



30 August 2019

Department of Planning, Industry and Environment
North District
GPO Box 39
SYDNEY NSW 2001
Att: Amanda Harvey – Director, North District

Dear Amanda,

PLANNING PROPOSAL I 173-179 WALKER STREET AND 11-17 HAMPDEN STREET, NORTH SYDNEY

REQUEST FOR REZONING REVIEW

1. INTRODUCTION

On behalf of Avenor Pty Ltd (**the Proponent**), we hereby request a Rezoning Review of a Planning Proposal submitted to North Sydney Council on the 22 March 2019, pertaining to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney and referred to herein as the East Walker Street Precinct (**the Precinct**).

This request for the Rezoning Review has been prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans.' The review has been initiated by the Proponent as Council has notified the proponent that the request to prepare a planning proposal is not supported.

The intended outcome of the Planning Proposal is to:

- Establish a maximum **height of RL133** for the Precinct;
- Establish a maximum **FSR of 6.1:1** for the Precinct;
- Introduce a new Special Provisions Map within the NSLEP 2013 and identify the Precinct on the map as 'Area 1;' and
- Amend Section 6 Additional Local Provisions to include a section '**6.20 East Walker Street Precinct**' to establish controls relating to overshadowing, community infrastructure and additional height and FSR provisions to incentivise development as a single parcel within the Precinct (refer to *Section 7.3 Part 2– explanation of proposed provisions, of the Planning Proposal Report*).

Redevelopment of the Precinct would be guided by the proposed draft amendments to the *North Sydney Development Control Plan 2013* (NSDCP 2013), within Part C– Character Statements, Section 2.4 Hampden Neighbourhood, which includes insertion of East Walker Street Precinct as a sub-precinct.

This Planning Proposal has been prepared in accordance with the advice and direction of the Panel, following the determination of the previous Planning Proposal (2018SNH005 -RR_2018_NORTH_001_00), which related to 173-179 Walker Street, Sydney.

The Panel decision in [April] 2018 of the previous Planning Proposal (2018SNH005 - RR_2018_NORTH_001_00) confirmed that the strategic merit test was achieved and that the site does have strategic merit. This finding was consistent with the assessing officer report.

In its assessment of the previous proposal, the Panel identified a list of key items to be addressed in order for a revised Planning Proposal to achieve site-specific merit. The revised Planning Proposal contained herein addresses and complies with all of these specific items raised by the Panel, has catered to all the comments of the Council report, and now demonstrates both site-specific merit and strategic merit.

The Planning Proposal demonstrates strategic merit as it:

- Aligns with the State planning strategic goals which seeks to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- Capitalises on existing and planned infrastructure with sustainable benefits by reducing reliance on private vehicular transportation, being strategically located 200m from the Victoria Metro Station and 600m from the North Sydney Train Station.
- Supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the North District Plan.
- Provides for additional housing stock in the R4 High Density Residential zone, adjacent to a centre which has limited future potential to supply growing demand.
- The Precinct has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land.

The Planning Proposal demonstrates site-specific merit as:

- The Proposal complies with every site-specific criteria item identified by the Panel, including incorporation of all adjoining properties, extensive community consultation, significant reduction in height to align with existing and endorsed built forms, maximisation of views through the site, collaboration with RMS and compliance with the other criteria, as detailed in Section 3.2.

The site-specific merit of the Proposal is further demonstrated as:

- The Site is one of the largest, unencumbered residential zoned development parcels adjacent to the CBD;
- Massing is in keeping with the existing bulk and scale of adjacent buildings and the nearby North Sydney Centre, and doesn't rely on future development plans to provide urban context.
- Envelope massing process was based on urban design principles established by North Sydney Council for the Ward Street Precinct Masterplan to ensure continuity between the Precinct and the immediately surrounding area, and holistically completes this missing section of the Ward Street Precinct which originally included this Site as an 'opportunity site' by Council, deferred to discussions with landowners who wished to submit planning proposals;

- Built form testing was based on more detailed design principles that account for the feedback provided by North Sydney Council in its report on the previous planning proposal and incorporated the feedback from the community in the public consultation process;
- The concept proposal improves the quality of the public domain, enhancing the quality of public open space in Hampden Street through landscaping works and the creation of a pocket park in Hampden Street. This proposal achieves placemaking to better enhance the character and aesthetics of the Hampden Street Precinct as a result of community engagement and detailed urban design studies.
- No site isolation would occur as a result of the proposed planning changes as the Proposal incorporates all the adjoining Hampden Properties and the draft DCP applies controls that ensure the properties are capable of being redeveloped in compliance with SEPP65 and ADG;
- It is located adjacent to existing tall residential towers, and is within an area undergoing a period of regeneration and revitalisation, characterised by tower style development, commensurate with the height and density proposed on the site;
- Achieves an appropriate built form and scale that reflects the vision for North Sydney and the Ward Street precinct which is expressed by local planning policy, draft precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
- The concept building envelopes demonstrate compliance with the ADG design and amenity criterion, including building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage (Part 3 and Part 4); and
- The density on the site results in the ability to provide significant social and community benefits unrivalled to other private developments within the Ward Street Precinct.

Further details of the Planning Proposal and the proposed amendments are contained within *Appendix 1.3 Planning Proposal Report prepared by Urbis*.

2. THE SITE

2.1. SITE DETAILS

The Precinct is bound by Hampden Street in the north, Warringah Highway in the east, Berry Street in the south and Walker Street in the west.

The Precinct comprises seven lots identified as:

- 173 Walker Street (SP 11082) comprising 517.82m²;
- 175 Walker Street (SP 86752) comprising 505.69m²;
- 177 Walker Street (SP 9808) comprising 506.06m²;
- 179 Walker Street (SP 64615) comprising 809.33m²;
- 11 Hampden Street (Lot 1 in DP119732) comprising 800m²;
- 15 Hampden Street (Lot 1 in DP591516) comprising 542m²; and
- 17 Hampden Street (Lot 2 in DP591516) comprising 267m².

The total site area is 3,949m² with a 77m frontage to Walker Street in the west and a 56m frontage to Hampden Street in the north. The Precinct has a varied topography, declining by approximately 8m from the western boundary (RL57) to the eastern edge of the precinct (RL49).

Figure 1: The Precinct



2.2. OWNERSHIP STRUCTURE

The Precinct consists of four separate land owners categorised into two groups, being the Walker Street properties and the Hampden Street properties.

Walker Street No.100 Pty Ltd, with Avenor Pty Ltd as its development manager has secured the 24 strata titled lots which make up the Walker Street properties within the development parcel.

The three lots which address Hampden Street are within individual ownership. Owners support and consent for the Proposal has been provided by all land owners.

The Proposal provides for the development of all properties in the Precinct. The Reference Design provides for redevelopment in two parcels; Walker Street and Hampden Street. The Special Provisions Reference Design provides for redevelopment as a single parcel. To incentivise development as a single parcel, the proponent has restricted the allowable height and density below the true capacity of the Site if development occurs in two parcels, and introduced new Special Local Provisions which would permit height and FSR reflecting the true capacity of the Site (refer to *Section 7.3 Part 2 – Explanation of the Proposed Provisions* of the submitted Planning Proposal).

2.3. SURROUNDING LOCALITY

The surrounding North Sydney Central Business District (CBD) has undergone extensive commercial, residential, educational and infrastructure redevelopment, and with the delivery of the Sydney Metro, it is entering a new period of further growth and expansion.

The site is in a prime location, being immediately east of the Ward Street Master Plan Precinct, 50m north east of the North Sydney Central Business District (CBD), 200m north east of the Victoria Cross Metro and 600m north of the North Sydney Train Station and the North Sydney Bus Interchange.

3. PLANNING PROPOSAL BACKGROUND

3.1. PREVIOUS PLANNING PROPOSAL

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

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

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

The Sydney North Planning Panel reviewed the Planning Proposal and determined that the site has strategic merit, but that certain site-specific criteria needed to be addressed for a revised proposal.

This Planning Proposal has been designed in response to the *reasons for the decision* issued by the Panel and is the subject of this Rezoning Review request.

3.2. RESPONSE TO PANEL'S DECISION ON PREVIOUS PLANNING PROPOSAL

The following table provides an explanation as to how this Planning Proposal addresses the Panels reasons for the decision pertaining to the request for rezoning review on application 2018SNH005 – RR_2018_NORTH_001_00. Additionally, the table summarises the independent assessing officers response.

