

COUNCIL SUPPLEMENTARY REPORT

Panel Reference	PPSSNH – 191
DA Number	DA 19/21
LGA	North Sydney
Proposed Development	Demolition of all existing buildings and works, and construction of a commercial building with 57 levels above ground (including plant) and a basement of 7 levels.
Street Address	110-122 Walker Street North Sydney
Applicant	Stockland Development Pty Ltd C/- Urbis Pty Ltd
Owner	The Trust Company Limited
Date of DA lodgement	22 January 2021, original application, 12 August 2021, first amendment, 19 January 2023, second amendment, XX April 2022, third amendment
Number of Submissions	51
Recommendation	Approval
Regional Development Criteria	Capital Investment Value (CIV) greater than \$30 million (\$498,630,000.00)
List of all relevant s4.15(1) matters	<ul style="list-style-type: none"> • North Sydney LEP 2013 • North Sydney DCP 2013 • SEPP (Transport & Infrastructure) 2021 • SEPP (Biodiversity & Conservation) 2021 • SEPP (Resilience & Hazards) 2021
List all documents submitted with this supplementary report	<ol style="list-style-type: none"> 1. Amended Architectural Plans - Revision 6, Hassell, 01 04 22 2. Supplementary Design Report, Hassell, 02 02 22 3. North Sydney Design Excellence Panel Report, 09 11 21 4. Clause 4.6 variation to development standard: height of buildings 110-122 Walker Street North Sydney, Urbis, 23 February 2022 5. Revised public art plan, UAP, 23 February 2022 6. Recommended conditions of consent 7. Through Site Link Coordinated Proposal, Hassell & Bates Smart 8. Council assessment report considered by Panel's on 16 02 22 9. Correspondence concerning submission from Channel 9
Report prepared by	Jim Davies, Executive Planner, North Sydney Council
Report date	18 May 2022

PURPOSE OF SUPPLEMENTARY REPORT

This report responds to the Panel's decision to defer the subject application at a public meeting held by teleconference on 16 February 2022.

The reasons the Panel deferred the application were:

1. Podium height – the height of the northern section of the podium was required to be reduced by 4.0m or the equivalent of one storey.
2. Awning heights and width –adequate weather protection for pedestrians was not provided by the proposed awning design.
3. Detailed design information on the glazed roof feature - the Panel sought further details regarding the proposed architectural rooftop feature.
4. Final Design Review Panel (Council's Design Excellence Panel) comments on height and awnings of the amended proposal.
5. The Panel requested the clause 4.6 written request be revised, to succinctly describe relevant and specific environmental planning grounds to depart from the standard.
6. Further definition of the proposed public art plan, including how the plan will contribute to creating place in public areas, especially in relation to the ground level.
7. Agreed conditions of consent.

ASSESSMENT

Information to amend the application was submitted a third time in response to the Panel's requirements, following several meetings and discussions with the applicant and their planning and design team.

Having regard to the reasons determination was deferred, the amended application is assessed below.

1. Podium height

The amended plans (**Attachment 1**) indicate the podium's northern section's height has been lowered the required 4.0m, the equivalent of one podium level). This is satisfactory, being consistent with Council's requirements, particularly the relevant objectives of the North Sydney Development Control Plan 2013.

2. Awning heights and width

Council is satisfied with the revised awning design as illustrated and discussed in the Supplementary Design Report, Hassell, 22 February 2022 (**Attachment 2**). The awning remains at a height similar to that previously proposed, made acceptable by deepening the awning (the dimension measured over the footpath from the building's façade) and co-ordinating the design with the neighbouring development at 100 Walker Street.

Revised wind modelling indicates acceptable weather protection will be provided. Council is also satisfied the awning design is commensurate with similarly sized, recent buildings in the North Sydney CBD and will complement the building's architecture. As did the previous design, the revised scheme allows for integration with existing and future development to the north at 124 Walker Street.

3. Roof feature

The Panel requested further detail of the roof feature's design. These are provided in latest design report (**Attachment 2**). Key points made by this report regarding the glass curtain around the building's topmost levels include:

- Providing a screen building plant and provides wind protection for users of the roof top garden and restaurant.
- Being distinct from the lower sections of the building. The latter will have terra cotta panelling to articulate the facades of habitable levels. In contrast the architectural feature will present as a saw-toothed, sheer glazed wall.
- Reducing shadowing impacts on development and the public domain.
- Providing 'visual interest' to the North Sydney skyline.

