme is shown in **Figure 12**.

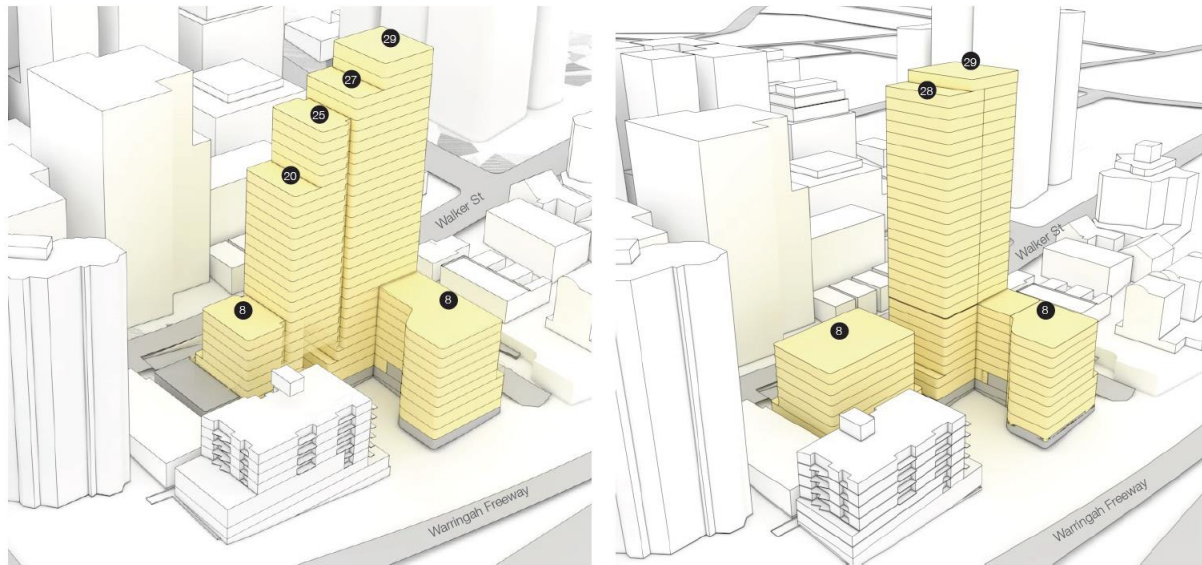


Figure 12: Comparison of former and revised schemes (Source: SJB).

The Panel has already indicated its support for development on the site for a tower up to 29 storeys (RL 148m) having regard to environmental factors such as overshadowing and view sharing.

The view loss experienced from nearby low level residences would be similar to the effects expected from development that complies with the current development controls i.e. R4 High Density Residential, and maximum building height of 12m. At the higher levels the proposal only blocks views of areas of open sky.

A number of submissions are referring to the earlier concept proposal that was reviewed by Ingham Planning in 2019 for the independent report to Council, rather than the revised current 2020 amended proposal following modifications after the Panel's rezoning review assessment and Department's Gateway determination,

The proposal has changed since Council considered the proposal in 2019 and includes:

- A reduction in the maximum FSR from 6.9:1 to 6.1:1 allowing for a slenderer building form.
- A reduction the length of the tower form along the Walker Street frontage through consolidation of the tower to the north of the site on the corner of Walker and Hampden Streets.
- Inclusion of a building break along the Walker Street frontage.

In terms of the principles established in *Tenacity v Warringah* these are usually applied when assessing a development application, rather than a rezoning (planning proposal). However, the above assessment does establish that view sharing will occur.

Step one of the *Tenacity* principles requires assessment of the views to be affected, this has been done focusing on views from the West looking to the east particularly views to the harbour and city.

Step two requires consideration from what part of the property the views are obtained. The proponent's view analysis is from a number of properties including the Belvedere and Aqualand properties, and from different levels.

Step three requires assessment of the extent of impact. The extent of impact has been considered, it is considerable for a few properties and less impacted for others.



Step four requires assessment of reasonableness of the proposal. This is usually an assessment of compliance against the planning controls, in this case the planning controls are proposed to be amended through the changes to the North Sydney LEP 2013.

The most recent planning proposal in 2020 is considered to address key concerns raised by the community such as the east west view corridor through the break in the built form. Additionally, the concentration of the building bulk on the northern portion of the site assists in enabling view sharing for existing residents, albeit some views are compromised. In the context of a CBD location, being a strategic centre, the built form outcome is considered appropriate for the purposes of a planning proposal and will be further assessed during the detailed design stage of a development application.

## **4.2 Overshadowing**

The proposal is supported by an urban design report by SJB which includes shadow diagrams showing impact on other buildings and sites nearby. These diagrams show there is no additional overshadowing impact to any existing or proposed open space on the 21<sup>st</sup> June (winter solstice).

### Submissions

A number of submissions raised concerns about loss of solar access. Particular concern was raised from residents on the western side of Walker Street about the loss of morning sun. Concern was raised regarding excessive overshadowing of surrounding dwellings and nearby parks including Doris Fitton Park.

It was also claimed that the proposal does not meet the requirements of the SEPP 65 Apartment Design Guide for neighbouring buildings in terms of overshadowing and solar access.

### Proponent Response

Additional solar modelling by SJB, confirms that solar access is maintained for a minimum of 2 hours to 70% of apartments within the Belvedere building opposite the site. The solar modelling illustrates that between 9am – 10am on 21 June the eastern facade of the Belvedere tower is partially overshadowed (**Figures 13-14**). However, from 10am onwards, the proposed concept envelope does not overshadow the Belvedere (**Attachment C2**).

The overshadowing impacts are considered to be minor and for a short duration (i.e. less than 1 hour), and overall, the proposal satisfies the SEPP 65 Apartment Design Guidelines (ADG) solar access objectives with respect to maintaining the amenity of neighbouring properties.

