

DATE OF DETERMINATION	1 November 2023
DATE OF PANEL DECISION	1 November 2023
DATE OF PANEL MEETING	1 November 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurrán, Che Wall and Karla Castellanos
APOLOGIES	Nil
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 20 October 2023.

MATTER DETERMINED

PPSSNH-360 - North Sydney - DA 393/22 - 153, 157 Walker Street, North Sydney - Demolition of existing buildings and construction of a new commercial tower (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Application to vary a development standard

The provisions of cl. 4.6 North Sydney Local Environmental Plan 2013 (the LEP) to vary the Height of Building Standard have not been satisfied.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons below and in Council’s comprehensive Assessment Report - including Reasons for Refusal.

As noted in the Assessment Report, the proposed building exceeds the height permitted under Clause 4.3 of NSLEP 2013. The proposal has a maximum height of RL 234m but with no habitable levels above the maximum permitted height of RL215m. Measured from the lower ground Walker Street level, the height of the proposed building is 180.8m and the permitted height above ground level is 161.8m. Accordingly, the Applicant submitted a written Clause 4.6 Variation Request to exceed the permitted height. However, the Panel concurs with Council that the Clause 4.6 Request is not well founded, does not establish that compliance is unreasonable or unnecessary and does not provide adequate environmental planning grounds to justify the variation. The Panel considers that maintaining the development standard is in the public interest.

The Panel further notes the proposal does not comply with Setbacks, Podium Setbacks, Car Parking or Through Site Pedestrian Link provisions as set out in NSDCP 2013. The proposal consequently results in undesirable environmental impacts including the impact of bulk and scale and separation distances. The proposal also doesn’t provide adequate evidence of potential wind effects on pedestrian safety and amenity.

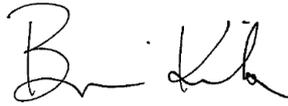
In summary, the Panel concurs with Council that the proposal has been properly assessed against relevant planning controls and it is in the community interest the proposal be refused.

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 3 written submissions made during public exhibition.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Nicole Gurrán	 Che Wall
 Karla Castellanos	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-360 - North Sydney - DA 393/22
2	PROPOSED DEVELOPMENT	Demolition of existing buildings on-site and the construction of a 43-storey commercial tower
3	STREET ADDRESS	153, 157 Walker Street, North Sydney
4	APPLICANT/OWNER	Applicant: Greg Mannes - GPT FUNDS MANAGEMENT LIMITED Owner: GPT Funds Management Limited, The Owners - Strata Plan No 50411
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ North Sydney LEP 2013 ○ SEPP (Transport and Infrastructure) 2021 ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP (Resilience and Hazards) 2021 ○ North Sydney DCP 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ North Sydney Development Control Plan 2013 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 20/10/2023 • Proposed contravention: 19.0m or 8.8% (based on RL height, as defined by the LEP). • Written submissions during public exhibition: 3 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick off Briefing: 19/04/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, ○ <u>Council assessment staff</u>: Jim Davies ○ <u>Applicant</u>: Greg Mannes, Lachlan Clancy, Laura Trevan, David Radford, William Hodge, Michael Rowe, Matthew Di Maggio,

		<p>Matthew Short, Marko Damic and Luis Salgado.</p> <ul style="list-style-type: none"> • Council Briefing: 27/09/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrán and Che Wall ○ <u>Council representatives</u>: Jim Davies, Stephen Beattie • Final briefing to discuss council's recommendation: 1/11/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrán and Che Wall ○ <u>Council assessment staff</u>: Jim Davies
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A