4. Council's Design Excellence Panel advice regarding height and awning design

Due to the need to finalise the application in a timely manner and noting the Design Excellence Panel is an advisory body, the following information is provided.

Council's Design Excellence Panel's report of 9 November 2021 (**Attachment 3**), indicated the Panel did not support the proposed building height. As there has been no change in building height, the Panel would be most unlikely to alter its position, regarding design qualities of the proposal. That the Panel's terms of reference do not include consideration of the adequacy of a request to vary a development standard should be noted as well.

In their report, the Panel commented that the awning over Walker Street was too high to provide adequate protection for pedestrians during inclement weather.

Awning design has been reviewed for the subject proposal, widening the awning from 1.5m (min) to 2.35m (min), and not altering the height. As mentioned in relation to item 2, the height has been maintained as part of a coordinated design review, with the proponents of the development at No 100 Walker Street (PPSSNH – 294, 100-102 Walker St North Sydney - DA 32/22).

Council has been informed jointly by proponents of the subject development and the neighbouring proposal, that the proposed building designs, including awnings, have been tested simultaneously and shown to provide adequate weather protection. The revised awning designs are accordingly consistent with the Panel's advice regarding them.

A recommended condition requires details of design refinement to be submitted with a Construction Certificate, to accommodate adequate space for the preservation and healthy growth and maintenance of existing and proposed street trees.

5. Clause 4.6 request to breach building height

A reworked request to contravene the building height standard has been submitted, as requested by the Panel (**Attachment 4**). It has been revised to succinctly describe the relevant and specific environmental planning grounds.

Council has reviewed the revised request to vary the building height development standard.

In summary key arguments presented fully discussed in the applicant's request are as follows:

- The objectives of the development standard are achieved, despite non-compliance, meaning compliance is unnecessary.
- Environmental Planning grounds proffered, in summary, are:
 - o The development's height being consistent with cl. 5.6 and 6.3, North Sydney Local Environmental Plan 2013, which respectively allow the LEP's mapped height maxima to be exceeded provided certain criteria are satisfied.
 - o The departure from the standard is 3.9% which is minor.
 - o The height breach does not cause additional impacts on views or result in additional wind impacts on the pedestrian environment.
 - o The development being consistent with the LEP's objectives for development in the CBD (cl. 6.1).

Comment: *The request concludes the proposal satisfies the requirements of cl. 4.6. This is concurred with, as previously concluded in the Council's report to the Panel of 16 February 2022 (Attachment 8). The provision of a publicly accessible roof garden is also representative of an environmental planning benefit.*

6. Revised Public Art Plan

Further definition of the proposed public art plan was requested by the Panel, including how the plan will contribute to creating place in public areas, especially in relation to the ground level. A revised plan was submitted (**Attachment 5**) and reviewed by Council's Acting Team Leader - Arts and Culture who concluded the plan acceptable. As required by a recommended condition, the procedure established by Council's Public Art Policy, as reflected in the submitted plan, is to be followed:

Pertaining to Stages & Indicative timeframes section of the Plan (page 20).

- Stage Two (Stage One being the development application)
 - o A representative from Development Services i.e. a Senior Planner and the PAO (Team Leader, Arts & Culture) are to sit on the selection panel
- Stage Three:
 - o A representative from Development Services i.e. a Senior Planner and the PAO (Team Leader, Arts & Culture) are to review detailed design and document package as well as sampling and testing of materials outcomes and provide feedback/approval/ensure compliance
- Stage Four:
 - o A representative from Development Services i.e. a Senior Planner and the PAO (Team Leader, Arts & Culture) are to attend a pre-fabrication and install briefing to provide feedback/approval/ensure compliance

The revised plan has also been updated to reflect the revised design, as recommended for approval, indicating preferred locations for public art.