The Walker Street 'Heritage' residences are located to the north of the Belvedere tower (**Attachment C2**). At 9am, the building envelope does not result in any overshadowing to these properties. Solar access is therefore maintained for a minimum of 2 hours to 70% of apartments within 'The Heritage'.

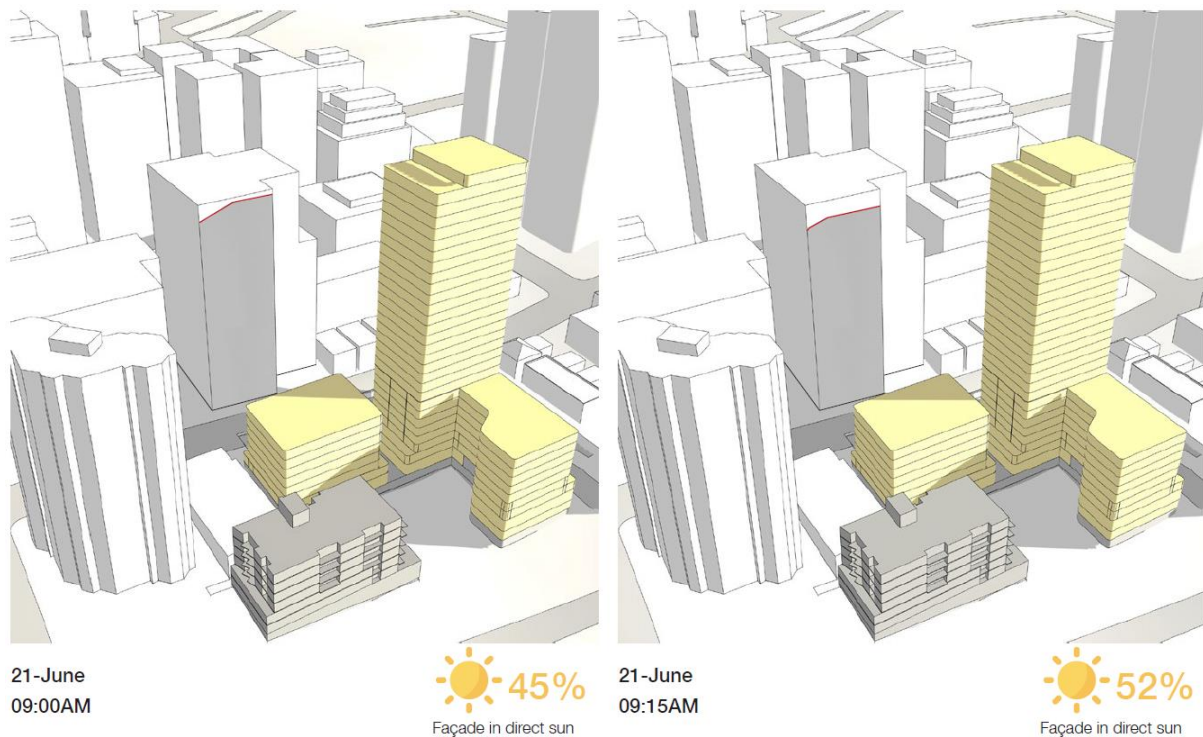


Figure 13: Overshadowing impact of proposal to neighbouring properties between 9-9:15am during mid-winter (Source: SJB).

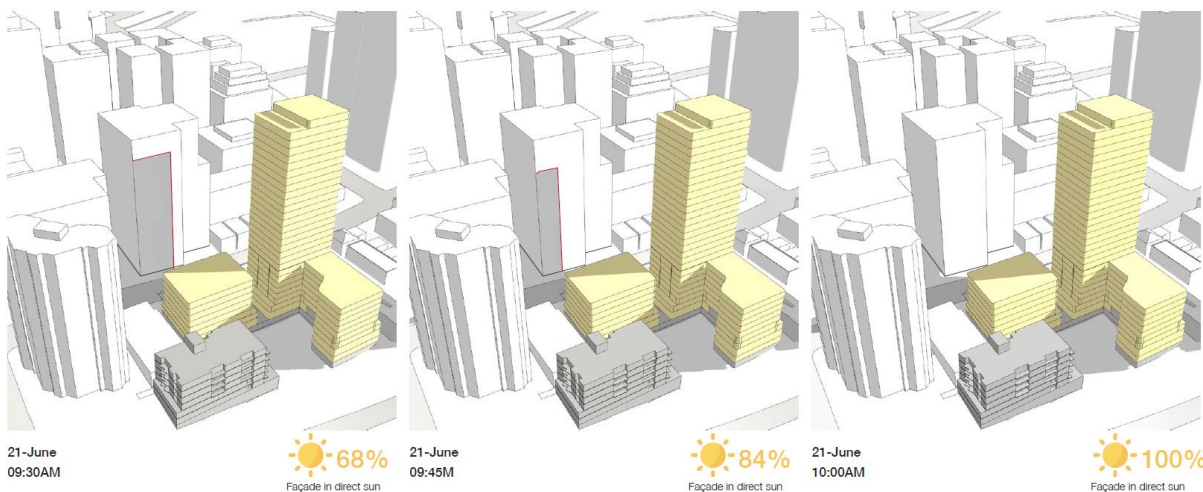


Figure 14: Overshadowing impact of proposal to neighbouring properties between 9:30-10am during mid-winter (Source: SJB).

### Department Comments

The Urban Design Report (SJB) demonstrates development can be undertaken at the site which is compliant with the requirements of the SEPP 65 ADG. The building envelopes have been designed to provide solar provision to the proposed development and neighbouring residential buildings. Other SEPP 65 requirements that have been considered in the design include; separation distances, communal open space, deep soil planting, pedestrian and vehicular access and parking.

