From:	Paula Mottek
To:	Plan Comment Mailbox
Cc:	mayor@northsydney.nsw.gov.au; trent.zimmerman.MP@aph.gov.au; northshore@parliament.nsw.gov.au; Christopher Work
Subject:	2020SNH005 - comments on Planning Proposal 173-179 Walker Street, North Sydney
Date:	Thursday, 26 November 2020 11:56:25 AM
Attachments:	Walker Street East PP letter FINAL.pdf

Please refer to our objection attached

Regards

Paula Mottek

Planning Panels Secretariat

Locked Bag 5022

PARRAMATTA NSW 2124 By email: PlanComment@planningpanels.nsw.gov.au

25 November 2020

Attention: Bailey Williams

Re: PP_2020_NORTH_004_00 – 173-179 Walker Street, North Sydney

We write as owners of Apartment 1401, 138 Walker Street, North Sydney, which is located immediately to the west of the site of the subject Planning Proposal. We wish to register our strong opposition to the current Planning Proposal on the basis of the issues outlined in our submission below.

Lack of Strategic Merit

The proposal is for an almost ten– fold increase in the height permitted on the site. The current controls provide for a maximum 3 storey height, and the Proposal seeks 29 storeys (RL148).

The strategic argument put forward by the proponent for rezoning the site is to allow for CBD expansion and to provide for more intensive uses (largely residential) is fundamentally flawed.

The North Sydney CBD is important and needs long term capacity for growth. The new Victoria Cross Metro station gives impetus to this status. This premise has long been part of North Sydney Council's strategic planning, and is evidenced by the significant amount of work that has been undertaken in recent years for the Ward Street Precinct. More recently this has formed an important part of the strategic planning reviews undertaken by Council to prepare their Local Strategic Planning Strategy and the master plans for the Ward Street and Civic Precincts (we note that the subject site is located within the latter precinct). All of this strategic planning work has been premised on providing for increased height and density within the North Sydney Centre, while maintaining areas for transition around the edges. This has long been a clear and logical approach.

The Ward Street Precinct Master Plan represents 'proper' orderly planning to provide for the additional future capacity warranted in the North Sydney CBD. Essentially, the Ward Street Precinct establishes the new 'urban limit', leaving a transition area to provide for a stepping down of heights and density from the Centre to the edge defined to the east by the Warringah freeway. When viewed from the freeway, there is an apparent built form pattern and structure that exists, with

lower scale buildings graduating to the much taller forms to the west and south. Council's strategic plans seek to maintain this pattern and they should be supported in this by State government.

The subject site is surplus to capacity needs, beyond the increased capacity that exists on the site (noting that the site is already zoned for high density residential development) and therefore falls outside all the strategic capacity and detailed impact assessments undertaken so far. For this reason, the subject site has not been incorporated as part of the North Sydney Centre.

It therefore seems illogical and inconsistent to now permit tower building forms on a site that was to be preserved as part of the transition area on the edge of the centre, abutting the freeway, given that site required for the expansion of the Centre.

The Planning Proposal rests its argument for significant uplift on the site almost solely on the site's proximity to the Victoria Cross Metro portal. Location alone does not constitute sufficient strategic merit or planning justification for an almost ten-fold increase in height of buildings on the site.

While it is acknowledged that there is a need to support the Metro infrastructure with new development, as is outlined in Council's Civic Precinct Planning Study under *Action 1: Create more jobs and housing opportunities near the Metro,* a considerable number of new apartments have already been approved and have either now been completed or are currently under construction on sites in the vicinity of the Metro portal. Recently developed sites including 221 Miller Street, 229 Miller Street, 231 Miller Street and 168 Walker Street provide a cumulative total of 886 additional residential apartments (including 100 serviced apartments) as well as a significant amount of commercial office space, within one block of the portal. This arguably provides ample support for the new Metro station while balancing the traffic and other impacts and the quantum of uplift being sought on the subject site is not justifiable on these grounds.

The cumulative impacts of the traffic and densely clustered buildings in the vicinity surely needs to be carefully considered. The subject site, while in walking distance, is not sufficiently close to the new station to warrant all other planning considerations (including view loss and traffic, among many others) being discounted.

Inconsistency with Council's Civic Precinct Master Plan

When making its rezoning-review decision regarding the Planning Proposal, the Sydney North Planning Panel placed a number of conditions on the approval which were to be considered with the issuing of any Gateway determination. The first condition of the Panel's decision reads as follows:

"That prior to the making of any instrument, consideration be had of the outcome of Council's Civic Planning Study"

Despite Council's position that the area to the east of Walker Street should form part of the transition area to the Centre, the final Civic Precinct Planning Study provides for up to 20 storeys on the corner on Walker Street and Hampden Place, with 8 storeys across the remainder of the site (all subject to a merit assessment).