Table 1: Response to Panel's Decision (2018)

Matters to Address	Proponent's Response	Criteria met
1. The planning proposal should incorporate the current site and the adjacent properties on Hampden Street	The Planning Proposal has been amended to include the Hampden Street properties. The LEP and DCP controls have been designed on a whole of precinct basis.	Yes
2. Consolidation of the site with the adjacent properties on Hampden Street	All adjacent Hampden Street properties have been incorporated in the Planning Proposal. The landowners for all properties at 173-179 Walker Street and 11-17 Hampden Street have provided support and written consent to the lodgement of the Planning Proposal.	Yes

Matters to Address	Proponent's Response	Criteria met
	Additionally, the proposed amendments to the <i>NSLEP 2013</i> include provisions which incentivise development of the Site as a single parcel.	
3. The site is more suited to residential than commercial use.	Noted. The concept is for high density residential consistent with the current R4 High Density Residential Zoning.	Yes
4. Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street	<p>A detailed Urban Design Analysis has been undertaken by SJB which identifies the appropriate building heights. The proposed building heights have been reduced from a maximum building height of RL210 to RL133 plus special provisions allowing up to RL148.</p> <p>The Proposal now complies with Councils height control recommendation regarding the previous proposal, which said <i>"Should the proposal proceed, the applicant should amend their plans to reflect building heights to ensure that the overshadowing impacts on Doris Fitton Park between 12pm and 2pm are eliminated."</i> A control has been applied to restrict height to no overshadowing of Doris Fitton Park.</p> <p>The proposed building envelope provides a height transition down from the planned heights of RL168 - RL285 within the Ward Street Precinct Masterplan to RL133 – RL148 on the site, providing for a height transition which falls way to the Freeway.</p> <p>Acknowledging that 41 McLaren Street is not proceeding, the building envelopes have been modelled with regard to the existing height of adjacent buildings as well as the heights of buildings proposed within Option 2 of the draft Ward Street Precinct masterplan which was presented to Council on 27 May 2019.</p>	Yes
5. Views from the west should be maximised through the site	<p>The built form has been arranged and restricted to maximise views from the west, across the site.</p> <p>A maximum height of 2 storeys has been applied at the southern end to maintain key view lines across the site, from Belvedere. The built form then steps up to 12</p>	Yes

Matters to Address	Proponent's Response	Criteria met
	<p>storeys, 16 storeys and 24 storeys where located towards Hampden Street. The Special Provisions design also locates the built form in the northern corner to further maximise view sharing within the precinct.</p> <p>An FSR of 6.1:1 – 6.9:1 across the site further restricts the density within the proposed concept envelope, which is substantially lower than the opposing Belvedere, which has an FSR of 9.4:1.</p> <p>The View Impact Assessment undertaken by Richard Lamb and Associates (RLA) (Volume 1.10 - Appendix G), in accordance with the Tenacity planning principle established in the Land and Environment Court of New South Wales (<i>Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours</i>).</p> <p>RLA advised that, 'In analysing the viewer sensitivity, notwithstanding that the composition of views to the east would change for some of the closest neighbours to the site, it was concluded that the majority of private domain view loss would not include highly valued iconic features as defined in Tenacity.</p> <p>The information documented by RLA has assisted SJB in equitable view sharing building envelopes thereby maximising view corridors from the west to east.</p> <p>The report concluded that the reference design provided an acceptable view sharing outcome, and that the planning proposal and subsequent construction can be supported on visual impact grounds. Impacts were considered to be minor because the majority of scenic features, icons and highly valued features in the composition of views exist in oblique views to the south-east and south and will be unaffected by the massing proposed.</p>	
6. Vehicle and pedestrian access	Vehicle and pedestrian access and movement has been reviewed on a whole of precinct basis and consultation	Yes

Matters to Address	Proponent's Response	Criteria met
into and around the site should be further reviewed including consultation with RMS	<p>with RMS has been undertaken to inform access arrangements (refer to Part 5 – Community Consultation and the Stakeholder Engagement Report in Volume 1.7 - Appendix D).</p> <p>Further details regarding vehicular movement is outlined within the Traffic Impact Assessment Report provided in Volume 1.9 Appendix F.</p>	
7. Public consultation should be undertaken prior to consideration of a further proposal	<p>Community consultation has been undertaken by KJA and the Proponent and is documented within Volume 1, tab 1.7 - Appendix D.</p> <p>KJA have held two community information sessions, initially presenting the key design principles to gain feedback on important local issues to be address, and secondly to present the proposed scheme and refine the proposal with inclusion of feedback for final submission. The Proponent has consulted with stakeholders and interest groups including the Stanton Precinct Committee, Local Strata Committees and residents in Hampden and Walker Street. A project website has been established at www.eastwalkerstreet.com.au which contained project information and an online survey for feedback.</p>	Yes
8. Overshadowing east of the freeway should be minimised	<p>The proposed height has been reduced from 47 storeys to 24 storeys, stepping down to 16 and 12 storeys (plus additional special provisions allowing up to 29 storeys). This has significantly reduced the extent of overshadowing to the east of the Freeway.</p> <p>As illustrated in the SJB report, overshadowing to the east is now minimised to a small number of dwellings fronting Kurraba Road, between 2:30pm – 3pm on June 21st.</p>	Yes
9. Any future proposal should include a draft DCP	This Planning Proposal includes a draft amendment to Part C – Character Statements, Section 2.4 Hampden Neighbourhood of the NSDCP 2013.	Yes

Matters to Address	Proponent's Response	Criteria met
	<p>The amendment to the DCP will enable a new section to be inserted, being 2.4.4 <i>East Walker Street Precinct Controls</i>. (Volume 1, tab 1.5 Appendix B)</p> <p>The East Walker Street Precinct will form a sub-precinct of the Hampden Neighbourhood, and provides specific building envelope controls for the precinct.</p>	
<p>10. Provision of well-connected open space on the site</p>	<p>As illustrated by the draft DCP and building envelope controls, well connected open space is provided within the western and northern portion of the site.</p> <p>Opportunities for public open space have been explored by the proponent and have been discussed with Council prior to lodgement of the Planning Proposal.</p> <p>Given the emphasis on delivering public and civic spaces within the Ward Street Precinct, Council questioned the suitability of providing a larger public park within this Precinct.</p> <p>Through-site links were tested and proposed, including the 'Harbour View Walk' which connected Arthur Street to St Leonards Park. However, with the Western Harbour Tunnel Project and associated works to the Warringah Freeway, this option become unviable.</p> <p>Through engagement with community it became evident that localised connectivity is important, such as connectivity of Hampden Street residents in a currently poorly pedestrianised area.</p> <p>To cater to this community feedback, the Proposal provides a publicly accessible open space along the Walker Street frontage connecting the precinct to the only two pedestrian access points to Walker Street. This will provide level footpaths along a green verge inclusive of large canopy trees and bench setting coupled with a café that opens out onto the streetscape. These improvements will significantly enhance the sense of place, and</p>	<p>Yes</p>



Matters to Address	Proponent's Response	Criteria met
	<p>pedestrian connections to the Ward Street Precinct and the Victoria Cross Metro Station.</p> <p>The combination of these elements is considered to result in a high quality, well-connected open space network, as illustrated in the Landscape Plan prepared by Aspect Studios (Volume 1, tab 1.13 - Appendix J).</p>	

3.3. COUNCIL, STAKEHOLDER & LAND OWNER ENGAGEMENT

Prior to the lodgement of the Planning Proposal, the Proponent met with DPIE, North Sydney Council (Manager of Strategic Planning and Director of the City Strategy Division), adjoining properties owners, community representative groups and the general community.

3.3.1. DPIE & Council Engagement – Pre-Lodgement

In addition to general correspondence, the Proponent met with DPIE and Council:

- **Meeting 1 | 27 June 2018 | Initial Advice**

(Refer to Volume 3 – Tab 10.1 and 10.2)

Following the determination of the initial Planning Proposal, the Proponent met with DPIE and Council to discuss the Planning Proposal and the work required by the applicant prior to re-lodging.

Council was not able to provide design feedback to inform building heights but recommended that any future Planning Proposal be based on the recommendations of the Panel decision.

- **Meeting 2 | 17 September 2018 | Informal Urban Design Meeting**

(Refer to Volume 3 – Tab 5)

On behalf of the Proponent, SJB and Order Architects met with Council to discuss concept design options and built form testing for the Planning Proposal. SJB presented a report to Council demonstrating testing of the capacity of the site against the strategic objectives for the area, having regard to context, site opportunities, constraints and the future vision for North Sydney.

Council was not able to provide design feedback but acknowledged the design work being undertaken to address the recommendations of the Panel decision.

- **Meeting 3 | 10 December 2018 | Formal Concept Meeting**

(Refer to Volume 3 – Tab 4)

A formal concept meeting was held with North Sydney Council's Strategic Planning team. The proponent presented an overview of the East Walker Street Precinct outlining the key principles for the scheme and the key objectives of the proposal, which is to satisfy the Panels comments.

Council highlighted *that it recognises the need to review the planning controls in the locality due to the introduction of the Metro, heritage and topography constraints.*

The Northern CBD Precinct study area had not been defined at this stage.

- **Meeting 4 | 6 February 2019 | Informal Pre-Planning Proposal Meeting**

(Refer to Volume 3 – Tab 3)

The Proponent met with the Director of City Strategy and presented three options based upon potential development stages. This includes:

1. Reference Design: Site development in two parcels (i.e. Walker Street properties & Hampden Street properties);

2. Special Provisions Reference Design: Site development as a single parcel; and

This was also accompanied with a Site Isolation Study demonstrating the properties could be developed separately if required and that no site isolation occurs.

The draft LEP and DCP amendments were also presented and discussed in context of the potential development outcomes, highlighting the need for an incentive clause within the LEP to encourage development as a single parcel.

Council stated that they understood the rationale behind the incentive clause, acknowledging that it may be the most appropriate method.

Council understood the need for density in this location and didn't see any major concerns, noting that the overshadowing of Doris Fitton Park needed to be clearly documented, owners' consent to be provided and that the proponent should advance the details of the VPA to avoid lengthy delays.

• **Schedule of Further Engagement with Council Pre-Lodgement**

In addition to the above, the Proponent has engaged with Director of City Strategy on a number of occasions through telephone conversations, email exchanges and face-to-face to ensure a collaborative approach to planning for this precinct and to resolve the local planning issues.

While a summary of all phone calls is available, a summary of some of the more formal engagement is provided in the table below.