The shadow diagrams in the Urban Design Report do show that there will be some overshadowing of surrounding buildings to the south on 21 June, however the report states that there will be no overshadowing impact to any existing or proposed open space at this time.

The proposal has changed since Council considered the proposal in 2019 and includes:

- A reduction in the maximum FSR from 6.9:1 to 6.1:1 allowing for a slenderer building form.  
A reduction of the length of the tower form along the Walker Street frontage through consolidation of the tower to the north of the site on the corner of Walker and Hampden Streets.
- Inclusion of a building break along the Walker Street frontage.

Although some overshadowing will occur to nearby properties these changes will provide for improved solar access for properties to the west of the site, when compared to the previous proposal. Whilst a maximum building height of RL 148m applies to the entire site, the building envelope would be constrained to satisfy the special provision solar access plane, so that there is no net increase to overshadowing of Doris Fitton Park between 12pm – 2pm on 21 June (**Figure 15**).



Figure 15: Proposed building envelope achievable showing solar access plane to Doris Fitton Park (Source: SJB).

### 4.3 Traffic and pedestrian movement

The proposal is informed by a traffic and transport assessment prepared by JMT consulting. Traffic and pedestrian movement concerns was the number one issue, being raised in 84% of the submissions. The Transport for NSW submission has been considered separately (**Section 4.21**).

#### Submissions

Specific concern was raised in submissions regarding congestion of Walker Street, and its limited parking availability. Walker Street was considered simply too small and narrow to accommodate a development of this proposed size. This lower split portion of Walker Street fronting the site is already an only two-car-wide street, currently allowing for one-way only passage of traffic past parked cars.

Submissions stated that the merging of traffic on Walker Street is considered already difficult and dangerous. Concern was raised about the capacity of the Walker Street and Berry, McLaren, and Ridge Street intersections. Traffic onto Berry Street & the freeway is already considered to be at a standstill during the mornings.



Concern was raised regarding access in a tight area for emergency vehicles or garbage trucks. Garbage trucks and fire engines currently access Hampden Street by reversing into the street from Walker Street.

Given there are less in-house parking places than apartments, submissions considered there will be increased demand for on-street parking, a demand that already exceeds supply. The proposal is expected to have a negative impact on safety and walkability. Safety of school children with increased traffic was a concern.

It was considered that the reference to an additional '25 vehicle trips during the AM/PM peak hour' is obviously ridiculous. Submissions said that there was no proper assessment of the likely cumulative impact of the increased number of dwellings and commercial spaces within the immediate vicinity.

Submissions stated that the proposal also does not provide sufficient ratio of number of onsite parking (resident and visitors) to the number of apartments. It was claimed that the traffic data was collected in 2014. Analysing the traffic situation using more recent data would be appropriate.

### Proponent Response

The proponent consulted with RMS/TfNSW in preparing the planning proposal and in response a lower car parking rate than Council's Development Control Plan (DCP) has been applied (208 spaces). The JMT Transport Assessment Report confirms that the vehicular movement during peak times would be 1 vehicle every 3 minutes resulting in a negligible impact.

It is expected that approximately 20% of residents would be car reliant, with the remainder of residents taking advantage of the nearby public transport infrastructure.

The matters raised by the submitters predominantly relate to existing traffic and pedestrian related conditions which are consistent with living in a CBD location. The development of the Victoria Cross Metro Station will alleviate a degree of the existing congestion.

Council's Stage 2 public domain strategy aims to improve pedestrian permeability in and around the CBD. There will be an improved pedestrian environment within the East Walker Street Precinct and new linkages to the Ward Street precinct.

Detailed traffic modelling was undertaken which confirmed that queues of no more than 1 vehicle would form at the Walker Street entry point into the site, therefore not impacting the operation of the traffic lights at the Berry Street / Walker Street intersection. Discussions with Transport for NSW were undertaken to confirm the most suitable form of access so as not to impact the operation of these traffic lights.

### Department Comments

The site is located within 200m of the Victoria Cross Metro Station (expected to be completed in 2024) and 600m of the existing North Sydney Station and associated bus services. There are a large number of bus routes within a 5 minute walk of the site, along Miller Street. Such a high level of public transport infrastructure encourages its use, and lessens the reliance on private vehicles for trips.

New Metro services are also expected to lower on-street parking demands and reduce traffic movements through a modal shift to greater public transport usage in the area.

North Sydney has one of the highest percentages of public transport use, with 71% of both residents and workers that walk, cycle, use public transport or ride share to travel to and from work. Given this, and the increased level of service with the new Metro Station, it is expected that the majority of residents will not use private vehicles during peak hours.

The proponent's traffic and transport report projected that the site will generate 27 vehicle trips during peak hours. The net change in traffic movement (compared to that generated by the existing 44 dwellings) is less than 20 vehicles per hour. (Note: refer to **Section 4.21** for

TfNSW position). In the scheme of the broader traffic through Walker Street and surrounds this is not considered a significant increase.

The future measures proposed under the Ward Street Precinct Masterplan and the Victoria Cross Metro Station work will increase permeability of this precinct and hence significantly improve the accessibility of the development by foot and by public transport.

The initial transport assessment was carried out in 2019 and updated in August 2020 prior to the exhibition.

Traffic modelling (SIDRA) was carried out by JMT to understand the maximum queue that is likely to form back to Berry Street from vehicles waiting to turn right into the proposed Walker Street Driveway. The modelling demonstrates that the maximum queue length that is likely to form in the PM peak hour behind right turning traffic is no more than one vehicle, and confirms the proposed development will not cause northbound lanes on Walker Street to queue back to Berry Street.