Despite the finalised Planning Study, the proponent continues to seek additional height, with up to 29 stories over a larger portion of the site that provided for by the Study, without adequate justification.

The proponent agrues that the subject site should be excised from Council's Civic Precinct Study Area (refer p 22 of the PP report by Urbis) on the basis that planning for this site has been underway for some time. However the planning undertaken by the Proponent has been in isolation of any

other surrounding land and on the basis of maximisation of financial return. There can be no valid argument that the subject site should not form part of Council's holistic strategic planning for the Precinct, as it is only on an holistic basis that there can be any integrated and successful outcomes for the future of the Centre and its surrounds.

Further, the Planning Proposal report states that a height of RL148 has previously been endorsed by the Planning Panel, and uses this height to form a baseline for the current consideration. The Planning Proposal report states (p. 24) that *"there is no logical basis or demonstrable improved environmental amenity outcome for the draft Study (*Civic Precinct Planning Study*) to vary building heights on the site, from that which are documented within the Planning Proposal"*. In fact, the proposed heights and densities must now be considered on their merits against the existing controls that apply to the site.

Fundamentally, it is the role of the Panel to consider whether an uplift of nearly 1000% is appropriate and justified in terms of the environmental social impacts and consistency with local and State government strategic planning and we do not believe that this has been demonstrated.

Inadequate view impact analysis

The Planning Proposal report acknowledges that view loss and view sharing are issues for consideration, however there has been no meaningful attempt to assess or analyse the fundamental impacts that would result from the proposed building forms. Given the quantum of uplift being sought and the fact that view loss is one of, if not the most significant issue, a thorough and credible view loss assessment that provides a clear understanding of the impact that would be had on the surrounding areas and homes is required and must be considered as a fundamental part of the Panel's decision.

The Visual Assessment Report submitted by the proponent states on page 22 that *"A full assessment of view loss in the private domain adopting the Tenacity principles would require a detailed assessment of individual views from dwellings that would be more appropriate at the DA stage. Nevertheless, it appears unlikely that a view sharing assessment would conclude that the effects of the Reference Design would be unreasonable, in the terms of Tenacity."* This is not the case because **it is NOW that the building form and scale is being assessed and view loss must form part of this assessment.** The DA stage will simply be filling the building envelopes that had previously been approved.

The Visual Assessment Report apparently uses online marketing material to make a vague assessment for one apartment in the Belvedere building, one apartment in 150 Walker Street and one terrace on Hampden Street. This does not provide an adequate assessment.

We, and many other owners of apartments in the Belvedere building would be happy to provide access to allow this study to be undertaken properly.

Loss of property values needs to be assessed and taken into consideration

Once a thorough and credible view loss assessment has been undertaken, it must be provided to surrounding residents so that independent real estate valuations to determine property values before and after the view loss that would result can be prepared.

There are now examples, particularly in the City of Sydney, where residential neighbours have been financially compensated on this basis of assessed value of view loss. Should this proposal be

supported by the Panel, many existing residents and landowners will no doubt look to pursue this compensation.

Misleading elements in the Urban Design Report

A number of diagrams and statements in the Urban Design report are misleading. These include:

- The inclusion of the proposed building at 41 McLaren Street (which was refused at Gateway stage) in many photomontages and diagrams to provide context for the building heights proposed. There is no uplift supported for the 41 McLaren Street site in the Ward Street Master Plan or other strategic plans prepared by Council.
- It uses the "Previous Planning Proposal" height of RL210 as a comparison for the current proposal. This is not a valid comparison as the RL210 has no status.
- The view analysis assesses view impact on the rooftop and one apartment in the Belvedere building, conveniently both locations positioned high enough and far enough south to retain the view line shown.

Loss of tree canopy and inadequate deep soil landscape

Redevelopment of the subject site in accordance with the Planning Proposal requires extensive loss of the existing urban tree canopy with no capacity to meaningfully replace this with new trees within the site.

It appears from the documents on exhibition that all of the proposed landscape is either over basements or on roofs and there can therefore be NO true deep soil planting. This would be a very poor outcome and would result in considerable visual and amenity impacts on the surrounding areas that could not be ameliorated. Not only would views to the east (the Harbour) be affected, but views towards North Sydney from the Warringah freeway and further east would also be detrimentally affected.