Date	Engagement
18 April 2018	Letter to General Manager, North Sydney Council
30 April 2018	Meeting with North Sydney Council to discuss outcomes of the Rezoning Review
1 June 2018	Email to the General Manager, North Sydney Council regarding ongoing master planning studies for East Walker Street.
8 June 2018	Email to the General Manager, North Sydney Council regarding ongoing master planning studies for East Walker Street
27 June 2018	Meeting with North Sydney Council and Department of Planning and Environment
17 Sept 2018	Meeting with North Sydney Council to present design options and consult on design
5 Oct 2018	Submission to North Sydney Council in response to Ward Street Precinct Masterplan
10 Dec 2018	Pre-Lodgement meeting with North Sydney Council
6 Jan 2019	2nd Pre-Lodgement Meeting with North Sydney Council

25 Feb 2019

Response by North Sydney Council to Proponents submission on WSMP

3.3.2. Council Engagement – Post Lodgement

- **Meeting 5 | 27 June 2019 | Post Lodgement Planning Proposal Meeting**

At the Proponent's request, we met with Council's independent assessing officer to brief him about the proposal. Following a general discussion about the project background and the new urban design and planning approach, discussion turned to matters of clarification.

(Refer to Volume 3, Tab 6.4)

The independent assessing officer, requested clarification on a certain matters such as:

- additional details of on the view impact assessment
- additional details on the shadow impact and solar access assessment
- further clarification of the benefits of the Special Provisions Reference Design.

- **Other Communication with North Sydney Council:**

The Proponent has also engaged in regular communication with North Sydney Council regarding the planning proposal and planning considerations. Recent examples of phone calls are listed below:

- 11 March 2019. Phone call with Peter Clemesha, Avenor and Joseph Hill, Director City Strategy, North Sydney Council
- 23 July 2019. Phone call with Peter Clemesha, Avenor and Joseph Hill, Director City Strategy, North Sydney Council
- 31 July 2019 VPA advice from Neal McCarry, Team Leader – Policy, North Sydney Council
- 1 August 2019. Phone call with Peter Clemesha, Avenor and Joseph Hill, Director City Strategy, North Sydney Council
- 19 August 2019. Phone call with Peter Clemesha, Avenor and Joseph Hill, Director City Strategy, North Sydney Council
- 19 August 2019. Phone call with Peter Clemesha, Avenor and Joseph Hill, Director City Strategy, North Sydney Council

3.3.3. Community Engagement

A Stakeholder and Community Consultation Strategy was developed as part of the preparation of the Planning Proposal. KJA was engaged by the applicant to undertake community consultation to inform the Planning Proposal. Further detail of the community consultation is set out in the Stakeholder Engagement Report (Volume 1.7 - **Appendix D**).

The proponent community and stakeholder engagement ran from early November 2018 to late February 2019 as part of the planning studies being undertaken for this planning proposal. This engagement built on the community's existing knowledge of the site, and previous engagement and community submissions received during the exhibition of the planning proposal for 173-179 Walker Street in 2017-2018 and the exhibition of the site as an opportunity site included in the draft Ward Street Precinct Masterplan in 2016-2017.

In summary, the consultation activities included:

- Distribution of a letter and project fact sheet to residents and neighbours notifying them of the Planning Proposal;
- Two community information and feedback sessions, each from 5:30pm – 8:00pm;
- Consultation with stakeholders and interest groups, including
 - Stanton Precinct Committee;
 - Representatives of Local Strata Committees; and
 - Residents in Hampden Street and Walker Street
- Communication channels including a dedicated project email and project website, with an online survey.

The first community information event on 10 December 2018 allowed Avenor to discuss the context of the site and the design principles to be applied. Overall, concerns were raised about the previous planning proposal, and a desire to see significant changes made. They were however pleased with the fact that Avenor had sought to engage with the community on the principles that would underpin a revised proposal. After this first session, Avenor used community feedback to inform the development of the design options for the site. In particular, comments about impacts on views, privacy, open space, traffic and congestion and general amenity were considered.

On 19 February 2019, a second drop-in session was held onsite at 173 Walker Street. During the session, local community members had the opportunity to see and provide comment on the design options (including building massing and landscaping), and how the design principles had been applied to the site in response to the previous community feedback and the specific site conditions.

Many attendees of this session were more accepting of the proposal once they had viewed the plans, asked questions, and understood the process. Overall the community sentiment was a view that the proposal was a significant improvement on the previous design, and a relief with the reduced heights, new landscaping and open space, setbacks and tower location proposed in the new design.

4. PLANNING PROPOSAL SUMMARY

4.1. INTENDED OUTCOME

The Planning Proposal has been prepared to initiate an amendment to the *NSLEP 2013* as it relates to the Precinct. The intended outcome of the Planning Proposal is to:

- Establish a maximum height of RL133 for the Precinct; and
- Establish a maximum FSR of 6.1:1 for the Precinct;
- Introduce a new Special Provisions Map within the *NSLEP 2013* and identify the Precinct on the map as 'Area 1;' and
- Amend Section 6 Additional Local Provisions to include a section '**6.20 East Walker Street Precinct**' to establish controls relating to overshadowing, community infrastructure and an additional height and FSR provision associated with development of the site as a single parcel.

The Planning Proposal seeks to achieve a height and density that facilitates a range of land uses which are permitted with consent in the R4 High Density Residential zone.

4.2. DESIGN PRINCIPLES

Following the Panel's resolution of the previous Planning Proposal, the proponent engaged SJB Urban Designers to formulate a Precinct wide design strategy which addresses the concerns raised by Council and the Panel.

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

- **Overshadowing:** Built form should minimise solar impacts to neighbouring residential development and have no additional overshadowing to Doris Fitton Park between 12pm – 2pm on June 21.
- **View sharing:** Promote view sharing and encourage protection of iconic items or a large proportion of scenic or highly valued views. View analysis and 3D modelling has confirmed that the strategic placement of the building envelopes, slender towers and stepping of the built form will mitigate adverse view impacts and promote view sharing with the properties to the west and north-west.
- **Height transition:** Utilising the building heights established within the endorsed Stage 2 WSMP (Option 2) and neighbouring approved / developed building heights, the proposed heights have been designed to transition and fall away to the east.
- **Amalgamation:** A holistic approach to redevelopment of the Precinct has been achieved through the inclusion of all developable land parcels. This provides opportunities for a range of building envelopes, public domain improvements and site planning opportunities. Development as a single parcel is incentivised through additional bonus uplift provisions.
- **Public Domain:** Contribute to the ideology of a walkable and well-connected community through the provision of a linear park along Walker Street, enhancement of the Hampden Street community garden, creation of new shared zones and a pocket park.
- **Heritage:** Respect the surrounding heritage items through the siting of the built form and provision of street wall heights and podiums that take cues from the heritage datum.
- **Site Access:** The existing access arrangement to Walker Street and Hampden Street is generally sufficient for servicing future development. The pedestrian staircase in the north of the site will be maintained, as well as the retaining wall and service road. Improved access to the Victoria Cross Metro Station will be provided by upgrades to the existing unsafe footpath on Walker Street and the creation of publicly accessible landscaped space along Walker and Hampden Streets, connecting to a Pocket Park.
- **Open Space:** Public open space is in short supply across North Sydney CBD, although the site is in close proximity to St Leonards Park, there are few smaller parks that are appropriate for a range of uses and passive recreation. For this reason the proposed development intends to address this shortfall by upgrading and expanding the existing community garden on Hampden Street, as well as providing a landscape setback to the envelope on Walker Street to allow for public use of this space

4.3. REFERENCE DESIGN

All land owners have consented to and support this Planning Proposal. In order to comply with the Panel's determination, the proposed planning controls and envelope drawings provide for the development of the entire site with the Reference Design demonstrating development occurring in two parcels, and the Special Provisions Reference Design demonstrating development occurring as a single parcel. The controls are designed to incentivise development as a single parcel.

Below is a summary of the potential future development scenarios that could be undertaken under the future statutory development controls.

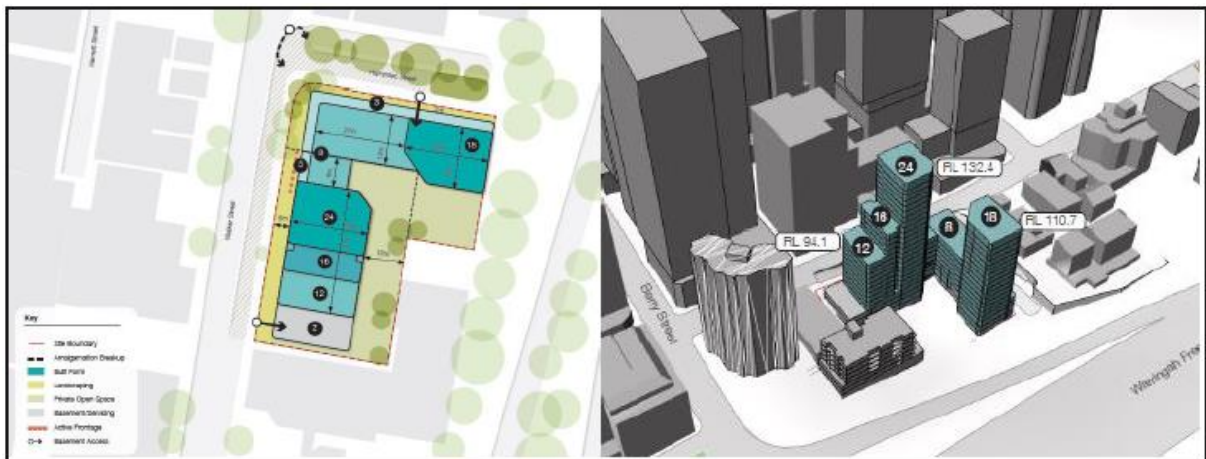
The Urban Design Report (refer to Volume 2.1 – Appendix A) includes a comprehensive site analysis and urban design process that resulted in the two following built form outcomes:

1) Reference Design (Development as Two Parcels): Height RL133, FSR 6.1:1

This includes two towers; an 18 storey tower on Hampden Street and a tower fronting Walker Street stepping down from 24 storeys, to 16 and 12 storeys. The two towers are connected by an 8 storey built form that wraps around the corner of Walker Street and Hampden Street.