The development will result in the net loss of six on street parking spaces on Walker and Hampden Streets. Residents will have access to off-street parking (208 spaces). Existing residential dwellings on the site do not have any off-street parking. Each of these existing dwellings would be entitled to a residential parking permit. Residents of the future site will not have access to residential parking permits. Therefore, there would be expected to be a reduction in the number of parking permits issued in the area. The reduction in demand is expected to outweigh the anticipated loss of on-street parking.

The proposed residential parking provision is below the maximum number of spaces permitted under Council's DCP and will consequently result in lower vehicular trip generation and minimal traffic impacts.

Current arrangements for garbage collection on Walker and Hampden Street, is that trucks use the turnaround area at the end of the lower section of Walker Street to reverse into Hampden Street. It is proposed that these arrangements would continue. The proponent has advised that TfNSW was consulted and was generally comfortable with waste collection arrangements subject to further refinement at the DA stage.

#### **4.4 Building height, bulk and scale**

The proposal is supported by an urban design report that has been prepared by SJB.

##### Submissions

Submissions consider that the requested heights do not provide an appropriate transition of building heights from the existing CBD development to the subject R4 High Density Residential zoned land and the heritage area.

Submissions stated that the highest buildings should be in the centre of the CBD and slope down towards the edge. The proposal is for a high-rise building in the centre of a natural valley, the natural topography should be respected.

The proposal is not considered consistent with Civic Precinct Planning Study, which proposes a 20 storey height for the site. The proposal represents excessive bulk and scale. The building FSR of 6:1:1 is excessive in comparison to the existing controls.

One of the submissions pointed out that the location alone does not constitute planning justification for an almost ten-fold increase in height.

##### Proponent Response

The Sydney North Planning Panel supported the planning proposal on 20 February 2020, with the Gateway Determination being issued on 6 July 2020. The Civic Precinct Planning Study, which proposes a 20-storey height for the site, was not adopted by Council until 30 November 2020. It is evident that the planning proposal was well advanced prior to Council endorsing its Civic Precinct Study.

The Civic Precinct Study describes a desired character of the precinct which includes taller residential towers (between 20 and 28 storeys). The proposal is consistent with the desired character of this precinct. There is no logical planning basis or demonstrable improved environmental amenity outcome for the Civic Study to vary building heights on the site.

The endorsed height of RL 148m for the East Walker Street Precinct provides a height transition down from the planned heights within the Ward Street Precinct to the west.

Given the strategic drivers set by the Greater Sydney Commission (GSC) to accommodate housing growth close to the new metro station, it would be contrary to good strategic planning to unnecessarily reduce the density on the subject site when the impacts have met the required amenity tests.

The proponent has removed the additional FSR that was previously proposed, and the height has enabled a smaller, slender tower with reduced external impacts i.e. visual bulk, view loss and overshadowing.

#### Department Comments

With the Panel indicating support of the proposed building height (RL 148m – 29 storeys) prior to Council's Civic Precinct Planning Study coming into place, and also considering the built form impacts of the proposed envelope, it would be unreasonable to now apply a 20-storey height limit.

The proposed building envelope provides a height transition down from the planned heights of RL 168m – RL 225m within the North Sydney CBD Ward Street Precinct Masterplan to RL 148m on the site, providing for a height transition which falls away to the freeway and the low density residential areas in the east (**Figure 16**).

Given the site's location within 200m of the future Victoria Cross Metro Station it is appropriate to apply the proposed density. It is consistent with the strategic direction of the *Sydney Region Plan* to maximise residential floor space close to major transport infrastructure.

The proposal's previous FSR has been reduced from 6.9:1 to 6.1:1, thus reducing the bulk and scale of the earlier proposal.

The most recent planning proposal that concentrates the additional height to the northern portion of the site is supported to provide a visual break between the building mass.

Apart from the tower on the corner of Walker Street and Hampden Street, the bulk of the development is within an 8-storey built form, which complies with Council's recommendations in the Civic Precinct Planning Study.

Other design mechanisms such as considered variations in material and colour selection, vertical and horizontal articulation provided through various built elements and the introduction of natural elements such as green walls can assist in providing visual relief to the building. These matters may be considered as part of the DCP and would be considered as part of a detailed assessment within a future development application.