This existing tree canopy forms an important part of the transition zone to the east of Walker Street and should be protected.

Traffic impacts, constrained access and loss of valuable on street parking

The proposed location for the car park vehicular entry / exit is directly opposite the Belvedere car park entrance. The traffic report states that this is because of the very constrained nature of the lower portion of Walker Street.

The Traffic report does not provide a proper assessment of the likely cumulative impact of the increased number of dwellings and commercial spaces within the immediate vicinity. In the order of 900 additional residential apartments have been approved and constructed in recent years.

Despite proximity to the new Metro station, the reality is that many people still rely on a car, particularly on weekends, and the traffic is becoming increasingly problematic in this area. Walker Street is far more constrained that most other streets in North Sydney given its split level and heritage wall, as is acknowledged by the Proponent's own report.

The result of the increased traffic and additional congestion that would be caused by the proposal is that Belvedere residents would only be able to exit the driveway left (to the north). Any vehicles leaving the proposed development would only be able to exit to the south - to either exit to the freeway or cross a congested double lane to Berry Street – and then head south along Walker Street (noting that there is currently a short light duration at this intersection). These additional left-only

exits from Belvedere and south-only exits from the proposed development would substantially increase traffic recirculation through the North Sydney CBD. Given the nature of the Walker / Berry Street intersection this would be highly undesirable.

In addition, and as noted by Council, this intersection will be further impacted by the future Northern Beaches Tunnel project. To suggest that the proposed development will have no traffic significant impact is clearly false, and is currently demonstrated every day on Walker Street. The Panel should require further and more thorough assessment of the likely traffic impacts to enable am informed decision.

Loss of sunlight /amenity to the café and courtyard at ground level of the Belvedere building

The forecourt garden and café has been one of the major successes of the Belvedere development. The developer worked with Council to achieve a successful through site link, providing public access between Walker Street and Harnett Place, which is enhanced by the provision of a café within the courtyard of the building. The café is well patronised and activates the ground level of the site. This space will become even more important and successful when the redevelopment of the Ward Street Precinct is undertaken and the number of pedestrians moving through the site increases.

We are therefore extremely concerned that the proposal would result in the loss of daylight and existing sun access to this landscaped space. This would mean a huge reduction in the amenity that is currently enjoyed by both residents and members of the public who patronise the café.

Lack of credibility and inconsistency of the planning system

The credibility of the NSW planning system continues to suffer, and with good reason. The approach being taken within the NSW planning system is extremely inconsistent, and as a result, there can be no expectation that the planning process will result in an appropriate or fair decision or outcome. People can have no faith in the decision making process when speculative proposals allowing for massive uplift on sites contrary to the existing planning framework are being supported, despite the detrimental impacts the decisions have on other peoples' amenity, quality of life and property values.

An example of this inconsistency is provided by comparing the Gateway determination for the current Planning Proposal with that made regarding the Planning Proposal for 41 McLaren Street, North Sydney. In the McLaren Street case, the Independent Planning Commission (on review of the Sydney North Planning Panel decision) made the decision that that proposal did not have strategic merit and that the proposed amendment to the planning controls (to allow an additional 37 stories on the site) could not proceed. This contrasts with the decision by the Panel for the subject site, located only half a block away from 41 McLaren Street. How the subject site can have merit if it is located further from the new Metro station and outside the North Sydney Centre, on a road that is narrower and more constrained, is very unclear.

This lack of consistency effectively results in there being no capacity to rely upon existing State or local government planning controls. Many people have bought homes and invested in property in North Sydney and now stand to lose amenity, views and value not because they failed to undertake due diligence before purchasing, but because the government continues to allow the controls to be changed (and in this case, by a significant amount – well beyond that which any informed purchaser would consider conceivable), contrary to long-term government strategic plans.

We trust that our comments will be given due consideration and that the Panel will ensure that the assessment of the impacts that would result from the current proposal will be properly and fully reviewed. We do not believe that the Panel would be able to make an informed decision on the basis of the documentation currently available. We strongly believe that any decision to provide for changes to the maximum permitted heights and FSR on the site of the magnitude sought by the Proponent would be unjustified on strategic planning grounds.

We would welcome the opportunity to discuss the matter further should this be of assistance.

Yours sincerely

Christopher Ryan and Paula Mottek

Cc:

Ms Felicity Wilson - Member for North Shore

Mr Trent Zimmermann – Member for North Sydney

Ms Jilly Cooper, Mayor, North Sydney Council