7. Agreed conditions of consent

Conditions have been amended (**Attachment 6**) to reflect:

- Coordination between the site's applicants and the proponents of development at 100 Walker Street, to:
 - i. refine the design of and align the levels of the pedestrian link between the two sites, and the awnings over this link and the Walker Street footpath (illustrated in **Attachment 7**), and in the revised architectural plans, and
 - ii. provide for independent construction of the pedestrian link construction.
- Compliance with the number of visitor bicycle parking spaces, as required by Council's DCP.
- Revisions to condition G1 for the execution of an agreement to enable delivery of the pedestrian link. Noting that a similar condition will be imposed upon **any** approval of the application for the 100 Walker Street proposal, the respective conditions will allow each half of the link to be completed independently of the other half and be subject to separate agreements between Council and the respective proponent. This is illustrated by the diagrams in **Attachment 7**, and details are suitably included in the revised architectural plans (**Attachment 1**).
- Submission of the updated Public Art Plan (**Attachment 5**).
- Public access to Level 51, to the proposed roof garden and restaurant.
- Consultation with Channel 9 during construction, as discussed below.

PUBLIC CONSULTATION

Panellists will recall that during 2021 the application was publicly notified and submissions invited on two separate occasions. The matters raised by submissions were considered by the Panel at the public meeting held on 16 February 2022. So too were the reasons the application was deferred discussed at this meeting.

As the matters itemised by the Panel sought to clarify design details and planning requirements to enable the application to be determined, and due to consequent design modifications being relatively minor, renotification was deemed unnecessary having reference .

Issues raised by members of the public are canvassed in the assessment report (**Attachment 8**) considered at the previous Panel meeting.

In summary these issues were:

- Non-compliance with height and tower setback controls.
- Inadequate building separation.
- The tower dominating the skyline and streetscape.
- Vehicular entry and exit on Walker Street.
- Loss of views, particularly from the apartment building at 79-81 Berry Street.
- Overshadowing and loss of daylight of some apartments at this address.
- Impact on the privacy and general amenity of residents in this apartment building.

Since the February meeting, two additional submissions have been received and provided to the Panel under separate cover. One of the submissions, from a resident of the Alexander Apartments

The second submission was made by the Nine Entertainment Company (Channel 9), which has studios and offices in the building known as 1 Denison Street, also adjacent to the site, to the south west. The image below shows this building's location in relation to the site.



The broadcaster has objected to the application, indicating their transmission of television signals between an antenna on the roof of 1 Denison and a facility at Frenchs Forest could be blocked by the proposed building. A direct line of sight between these facilities is essential to the broadcast operations of the submitter's network, the submission states.

The submission was referred to the applicant who has since engaged with Channel 9 and provided the following information. The correspondence referred to has been provided to the Panel under separate cover (**Attachment 9**).

A letter from Stockland to Channel 9 included information which demonstrates the proposed development will not interfere with Channel 9's television broadcasting.

Channel 9 consequently withdrew their objection, provided a condition is included in the approval to enable ongoing consultation between them and the applicant, to ensure construction activities and equipment (cranes) do not restrict or prevent broadcast operations. The applicant is prepared to have such a condition included, and one is accordingly recommended.

COUNCIL REFERRALS

The amended plans have been considered by Council's planning and community services division, regarding the revised Public Art Plan. The amendments made in response to the Panel's reasons for deferral did not require further input from other Council divisions.

Public Art

As outlined, the revised Public Art Plan was considered by Council's Acting Team Leader Arts & Culture. A recommended condition of consent requires consistency with Council's Public Art Policy, in turn mandating ongoing consultation by the applicant with Council's Public Arts Officer as the detailed planning, siting, commissioning and delivery of artworks occurs.

CONCLUSION

Assessment presented in this Supplementary Report and the report considered by the Panel at its meeting of 16 February 2022, indicates the proposal is acceptable, having considered applicable planning regulatory and policy requirements, as required by section 4.15 (1) *Environmental Planning & Assessment Act, 1979*. Accordingly, the Panel is recommended to grant consent to the subject application subject to conditions.

RECOMMENDATION

THAT the Sydney North Planning Panel, as the consent authority, grant consent to Development Application 19/21 for demolition of all existing buildings and works, and construction of a commercial building with 57 levels above ground (including plant) and a basement of 7 levels, at 110-122 Walker Street North Sydney, subject to the conditions in **Attachment 6** to this report.



Jim Davies
EXECUTIVE ASSESSMENT PLANNER
NORTH SYDNEY COUNCIL

Note by Manager Development Services.

This report has been reviewed for content, quality and completeness and is considered to be of appropriate standard for the consideration of the Sydney North Planning Panel.

Stephen J Beattie

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