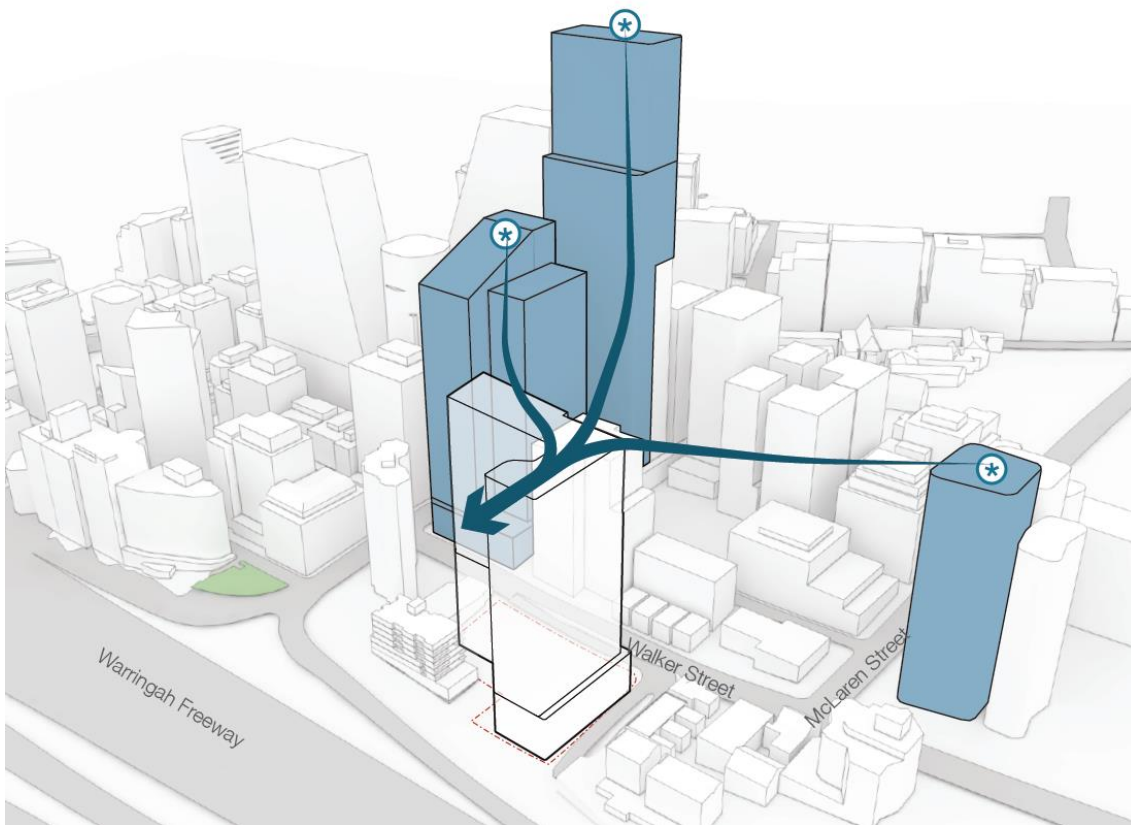


Figure 16: Height transition from the North Sydney CBD to the subject site (Source: SJB).

## 4.5 Heritage

### Submissions

A number (21%) of submissions raised concerns about potential major impact on the heritage listed buildings in the area.

The submissions do not specify which heritage items are expected to be impacted, it is assumed that they refer to the adjacent dwelling houses at 144-150 Walker Street, Victorian terraces at 2-14 Hampden Street and the stone wall within the Walker Street road reserve. (Figure 17).



Figure 17: Location of nearby heritage items in relation to subject site -outlined in red (Source: DPIE).

### Proponent Response

The site is not identified as a heritage item nor is it located in a heritage conservation area.

The proposal has been designed to be sympathetic to the Hampden Street heritage properties to the north. This has been achieved through the introduction of podium setbacks and vertical proportions within the built form that mimic the subdivision pattern of the heritage terraces.

### Department Comments

None of the dwellings on the site are heritage listed or have noted heritage value. The proposal has been designed with consideration of nearby heritage items, in a manner that is not anticipated to generate adverse impacts.

The proposal is supported by a Heritage Impact Statement by Weir Phillips that concludes that the proposal is sympathetic of nearby heritage and has been designed to mitigate visual impacts. The heritage items in the vicinity are separated from the site by the width of the road.

Post Gateway the design concept has been altered to incorporate a 3m landscaped setback on the third level and has included articulation along the Hampden Street frontage to better mirror the rhythm of the heritage properties located to the north (**Figures 5-6**).

The 2-3 storey podium is considered an appropriate built form as the adjacent heritage items to the north are two-storey terrace houses which are all elevated above a semi basement level. It is also noted with consideration of the site's topography, that the heritage items to the north are elevated above the street level. The 2-3 storey street wall is not inconsistent with the adjacent heritage items along Walker Street which are also located in an elevated position by comparison.

The development assessment process will give due consideration to the proposed building materials to further ensure consistency with adjacent heritage properties.

## **4.6 Consistency with Council's endorsed studies**

### Submissions

A few (7%) submissions claimed inconsistency of the proposal with North Sydney Council's Civic Precinct Planning Study (CPPS) The CPPS proposed commercial development and up to 20 storeys on the site in the form of a tower on the north western corner (corner of Walker and Hampden Streets). Submissions claimed that the applicant had not properly considered the design guidelines of the CPPS.

A couple of submissions commented on the inconsistency with North Sydney Council's Ward Street Precinct Master Plan (Note: site is outside of precinct).

### Proponent Response

The proponent states that the planning proposal and proposed concept building envelope has been refined to align with the design guidelines contained in the Civic Precinct Planning Study. Such improvements include the provision of a physical break, and separation between the buildings fronting Walker Street, and the amended podium height.

The planning proposal has elected not to adopt the part B3 Commercial Core part B4 Mixed Use land use zoning over the site nor reduce the height to 20 storeys as per the Civic Precinct Study. The Panel has stated that the site is more suited to the proposed residential mix and that the height is appropriate for the site.

The North Sydney CBD Capacity and Land Use Study (CLU Study) found that expansion for additional commercial space is not required, and that it is preferred that commercial growth is contained within the existing commercial core.

The CPPS states that there are limited opportunities for housing growth to occur in walking distance to the new Victoria Cross Metro Station. The site presents such an opportunity.

#### Department Comments

The Panel's support of the planning proposal proceeding to Gateway, and the Department's Gateway determination pre-date Council's endorsement of the CPPS.

The proponent was required by a Gateway condition to consider the design guidelines in the CPPS. The revised planning proposal package is considered consistent with the condition as the urban design report has been updated to demonstrate that consideration of the CPPS has occurred in the remodelling of the scheme.

The planning proposal also incorporates a discussion of its consistencies and considerations of the study throughout **Section 4.3** of this report. Elements that the revised proposal emulates from the study include a step down approach towards the Warringah Freeway, the 2-3 storey street wall and setbacks of 3m, building breaks to allow for view sharing and a new pocket park at the eastern end of Hampden Street.

There are limited opportunities for redevelopment sites that will create greater residential density close to the new Victoria Cross Metro station.

The site is outside of the boundary of the Ward Street Precinct Master Plan.