Under this scenario, a street wall height to Hampden Street is limited to 3 storeys to maintain the terrace feeling of Hampden Street, and the podium is then setback 3m from that frontage, wrapping around to the interface of the Walker Street tower.

Figure 2: Potential building envelopes for two towers under the Reference Design



2) Special Provisions Reference Design (Development as Single Parcel): Height RL 148, FSR 6.9:1

This concept design adopts a single tower form on the corner of Hampden Street and Walker Street, with a maximum height of 29 storeys (RL147.9) stepping down to 8 storeys to the south to respect views from the west across the site. The building envelope is contained within the solar access plane, ensuring that the development will not result in any additional overshadowing of Doris Fitton Park between 12pm – 2pm on June 21st.

The eastern portion of the Precinct as it fronts Hampden Street, will maintain a maximum height of 9 storeys.

Under this scenario, a full 3m street wall height to both Walker Street and Hampden Street will be established, with an above street podium setback of 3m.

Figure 3: Potential building envelopes where utilising the incentive provisions



The development yield associated with the reference design is tabled below:

Table 2: Potential development yield

Indicator	Development outcome	
Land Use	Residential accommodation Neighbourhood shop	
Height	RL133 / 24 storeys, with incentive provisions of up to RL148 / 29 storeys	
FSR	Total FSR of 6.1:1 plus incentive provisions of up to 6.9:1	
GFA	Residential	23,964m ²
	Neighbourhood shop	80m ²
Apartments	211 - 284 apartments, A mix of dwelling typologies will be provided in accordance with the NSDCP 2013.	

Indicator	Development outcome	
Car parking rates	Studio / 1 bed	0.5 / dwelling
	2 – 3+ bed	1 / dwelling
	Visitor	0
	Total:	203-229
	Bicycle	1 per dwelling + 1 per 10 visitors
	Total:	261

4.4. SITE CONSOLIDATION STUDY

The Planning Proposal provides a blanket FSR across the Precinct, resulting in an equitable outcome for all land owners. Recognising the current land ownership patterns in the Precinct, SJB tested a range of potential development scenarios that could materialise from the statutory and non-statutory planning controls, in the event that Properties are developed separately.

Under this scenario, the Walker Street Properties (Site A) remain the same as in the Reference Design, being a single slender tower form of up to 24 storeys (RL132.4), stepping down to 16, 12 and 2 storeys at the interface of the southern boundary. Adjoining the boundary of Site B, an 8 storey built form is proposed which supports built-to boundary of any future redevelopment of 11 Hampden Street.

A comprehensive Site Consolidation and Isolation Assessment undertaken by Urbis with detailed input from SJB, Mills Oakley and CBRE is located at *Volume 1.12 - Appendix I*.

Figure 4: Potential building envelope where development is carried out independently



4.5. DRAFT DCP

This Planning Proposal includes draft amendments to the NSDCP 2013, outlining the site-specific building envelope controls for future development within the Precinct (*Volume 1, tab 1.5 - Appendix B*). The following key numerical controls are proposed, and apply to the site in all circumstances, and ensure that all properties are capable of being developed:

Table 3: Proposed DCP key numerical controls

Control	Provision
Setbacks	Walker Street: 5m Hampden Street: 2m Internal side setbacks: Nil Rear setback: 12m
Street wall height	Hampden Street: 3 storeys
Podium setback	3m

4.6. PUBLIC BENEFITS

The public benefits offer associated with the Planning Proposal includes (*refer to Volume 1, tab 1.8 Appendix E*):

- Dedication of 5% of the residential yield to affordable housing in accordance with Council's *Affordable Housing Policy 2013* for 173-179 Walker Street; and
- Monetary contribution for the provision of community infrastructure at a rate of \$15,100 per net dwelling over land at 173-179 Walker Street.

Based on the estimated FSR this results in a total contribution of \$8,916,700 including the estimated value of the affordable housing contribution.

It is proposed that equivalent public benefits for the properties at 11-17 Hampden Street are provided as part of this Proposal, either through inclusion in this VPA or through a requirement for the consent authority to be satisfied that adequate provisions have been made for social and community infrastructure to be provided as part of a planning agreement for these properties.

In the event that the site is developed as a single parcel, and the same VPA methodology is applied across the whole site, the value of total contributions 173-179 Walker Street and 11-17 Hampden Street would be estimated to be \$17,770,000, but is subject to progression and documentation of a more formal agreement.

Community Infrastructure in this instance means development within the North Sydney Centre and/or within the Hampden Neighbourhood for the purposes of public road improvements, public domain improvements, public open space upgrades, community garden improvements and residential parking

improvements, or other community facilities. These specific benefits have been identified following the community consultation process undertaken by the proponent.

Should a Gateway Determination decision be to proceed with the Planning Proposal for public exhibition, the applicant will take the necessary steps to prepare a draft Voluntary Planning Agreement (VPA) for Council Agreement to confirm commitment of the delivery of these public benefits.

5. JUSTIFICATION FOR THE REZONING REVIEW

Section 6.2 of *A guide to preparing local environmental plans* outlines the test in determining whether the proposal has merit and should be submitted for a determination under section 3.34 of the Act (Gateway determination).

The proposal must demonstrate both strategic merit and site -specific merit.

5.1. STRATEGIC JUSTIFICATION

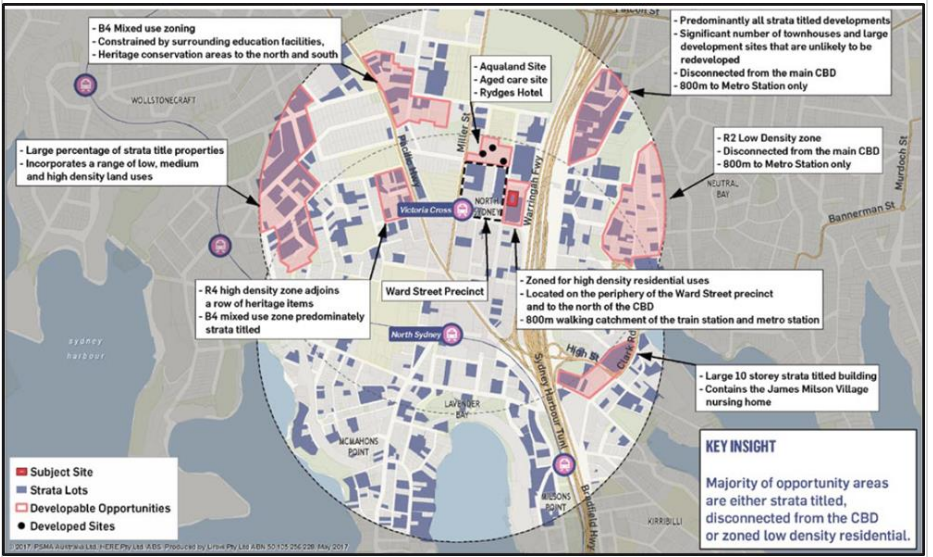
The Panel decision of the previous Planning Proposal confirmed that the strategic merit test was achieved and that the site has strategic merit.

Nevertheless, for completeness, as outlined in *Section 7.4.2 Section B – Relationship to Strategic Planning Framework* of the submitted Planning Proposal (*refer Volume 1, tab 1.3*), the Planning Proposal aligns with the strategic planning intent for the North Sydney Local Government Area. This is summarised in the following table.

Table 4: Strategic Merit Test

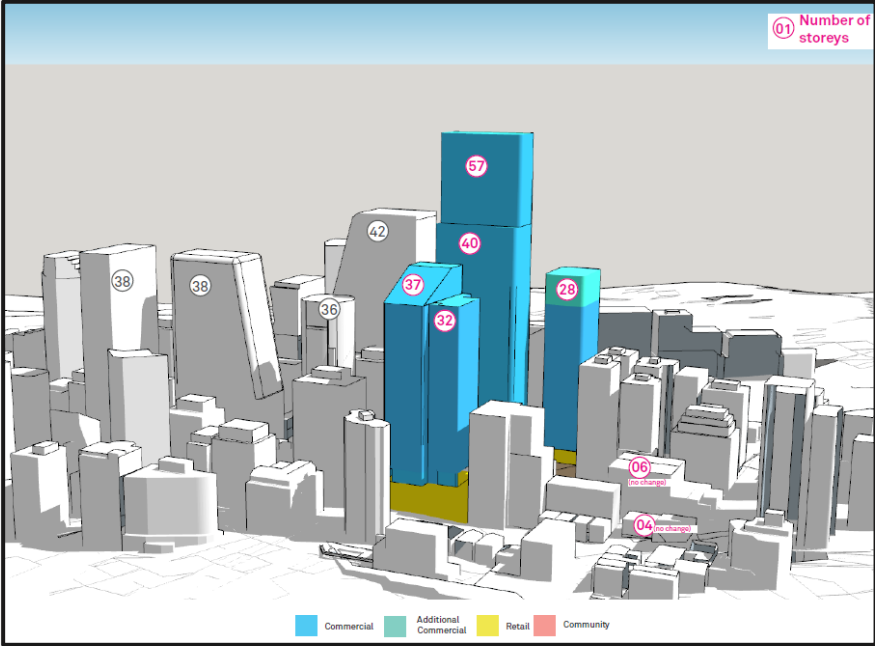
Strategic Merit	Response
<i>Give effect to the regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; <u>or</u></i>	
Greater Sydney Region Plan – A Metropolis of Three Cities (2018)	
Direction 1: A city supported by infrastructure	The site is located 200m from the Victoria Cross Station entrance. Consistent with Objective 4 , the Planning Proposal increases residential density in a location that will encourage use of existing and new transport infrastructure
Direction 2: A city of people	Consistent with Objective 7 , this Planning Proposal builds upon the urban values of the community through public domain improvements, pocket parks, landscaped open space designed for community interaction and increased pedestrian connectivity to promote walkability
Direction 3: Housing the city	The reference schemes provided within the SJB Urban Design Report illustrate that approximately 230 - 300 new dwellings can be provided within the Precinct. This outcome would positively contribute to achieving the 6-10