The proposal is in keeping with priorities in the *North District Plan*:

- (N5) Providing housing supply, choice and affordability, with access to jobs, services and public transport – the proposal will supply an additional 254 apartments with a mix of 1, 2 and 3 bedroom units, all within close proximity to the jobs and services in the North Sydney centre, and significant transport infrastructure.
- (N6) Creating and renewing great places and local centres and respecting the District's heritage – the proposal is providing for new residential buildings, and through the proposed landscape plan and public benefit offer will provide a renewed streetscape and contribute towards a pocket park on Hampden Street. The podium of the proposal has been redesigned to better complement adjacent heritage properties.
- (N12) Delivering integrated land use and transport planning and a 30-minute city – the site will place residents in a great location for public transport, as it will be around 200m from the Victoria Cross Metro Station, trains will connect to Martin Place in 5 minutes and the Sydney CBD in 9 minutes. This is in addition to existing North Sydney train and bus services.
- (N20) Delivering high quality open space – the landscaping plan proposes garden landscaping at the footpath/street interface and an internal garden with trees. Part of the public benefit offer includes funding to transform the eastern end of Hampden Street into a pocket park.

#### **4.7 Construction associated impacts**

##### Submissions

A few (11%) of submissions related to Construction associated impacts. Nearby residents were concerned that if development occurs residents will suffer significant noise and dust.

It was considered not possible to allow for the regular traffic to get in and out during the building process as Walker Street is extremely narrow due to the heritage listed wall that is causing a split in the road.

##### Proponent Response

Construction related impacts are a matter for consideration, following a determination of a development application.



It is standard protocol for Council to include conditions of consent requiring the preparation of a dilapidation report and construction management plans. Any conditions imposed at that stage will be complied with.

#### Department Comments

Construction related impacts such as noise, dust, hours of operation, and traffic management will be addressed through consideration of the development application and appropriate consent conditions will be set.

### **4.8 Population density / crowding**

#### Submissions

A number of submissions raised concerns about population density and crowding. Specific concern was raised in terms of limited resources, risk management and overcrowding/crowd control. Some claimed that the present infrastructure cannot cope with the increased population.

#### Proponent Response

N/A.

#### Department Comments

The North Sydney CBD is well served in terms of jobs, retail, services and transport infrastructure and capable of accommodating the proposed 254 apartments.

Council's Stage 2 public domain strategy aims to improve pedestrian permeability in and around the CBD.

### **4.9 Loss of property values**

#### Submissions

A number (31%) of submissions raised concerns about loss of property values. The loss is expected to be due to the loss of views and overshadowing. This proposal is expected to undermine and devalue property investments.

#### Proponent Response

N/A

#### Department Comments

There are a number of variables that impact on property value over time. Steps have been taken to minimise overshadowing from the proposal and to provide view sharing to protect the amenity of neighbouring properties where appropriate.

### **4.10 Consistency with the LEP**

#### Submissions

A number of submissions related to consistency with the LEP. It was considered that development is contrary to the objectives of the R4 High Density Residential zone in that it will compromise the amenity of the surrounding area.

#### Proponent Response

N/A

#### Department Comments

The proposal is consistent with the R4 High Density zone objectives to provide for the housing needs of the community within a high-density residential environment, and to provide a variety of housing.

Steps have been taken in the redesign of the proposal to minimise amenity impacts.

#### **4.11 Special provisions**

##### Submissions

Several submissions raised concerns regarding the special provisions clause. It was considered that the benefits of the Special Provisions Design have not been adequately demonstrated.

##### Proponent Response

N/A

##### Department Comments

The Special Provisions Clause provides a bonus height incentive for lot amalgamation, and provision of adequate social and community infrastructure, and requires no net increase in overshadowing to Doris Fitton Park between 12pm-2pm during mid-winter.

Design analysis to support the proposal indicates that Doris Fitton Park will not have a net increase of overshadowing between 12pm-2pm (**Figure 15**). Lot amalgamation will enable construction of a taller narrower tower on the corner of Walker Street and Hampden Street, thereby allowing for view sharing and reduced shadowing.

#### **4.12 Public benefit**

##### Submissions

A number of submissions related to the public benefit offer. It was considered that there is insufficient information for Council to determine if the applicant's public benefit offer is reasonable.

##### Proponent Response

N/A

##### Department Comments

The public benefit offer put forward by the proponent in a draft Voluntary Planning Agreement (VPA) includes:

- 5% of the residential yield for affordable housing.
- A contribution for the provision of community infrastructure at a rate of \$15,100 per net dwelling.

It is proposed that a deferred commencement clause be included in the LEP to enable finalisation of Council's development control plan (DCP) to further refine the proposed building envelope and site-specific design provisions. This additional time will also provide Council with an opportunity to negotiate, exhibit and execute the VPA outcome.

#### **4.13 Regional and District strategies**

##### Submissions

A few submissions stated that the proposal was inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land.

##### Proponent Response

N/A

##### Department Comments

Note that this was a general statement and no specific objectives or actions are mentioned.

The proposal is consistent with objectives in the *Greater Sydney Region Plan*, in particular:

- Objective 4: Infrastructure use is optimised – additional residents will be located close to the transport and other infrastructure of North Sydney CBD.

- Objective 10: Greater housing supply – the proposal will deliver 254 dwellings.
- Objective 11: Housing is more diverse and affordable – a variety of 1, 2 and 3 bedroom units will be delivered.
- Objective 14: integrated land use and transport creates walkable and 30-minute cities – the site is ideally located to the proposed Victoria Cross Metro Station, and Council has planned accessibility improvements to pedestrian permeability in and around the CBD.

The proposal is also in keeping with priorities in the *North District Plan* (as outlined in **section 4.6** above):

- (N5) Providing housing supply, choice and affordability, with access to jobs and services.
- (N6) Creating and renewing great places and local centres and respecting the District's heritage
- (N12) Delivering integrated land use and transport planning and a 30-minute city.
- (N20) Delivering high quality open space.