Strategic Merit	Response
	<p>year housing targets for the Council as part of the North District (Objective 10: Greater housing supply).</p> <p>The Planning Proposal seeks to dedicate 5% of the floor space to affordable rental housing, in accordance with the North Sydney Affordable Housing Strategy 2015, as amended (Objective 11: Housing is more diverse and affordable).</p>
Direction 4: A city of great places	Consistent with Objective 12 , the proposal includes significant public domain improvements including converting Walker Street and Hampden Street into a shared zone, the provision of a public pocket park, a linear park along the Walker Street frontage and improved pedestrian linkages to Ward Street and the metro station.
Direction 5: A well-connected city	<p>North Sydney defined in the GSRP as forming part of the 'Eastern Economic Corridor' and is identified as the district's largest office market. The Precincts location just outside of the defined commercial core represents an appropriate location for residential uplift which will provide housing is a location which is highly accessible to jobs yet will not erode the commercial importance of the core itself.</p> <p>Concentrating housing growth adjacent to the commercial core supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports Objectives 14 and 15.</p>
North District Plan	
<p>N1. Planning for a city supported by infrastructure</p> <p>N12. Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The Planning Proposal leverages off the new Victoria Cross Metro Station. The site is ideally located in just a short walking distance to the future station. The future metro station will support the growth of north Sydney in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p>
N4. Fostering healthy, creative, culturally rich and socially	<p>The Planning Proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets.</p> <p>A GIS analysis provided below details the findings of a 'sieving analysis' for land within 800m of Victoria Cross Station. By using GIS to map land</p>

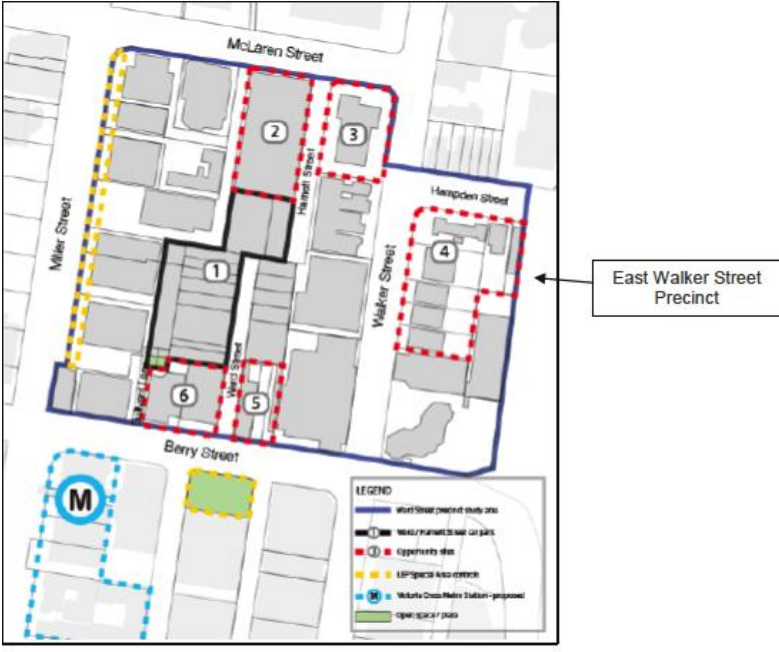
Strategic Merit	Response
<p>connected communities</p> <p>N5. Providing housing supply, choice and affordability, with access to jobs and services</p> <p>N6. Creating and renewing great places and local centres and respecting the District's heritage</p>	<p>constrained from future redevelopment, the analysis finds that East Walker Street is one of the only available Precincts zoned for high density residential and ripe for redevelopment.</p>  <p>The sieving analysis finds that many sites within an 800m radius of Victoria Cross Station are constrained by one or more of the following characteristics:</p> <ul style="list-style-type: none"> Heritage items or conservation areas Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals) Large strata properties <p>The mapping highlights sites which have been identified as constrained from future redevelopment and those that are capable of being redeveloped for residential purposes. The identified sites are the sites which are can assist in meeting the housing targets identified for North Sydney under the District Plan and will assist in achieving greater housing supply, choice and affordability.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in</p>

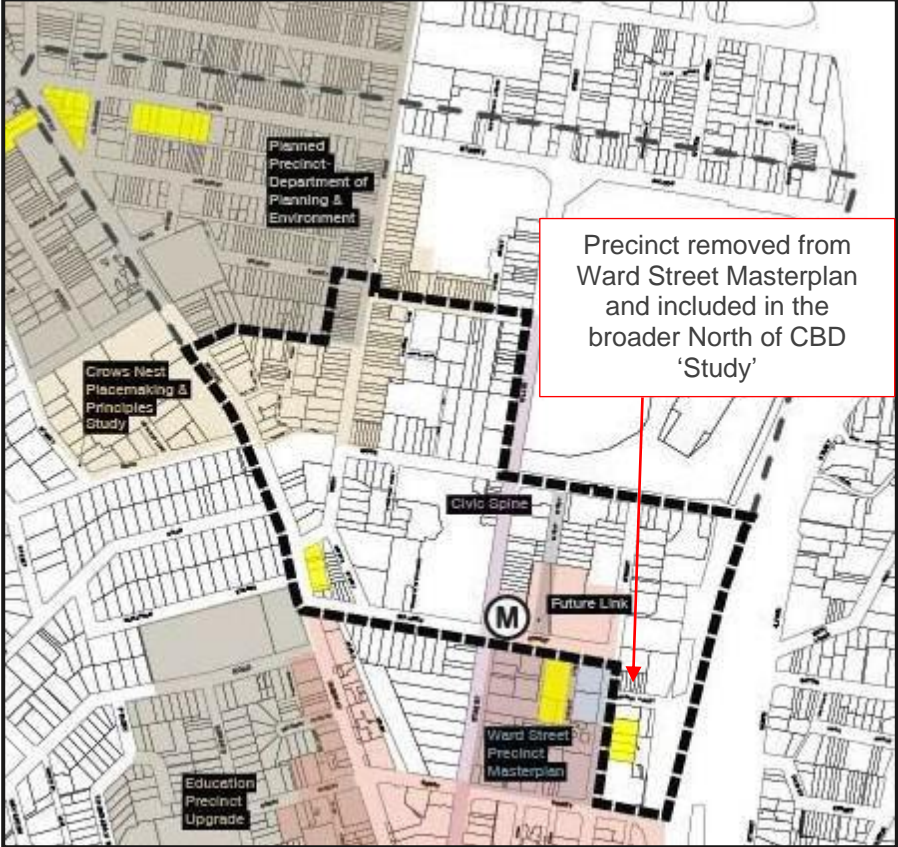
Strategic Merit	Response
	<p>an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p> <p>The East Walker Street Precinct meets that locational criteria and the reference schemes appended to the SJB Urban Design Report demonstrates the proposed fine grain urban form envisaged for the Precinct.</p>
<p><i>Give effect to a relevant local strategy that has been endorsed by the Department, such as the local strategic planning statement or housing strategy; or</i></p>	
<p>North Sydney Residential Development Strategy 2009</p> <p><i>(refer Appendix 1.3 Planning Proposal, page 62)</i></p>	<p>The North Sydney Residential Development Strategy (RDS) was formerly adopted in 2011 and is the strategic framework for guiding housing in North Sydney, up until 2031.</p> <p>The RDS indicates that North Sydney Council should contribute 5,500 additional dwellings between 2004 and 2031. This is significantly below the targets set by the draft North District Plan, which has been calculated to be approximately 11,170 dwellings from 2016-2036.</p> <p>Review of existing planning controls is mandated by the requirement to deliver housing in accordance with the targets set by the North District Plan. Notably, the Greater Sydney Commission has confirmed that Council will fall short of the minimum 5-year housing target by 170 dwellings.</p> <p>This proposal has the potential to deliver 230-300 dwellings for the 6-10-year housing target required under the North District. The proposal will assist in ensuring that Council are on track to achieve their mid to longer term housing targets. Notwithstanding, the dwelling yield of the development is only a small portion of the 20 year target of 92,000 dwelling target for the District, equating to 0.25% - 0.32%.</p> <p>This Planning Proposal provides Council with the opportunity to address the gross indifferences between the actual required supply of residential accommodation and that planned for in the strategy.</p>
<p>North Sydney CBD Capacity and Land Use Strategy</p> <p><i>(refer Appendix 1.3 Planning Proposal, page 62 - 63)</i></p>	<p>The North Sydney CBD Capacity and Land Use Strategy was prepared in support of the North Sydney Centre review, which encompasses land within the B3 Commercial Core and B4 Mixed Use zone.</p> <p>The subject site is located within the R4 High Density Residential zone and therefore is generally exempt from the study area. Notwithstanding this, the Planning Proposal supports the following objectives of the Strategy:</p>