#### **4.14 Over supply of apartments**

##### Submissions

A few of the submissions raised concerns about the over-supply of apartments. One submission claimed that North Sydney LGA is already ahead of the dwelling targets set by the NSW State Government for 2036.

##### Proponent Response

N/A

##### Department Comments

The proposal will accommodate approximately 254 residential dwellings. Given the highly fragmented nature of the North Sydney local government area and the forecasted population increase of 32.9% by 2036, these dwellings will assist Council in achieving the dwelling density targets and alleviating the pressure of residential encroachment on the commercial core.

The concept provides for additional housing choice across different market segments with 93 one bedroom apartments, 112 two bedroom apartments and 48 three bedroom apartments expected. The Department notes that the Apartment Design Guide encourages an appropriate mix of dwellings and will be a matter of consideration for a future DA.

The North District has a housing target of an additional 92,000 dwellings by 2036. The proposal notes that the Greater Sydney Commission has confirmed that Council will fall short of its minimum 5-year housing target by 170 dwellings.

The Department has received the North Sydney Local Housing Strategy for assessment. Based on the 2020 Sydney Housing Supply Forecast, the Department's assessment is that North Sydney requires the rezoning of a number of sites, to meet the 6-10 year (2021-2026) housing target. These sites include the proposed 254 dwellings at Walker and Hampden Streets.

#### **4.15 Wind tunnel effect**

##### Submissions

A small number of submissions raised concerns about wind tunnel effect. It was considered that the proposal's structures would intensify the winds that flow from Sydney Harbour. This will make balcony use impossible on windy days.



#### Proponent Response

N/A

#### Department Comments

A Wind Tunnel Study has been undertaken by Windtech Consultants and found that the 'proposed development will have minimal impact on the wind conditions in Hampden Street and along Walker Street.'

The provision of street trees along the Walker Street and Hampden Street frontage, as per the landscape concept plan will ameliorate impacts from wind.

Additionally, the site will be subject to further wind assessment during the detailed design stage carried out as part of the development application process.

### **4.16 Loss of green space - tree canopy and biodiversity habitat**

#### Submissions

A few submissions related to loss of green space, tree canopy and biodiversity habitat.

It was considered that all of the proposed landscape is either over basements or on roofs and there can therefore be no true deep soil planting. There will be a loss of biodiversity. There are few trees left in North Sydney and there are 20 mature habitat trees on the subject site. These trees provide roosting for currawongs, magpies and lorikeets.

#### Proponent Response

N/A

#### Department Comments

The development footprint provides for large communal open space areas along the eastern portion of the site that could be used for lawns and community gardens including trees.

Redevelopment is expected to include the loss of mature trees. However, the subject site is located in an established urban area and there is no evidence of critical habitats, threatened species or ecological communities located on the site.

The planning proposal does not include the provision of publicly accessible open space, rather as part of the public benefit offering that the proponent proposes to transform the eastern extent of Hampden Street into a pocket park which is Council owned land. As such the revised proposal is not considered to reduce the provision of public open space.

Existing trees will be removed and replaced. The landscape design report anticipates that new trees will be planted along the Walker Street and Hampden Street frontages and within the internal communal garden. Requirements for landscaping will be addressed in detail at the development application stage.

### **4.17 Lack of strategic merit**

#### Submissions

A small number of submissions related to lack of strategic merit. It was considered that the Walker Street East site is not the place for an expansion of the North Sydney Centre.

#### Proponent Response

N/A

#### Department Comments

Strategic merit has been established in consideration against the *Greater Sydney Region Plan* and the *North District Plan* as per above (**section 4.6 and 4.13**).

During the consideration of the planning proposal through the rezoning review stage and Gateway determination, the Panel, Council and the Department have determined that the planning proposal demonstrates sufficient strategic merit for uplift on the subject site.

#### **4.18 Lack of credibility and inconsistency of the planning system**

##### Submissions

10% of the submissions related to lack of credibility and inconsistency of the planning system. People commented that they had no faith in the decision making process when speculative proposals allow for massive uplift on sites contrary to the existing planning framework, despite the detrimental impacts.

It is considered unfathomable that the developer can just circumvent the process undertaken by Council. Council is the best placed body to decide the application. There is an inconsistency of planning decisions.

There was a claim of corruption in Government to enable the proposal to get so far, although this claim is unsubstantiated.

One submission was critical of the form of the public exhibition which has not assisted the wider community fully engaging with the process given the volume and manner in which exhibition material has been presented.

##### Proponent Response

N/A

##### Department Comments

The rezoning review process and the subsequent planning proposal has been overseen by the Panel. The Panel provides independent expert advice. The Panels were introduced to strengthen independent decision making on regionally significant planning matters.

In this case North Sydney Council has declined the Department's request to act as the planning proposal authority (PPA), so the Panel was appointed as the alternative PPA.

There has been no evidence provided or specific detail to support the claim of corruption in decisions related to the planning proposal. Any person may report suspected corrupt behaviour to the Independent Commission Against Corruption and those people who have suggested there is evidence may do so.

#### **4.19 Loss of low cost (affordable) housing**

##### Submissions

A few submissions raised concerns about the loss of low-cost housing.

The affordable housing offer was viewed as a cynical bid by developers to get approval. It is unclear what 'housing affordability' means within the context of the Proposal. Many North Sydney renters currently live in the '100 or so affordable dwelling units on the site'.

##### Proponent Response

N/A

##### Department Comments

The draft VPA being prepared for the proposal will dedicate 5% of the total floor space to affordable rental housing, in accordance with the North Sydney Affordable Housing Strategy. The proponent intends that this floor space would be dedicated to Council in perpetuity.