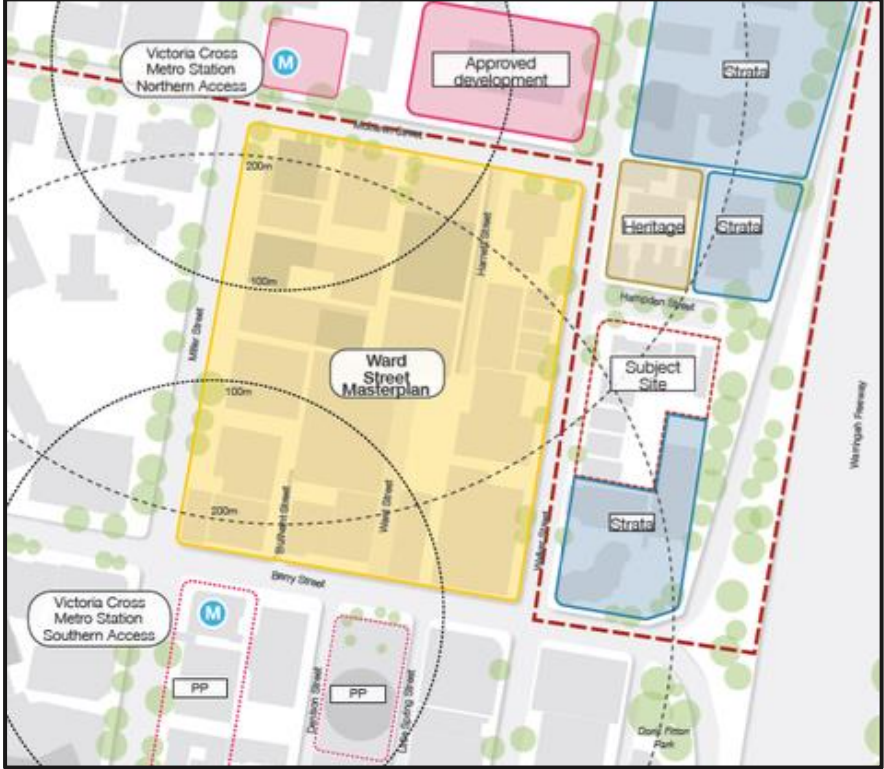
Strategic Merit	Response
	<p>Identify residential development opportunities in the periphery;</p> <p>Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability;</p> <p>Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and</p> <p>Allow for the growth of North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre.</p>
<p>Community Strategic Plan 2013 – 2023</p> <p><i>(refer Appendix 1.3 Planning Proposal, page 63-65)</i></p>	<p>Direction 1 – Our Living Environment: The concept proposal includes 1,033m2 deep soil planting and a 5m wide linear park along Walker Street and a pocket park at the eastern end of Hampden Street.</p> <p>Direction 2 – Our Built Infrastructure: The amendments to the LEP include incentive provisions which will provide opportunities to deliver additional community infrastructure benefits</p> <p>Direction 3: Our Future Planning: The submitted urban design report demonstrates an exemplar urban design outcome that balances the opportunities and constraints with the Precinct whilst respecting the land use context of which the Precinct is located. The proponent is committed to delivering a minimum of 5% floor space to affordable housing</p>
<p>Draft Stage 2 Ward Street Masterplan</p> <p><i>(refer Appendix 1.3 Planning Proposal, page 18-21)</i></p>	<p>Previously the site was included in the Ward Street Precinct Masterplan in 2016 and identified as an "Opportunity Site".</p> <p>Whilst the site was identified at the outset as an opportunity site, Council concurred with the Design Excellence Panel and concluded that "the investigation of this site has been deferred to future discussion with relevant landowners who may seek to initiate a planning proposal,"</p> <p>This Planning Proposal provides the ability for the site to be realised as an opportunity site in line with this decision by Council.</p> <p>The Stage 2 Draft Ward Street Precinct Masterplan has significantly progressed since the lodgement of the Planning Proposal, with Council indicating their preference for Option 2: Central Square Masterplan.</p> <p>At its meeting on 27 May 2019, Council resolved to defer the Stage 2 Draft Ward Street Precinct Masterplan until the Independent Planning Commission</p>

Strategic Merit	Response
	<p>(IPC) made a resolution on the Gateway Determination for 41 McLaren Street.</p> <p>On 7 June 2019 the IPC recommended that the planning proposal not proceed past Gateway as it has not sufficiently demonstrated site specific merit.</p> <p>Refer to Section 4 of the Planning Proposal Report for a comprehensive history and commentary on the relevance of the Ward Street Precinct Masterplan.</p> <p>The following diagram confirms the future desired skyline of the Ward Street Precinct as proposed by North Sydney Council.</p>  <p>This planning proposal is both in keeping with the height and scale of the existing urban context, as well as responding to and complimenting both the specific land use, open space, connections, building and scale in the Ward Street Precinct Masterplan. Additionally, this proposal has applied similar urban design methodology to that used in the Ward Street Precinct to determine building envelopes and built form outcomes.</p>

Strategic Merit	Response
	<p>The CGI of the North Sydney Skyline below shows the Planning Proposal Reference Design in the context of the future desired Skyline proposed by North Sydney Council.</p> 
<p>North of CBD Study <i>(refer Appendix 1.3 Planning Proposal, page 65)</i></p>	<p>At its meeting on 25 March 2019, Council resolved to undertake the North of CBD Planning Study. The Planning Study, which commenced in May 2019, seeks to:</p> <ul style="list-style-type: none"> • Explore the capacity of the North CBD Precinct; • Identify and retain the urban values and balance this with growth; • Achieve the objectives and actions of the North District Plan; • Identify improvements in the public domain including linkages, open space and amenity, consistent with the draft North Sydney CBD Public Strategy (2018); and • Explore possibilities to achieve public benefit.

Strategic Merit	Response
	<p>In 2016, the Site was proposed in Council reports to be an 'opportunity site' within the Ward Street Precinct Masterplan study area given it is east of the CBD and is a small pocket that logically is considered from an urban design perspective to be in the context of CBD buildings and planning, as defined below.</p>  <p>Source: North Sydney Council, Attachment to CiS06, dated 5/12/16</p> <p>The proponent progressed a Planning Proposal concurrently with the progression of the Ward Street Precinct Master planning process and has now applied all the same planning principles as the council applied to the Ward Street Precinct masterplan.</p>

Strategic Merit	Response
	<p>The Council has now proposed to defer the progression of the East Walker Street Precinct into the process for the whole of Northern CBD.</p>  <p>The Proponent submits that there is no need to delay the progression of the planning for this Precinct due to the commencement of the North of CBD <u>Study</u> given the Precinct itself is a small pocket that is east of the CBD, not part of a very complex and large neighbourhood North of the CBD that comprises many different communities, social infrastructure, road networks and wide variety of housing densities and zonings.</p> <p>The Proponent has undertaken a precinct wide urban design study that considers all properties in this segregated component of the study area that was formerly included in the Ward Street Precinct Masterplan area.</p> <p>It is bound by the established residential flat buildings to the south and south-east, the Ward Street Precinct to the west and the heritage listed dwellings to the north. The Precinct is therefore segregated from the remainder of the North of CBD Planning Study area.</p>

Strategic Merit	Response
	 <p>The Proponent has applied and resolved the same constraints outcomes that the Council resolved for the Ward Street Precinct Masterplan, that due to size and scale of strata apartments, and heritage nature of all other properties in the precinct, that this is the only site capable of development.</p> <p>Extensive two staged community consultation has already been undertaken for the whole of the surrounding area.</p> <p>The Panel provided a clear path forward for this Site and this has been acted upon, resulting in the site-specific merit outcomes being achieved for this this Planning Proposal.</p> <p>The extensive and ongoing work associated with this Planning Proposal should not be hindered by the North of Study.</p> <p>Importantly, the urban design studies undertaken by the proponent have adopted the same methodology used in the formulation of the Stage 2 Ward Street Precinct Masterplan by Council and used similar design principles to inform the proposed built form and planning controls.</p>

Strategic Merit	Response
	<p>There is no clear benefit of delaying this Planning Proposal given that Council would be required to re-do the extensive work already undertaken by the Proponent as part of the North of CBD Study.</p> <p>Whilst the study for the North of CBD Precinct is part funded by the grant obtained through the LEP acceleration program, completion of the study at best is not until late 2020, but more likely 2021. This confirms that the study is not tied to the LEP amendments, which are required to be submitted to the DPIE in June 2020.</p> <p>Further, the draft North Local Housing Strategy that was reported to Council on 24 June 2019, <i>“identifies that Council will meet the implied dwelling targets prepared by the DPE by virtue of its existing zoning regime with the addition of the growth anticipated by the draft St Leonards and Crows Nest 2036 Plan.”</i></p> <p>This means, Council is not planning or relying on any development in the North of CBD precinct to meet to their housing targets for 2021-2026. Given the timing of the study is not linked to the LEP amendment and that the LHS confirms that Council are not seeking to increase opportunities for residential density within the North of CBD study area for the LEP update. This would have the effect of no policy change for sites in this study area for at least before 2026.</p> <p>A review of the NS Housing Strategy confirms that amendments to the LEP are not required in order for North Sydney to achieve the dwelling density targets.</p> <p>Thus, the existence of the North of CBD Study does not in any way mean there will be planning control changes and an ability to secure a development approval with the required density within 5 years from now. As such any anticipated outcomes of this work are not considered imminent nor certain.</p> <p>For these reasons, the East Walker Street Precinct Planning Proposal should proceed ahead of the Study as extensive studies have been completed by a number of high calibre technical consultants. In our view it is not reasonable to wait for the North of CBD study to be completed. There is a need to continue to support this proposal to add to the housing supply pipeline in a controlled and well considered manner on its merits and the extensive history and urban planning context upon which it is based. In this</p>

Strategic Merit	Response
	<p>case, the site is unique given the proposal has already been granted strategic merit and the new proposal has followed a clear direction of the Panel in its re-submission to achieve site-specific merit.</p> <p><i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls'</i></p> <p>Yes. North Sydney is undergoing a period of urban transformation as a result of Australia's largest rail infrastructure investment and the State Government's initiative to boost housing supply and job growth around key transport nodes.</p> <p>The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods.</p> <p>The Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney some 200 metres from the site. Infrastructure investment in increasing rail capacity is driving investment in North Sydney and surrounds. This is reflected in the recent amendments to the NSLEP 2013 and the commissioning of further housing strategy studies which recognises that increased density is required to boost employment and housing growth within walking distance of new rail infrastructure.</p>

Other considerations with "A Guide to Preparing Local Environmental Plans" include:

- *There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test*
- *A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.*

With regard to the above considerations, we note the following:

- The NSLEP 2013 came into force on 13 September 2013, making the LEP controls less than 5 years old. In accordance with the superseded NSLEP 2001, the Subject Site was zoned Residential C which is the equivalent to the R4 High Density Residential zone under the standard instrument LEP. It is therefore considered that the zoning and associated controls have been a direct translation from the previous LEP, which was informed by a Residential Strategy (2009) that is now 9 years old.

Nonetheless, it is considered that the proposal meets the Strategic Merit Test, as outlined in Table 2 above and within the submitted Planning Proposal

- The Planning Proposal achieves a number of strategies and actions that underpin the vision for Sydney, as outlined in *A Plan for Growing Sydney*.
- The Planning Proposal assists Council in delivering upon the actions and priorities of the North District Plan, particularly in the relation to achieving baseline housing targets and the delivery of a 30 minute city.
- NSW significant infrastructure investment for the new Victoria Cross Station, 200 metres from the site.

5.2. SITE-SPECIFIC MERIT

The Planning Proposal has site-specific merit for the reasons outlined below:

Table 5: Site Specific Merit Test

Criteria	Planning Proposal Response
<i>Does the planning proposal have site-specific merit with regard to:</i>	
<i>'the natural environment (including known significant environmental values, resources or hazards)?</i>	<p>Yes.</p> <p>The site is located on the edge of North Sydney CBD, and comprises a range of old-style apartment buildings and dwellings which have occupied the site for decades. The Warringah Freeway lies directly east of the site.</p> <p>The Planning Proposal has site-specific merit with regard to the natural environment, as confirmed within the accompanying Preliminary Site Investigation (<i>Volume 1.14 - Appendix K</i>), there are no environmental constraints or hazards that would preclude the redevelopment of the Precinct for high density residential land uses.</p> <p>The Precinct does not contain environmentally sensitive land or significant biodiversity values. For these reasons, the site is not encumbered from an natural environmental perspective for the intended increased density sought by this proposal.</p>
<i>the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i>	<p>To ensure that all potential environment effects were assessed and minimised, and in turn, that site-specific merit can be demonstrated, preparation of this Planning Proposal directly responds to the feedback from the relevant authorities and the local community, including:</p>

Criteria	Planning Proposal Response
	<p>Planning Panel determination: that identified a specific list of site-specific criteria to be addressed. (Refer to Table 1 for summary of how each panel criteria is addressed.)</p> <p>Council assessment report: Council officers prepared a detailed report of considerations which has been used as a guide to shape the revised scheme and proposed controls. (Refer to Table 6, Table 7 and Table 8 of the Planning Proposal for a summary of how each Council consideration has been addressed).</p> <p>Council's revised Stage 2 Ward Street Precinct Masterplan and subsequent exhibition process: This Planning Proposal has been prepared using the same site analysis and massing constraints process applied by Council in their Ward Street Precinct Masterplan process to ensure that the planning outcome is consistent with the likely future uses of land in vicinity of the property</p> <p>Community engagement process this process has helped shaped the reference scheme design and proposed planning controls.</p> <p>In response to site-specific criteria 2 above, the proposal does have site-specific merit having regard to the; existing, approved and likely future uses in the vicinity. The reasons are outlined as follows:</p> <p>Proposal is consistent with existing land use zoning context:</p> <p>The proposal seeks approval to amend the NSLEP controls relating to building height and FSR. The site is currently zoned R4 High Density. It sits within a precinct of R4 zone land on the eastern side of Walker Street north of Berry Street, and B4 Mixed Use on the western side of Walker Street. The land use in the R4 lands is characterised by residential apartments. Land uses in the B4 zoned land comprise a mix of residential or commercial developments.</p> <p>The Belvedere apartments located on the opposite side of Walker Street sit on a site that is 1,740sqm, comprises 195 apartments, built form up to RL 130 meters and achieve an FSR of 9.4:1.</p> <p>The Reference Scheme has similar height of RL 133 metres, lower density of 6.1:1 and the sites are of similar size at 1,609sqm and 2,339sqm respectively.</p>

Criteria	Planning Proposal Response
	<p>The height is also similar to the R4 High Density Residential building at 171 Walker Street, adjacent to the Precinct, which has an existing height of RL 130 metres.</p> <p>As such the proposal will facilitate the continuance of residential uses on the site. This is consistent with the existing land use context.</p> <p>Proposal is consistent with the approved uses in the vicinity</p> <p>Within the immediate vicinity development approvals have been granted for additional residential uses. Examples being:</p> <ul style="list-style-type: none"> • 229-231 Miller Street – 20 storey mixed use residential tower up to RL 135 metres • 168 Walker Street – 22-28 storey mixed use residential tower up to RL 168 metres • 136-142 Walker Street – 22 storey residential tower • 50-52 McLaren Street – 15 storey aged care facility <p>These development approvals are all located within the B4 Mixed Use zone in the vicinity of the site. These approvals further strengthen the predominant residential land use character in the immediate locality.</p> <p>Proposal is consistent with the future planned uses in the vicinity</p> <p>The WSMP is the key strategy shaping the future character in the locality. This Draft Strategy will facilitate the establishment of larger commercial office buildings, community uses and public open space, within the B4 and B3 zoned lands. The proposed building envelope provides a height transition down from the planned heights of RL168 - RL225 within the Ward Street Precinct Masterplan to RL133 – RL148 on the subject site.</p> <p>This Planning Proposal does not create any future land use conflicts that could impact on the successful delivery of the WSMP, as it will maintain a residential use of the site, retaining the residential land use edge of the Walker Street section (north of Berry Street up to McLaren Street intersection).</p>

Criteria	Planning Proposal Response
	<p>Summary:</p> <p>For the reasons outlined above, the proposal is entirely consistent with the site-specific criteria 2 above relating to consistency with existing, approved and future land uses in the vicinity.</p>
<p><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i></p>	<p>Yes. The site benefits from all the services one could expect in a location on the end of a metropolitan CBD. It is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing North Sydney train station and the planned Victoria Cross metro station.</p> <p>A range of established services are available within close proximity of the site, including health, education and emergency services networks.</p> <p>Transport Infrastructure</p> <p>Refer to <i>Volume 1, tab 1.19 - Appendix F</i> for detailed assessment of public transport infrastructure.</p> <p>As previously stated, the site is 200m from the Victoria Cross Metro Station and 600m from the North Sydney Train Station. By 2024, North Sydney will become one of the most connected centres in Sydney with ready access to all major employment centres in rapid time.</p> <p>The area is also well-served by district state buses networks as well footpaths and a network of dedicated and on-road cycle paths, providing a wide range of available options for workers and residents to travel.</p> <p>Based on the traffic distribution and generation assumptions, the analysis indicates that the increase in traffic is negligible and is not envisaged to affect the existing surrounding road network, noting that only 13% of residents will utilise private transport modes.</p> <p>Utility Infrastructure</p> <p>Preliminary investigations have also been undertaken to identify sufficient utility infrastructure required for the proposed development. Detailed investigations will be undertaken to inform a subsequent Development Application.</p>