The provision of additional housing in general has the potential to contribute to housing affordability by increasing general housing supply which places downward pressure on housing costs.

Note that there are only 44 existing dwellings on the site.

## **4.20 Dilapidation report**

### Submissions

A few submissions related to the need for a dilapidation report. Neighbouring property owners expressed concerned that a dilapidation report doesn't seem to have been prepared.

### Proponent Response

It is standard protocol for Council to include conditions of consent requiring the preparation of a dilapidation report and construction management plans.

### Department Comments

Construction related impacts and dilapidation report requirements will be addressed through consideration of the development application and appropriate consent conditions will be set.

## **4.21 Transport for NSW submission**

Transport for NSW (TfNSW) provided a late submission on 25 February 2021 which is considered separately below.

### Submission

TfNSW did a trip rate calculation for the site based on the average in the AM / PM peak per unit for major centres and found that the site would be expected to generate 50 car trips. TfNSW consider that this trip rate is relatively minor. TfNSW expect that vehicle trips may reduce further given the proximity to train and bus services and the potential for changes in working arrangements (WFH).

TfNSW supports the parking rate to provide 208 parking spaces for 254 units. This rate is lower than Council's maximum DCP parking rate and TfNSW parking rates. Given the site's proximity to two major train stations and bus services, and noting potential changes in working arrangements (WFH), a further reduction in car parking provision would be strongly supported.

TfNSW suggests the removal of parking along the frontage of 173-179 Walker Street (southbound traffic) should be considered to allow the relocation of the proposed driveway further north away from potential conflict points / queuing at the Berry Street / Walker Street intersection.

TfNSW consider that the swept path diagram submitted in the transport Impact Assessment does not adequately demonstrate that the right turn movement into the site and northbound passing vehicles is achievable without the need for removal of some on-street parking. TfNSW recommends the removal of on-street parking for the northbound traffic on Walker Street, south of Hampden Street particularly opposite the proposed driveway location to enable such turns.

TfNSW recommends a 'bin holding area' within 2m of the kerb-line, and the exploration of waste collection arrangements to comply with North Sydney Council's requirements. Alternative options should be submitted at DA stage.

Given the site's proximity to Warringah Freeway TfNSW requires consideration of appropriate noise attenuation measures to mitigate future residents against noise, vibration and environmental impacts of major road traffic. Council should be satisfied that any noise mitigation controls are aligned through the DCP.

TfNSW requested that close consideration be given to any potential overlaps with the adjacent Warringah Freeway Upgrade in terms of construction activities, cumulative community impacts, haulage routes and access as this could impact the delivery of the upgrade.



### Department Comments

The TfNSW 50 car trip rate for peak hour vehicle movement is higher than the proponent's traffic and transport study which predicts 27 vehicles. However, it is noted that the rate is still considered relatively minor by TfNSW for a location like North Sydney and that it may reduce further. The on-site parking rate of 208 spaces is supported.

The requests to consider the relocation of the driveway, and remove further on-street parking, has been referred to the proponent for comment and then will be considered by the Panel for changes to the concept proposal and could inform changes to the draft site-specific DCP for consideration by the Department during the finalisation of the LEP.

The request to provide a 'bin holding area' and to explore waste collection arrangements has been referred to the proponent for comment and will then be considered at DA stage.

The draft DCP for the site addresses design features to minimise traffic noise transmission. The TfNSW submission will be referred to Council. Noise mitigation will be further considered at DA stage.

Consideration of overlaps with the Warringah Freeway upgrade is a matter for consideration at DA stage.

### **5 STATE MEMBER COMMENTS/REPRESENTATIONS**

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No state member representations were received by the Panel Secretariat during the statutory community consultation period.

### **6 CONCLUSION AND RECOMMENDATION**

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The proposal is considered to have strategic merit, particularly in relation to its consistency with objectives in the *Greater Sydney Region Plan* and the *North District Plan* in terms of increasing housing choice in a location with good access to transport, jobs and services.

In terms of site specific merit, it is acknowledged that there will be some overshadowing and view loss, however changes have been made to the original concept design to reduce these impacts. Given the site's location within 200m of the future Victoria Cross Metro Station it is appropriate to apply the proposed density. The site is at the edge of a major CBD, where high rise commercial and residential towers are characteristic of surrounding development.

The key issues raised have been adequately addressed in the planning proposal. These matters include:

- View loss and view sharing;
- Overshadowing;
- Traffic and pedestrian movement;
- Building height, bulk and scale;
- Heritage;
- Loss of property values; and
- Consistency with the LEP.

It is considered that no issues have been raised that would preclude the planning proposal from progressing to being finalised.

It is recommended that the Sydney North Planning Panel, as the planning proposal authority:

- **note** the matters raised in the submissions;
- **release** the submissions report publicly; and
- **conduct** a public panel meeting to determine if the proposal should proceed to finalisation.

**Endorsed by:**



**Nick Armstrong  
Acting Manager  
North District**



**Brendan Metcalfe  
Director  
North District**

## **ATTACHMENTS**

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**Attachment Table:** Walker St Submissions table (DPIE)

**Attachment Letter:** Letter to Sydney North Planning Panel

**Attachment A:** Planning Proposal

**Attachment B:** Gateway Determination – July 2020

**Attachment C:** Proponent's Response to Submissions Package– 10 February 2021

**Attachment C1:** Proponent's Response to Submissions Report

**Attachment C2:** Additional Overshadowing Analysis

**Attachment C3:** Addendum Letter View Sharing

**Attachment C4:** Addendum Letter Traffic and Transport

**Attachment D:** North Sydney Council submission – 30 November 2020

**Attachment E:** TfNSW submission – 25 February 2021