Criteria	Planning Proposal Response																										
	<p>Social Infrastructure</p> <p>North Sydney CBD is one of the most well serviced areas in Australia for social infrastructure. Given the high level of social infrastructure provided in North Sydney, this Planning Proposal is not expected to have a material impact on social infrastructure.</p> <p><u>Existing Health and Education</u></p> <p>The North District Plan confirms that the North District has a high proportion health and education jobs, compared to the Greater Sydney average, and in turn is considered a hub of Health and Education.</p> <p>This is directly demonstrated by the number of schools in North Sydney listed below.</p> <p><u>Schools in North Sydney</u></p> <table> <tr> <th>Primary Schools (aged 5-12)</th><th>Secondary Schools (aged 12-18)</th></tr> <tr> <td>ANZAC Park Public School</td><td>Cammeraygal High School</td></tr> <tr> <td>Cameragal Montessori Primary</td><td>Loreto Kirribilli Senior School</td></tr> <tr> <td>Cammeray Public School</td><td>Marist College North Shore</td></tr> <tr> <td>Loreto Kirribilli Junior School</td><td>Monte Sant' Angelo Mercy College</td></tr> <tr> <td>Neutral Bay Public School</td><td>North Sydney Boys High</td></tr> <tr> <td>North Sydney Demonstration School</td><td>North Sydney Girls High</td></tr> <tr> <td>Redlands Grammar School</td><td>Redlands Grammar School</td></tr> <tr> <td>St Aloysius Junior College</td><td>St Aloysius Senior College</td></tr> <tr> <td>St Mary's Primary School</td><td>Shore Grammar School</td></tr> <tr> <td>Shore Grammar School</td><td>Wenona School</td></tr> <tr> <td>Wenona School</td><td>TAFE NSW</td></tr> <tr> <td>After School Care</td><td>St Leonards Campus</td></tr> </table>	Primary Schools (aged 5-12)	Secondary Schools (aged 12-18)	ANZAC Park Public School	Cammeraygal High School	Cameragal Montessori Primary	Loreto Kirribilli Senior School	Cammeray Public School	Marist College North Shore	Loreto Kirribilli Junior School	Monte Sant' Angelo Mercy College	Neutral Bay Public School	North Sydney Boys High	North Sydney Demonstration School	North Sydney Girls High	Redlands Grammar School	Redlands Grammar School	St Aloysius Junior College	St Aloysius Senior College	St Mary's Primary School	Shore Grammar School	Shore Grammar School	Wenona School	Wenona School	TAFE NSW	After School Care	St Leonards Campus
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After School Care	St Leonards Campus																										

Criteria	Planning Proposal Response
	<p>Available in conjunction with Primary Schools. Bradfield Senior College</p> <p>The lower north shore is also very well serviced with health infrastructure as demonstrated by the list of hospital located near to the Precinct.</p> <p><u>Hospitals in North Sydney</u></p> <ul style="list-style-type: none"> - Royal North Shore Hospital - Royal North Shore Private Hospital - Mater Hospital - Mosman Private Hospital - Northside Cremorne Clinic - Northside Clinic - Greenwich Hospital <p><u>Future Health and Education</u></p> <p>The North District Plan identifies that there will be a focus on expansion of the nearby St Leonards health and education precinct and Priority Precinct, led by the NSW Department of Planning and Environment, which will bring together the Commission, North Sydney Council, Lane Cove Council, Willoughby City Council, Transport for NSW and NSW Health, to grow jobs, housing and infrastructure within the precinct.</p> <p>The Precinct is located within an established urban area and is fully serviced by existing and planned infrastructure which is capable of accommodating for the increased density on the subject site</p>

6. KEY ISSUES IN THE INDEPENDENT ASSESSING OFFICERS REPORT & NSLPP MINUTES

6.1. NORTHERN CBD STUDY

That the Planning Proposal should “follow a broader study of the area, such as is presently being undertaken by Council for the Northern CBD” (Page 2).

Response: As stated above in *Table 4: Strategic Merit Test*, North of CBD Study, the East Walker Street Precinct comprises the south-eastern portion of the Northern CBD Planning Study area. This Precinct has its own unique opportunities and constraints and is distinctly isolated from the study area by existing established buildings, heritage houses, the Walker Street heritage wall and the sloping topography.

There is limited opportunity within the Northern CBD Planning Study area to accommodate residential growth of this magnitude without adversely impacting upon the heritage character or urban value of the area.

This Planning Proposal is the direct result of a Precinct study which has been extensively developed over the past 12 months, since the Panel advised the applicant to incorporate the Hampton Street properties.

It is considered that any proposal on the site would not be inconsistent with the intent or the objectives of the Northern CBD study which is to:

- explore capacity in the North CBD Precinct;
- Identify and retain the urban values and balance this with growth; and
- Achieve the objectives and actions of the North District Plan.

The diagram on Page 28 shows the site within the previous Draft Ward Street Precinct Masterplan.

The diagram on Page 30 submitted to the NSLPP as presentation material on 14 August 2019 demonstrates the location of the Planning Proposal next to the Ward Street Precinct and its separation from the North CBD Precinct by Strata title buildings and heritage listed buildings which are unlikely to change.

6.2. EXPANSION OF CBD BOUNDARY

“that the CBD boundary be altered to include the subject land” (Page 2).

Response: In the assessment of the previous Planning Proposal, Council recommended that the site include a component of commercial floor space. The Sydney North Planning Panel, rejected the expansion of commercial uses within this Precinct, reiterating that this Precinct *“is more suited to residential than commercial use.”*

The North Sydney Capacity and Land Use Study which supported the NS CBD PP confirmed that there is no need for additional commercial floor space to be provided within the East Walker Street Precinct

The properties on the eastern side of Walker Street include established residential land uses, reflective of the residential land use zone. The sloping topography and segregation of the site from the Ward Street Precinct would reduce the viability of commercial floor space within this Precinct.

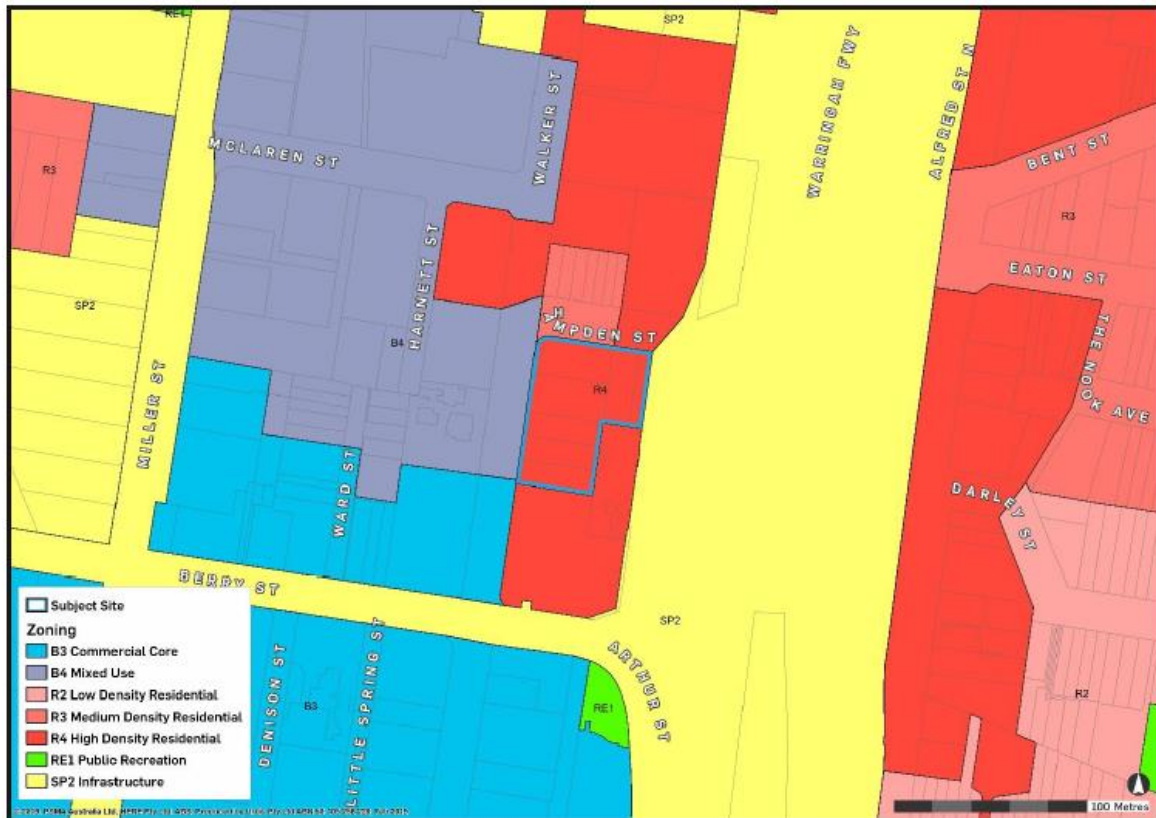
The expansion of the CBD within this Precinct would ultimately result in land uses that do not reflect the land use zone. Similar to the current height controls which are inconsistent with the existing established residential building to the south and south-east of the site.

This proposal is both in keeping with the height and scale of the existing urban context, including 171 Walker Street (Century Plaza) to the South and 88 Berry Street to the East. Across Walker Street from the subject property, buildings at 150 Walker Street, 138 Walker Street, 45 McLaren Street, and 168 Walker Street are predominantly residential in nature.

The urban design of the property fits appropriately within this R4 residential context.

Retention of the residential use on the site is further supported within by the Independent Assessing Officer's comments, which states that *"the existing use of the site and the areas to the north and south is exclusively residential. The areas to the west are used for a combination of residential and commercial uses however No 150 Walker Street and 45 McLaren Street are exclusively residential. It is not likely that these uses will change in the future. The proposal is consistent with the type of uses on the site and surrounding area and any **significant commercial use would be considered to be inappropriate** without a broader strategic decision to extend the CBD."* Page 31.

The NSLEP 2013 Zoning Map on Page 14 of the Planning Proposal – East Walker Street Precinct below identifies the Planning Proposal within a precinct zoned R4 High Density Residential.



6.3. RESPONSE TO LOCAL PANEL RESOLUTION

1. *The requested heights do not provide an appropriate transition of building heights from existing CBD development to the subject R4 zoned land;*

Response: The proposed heights on the site provide a transition from the west to the east and again from the north-west to the south-east.

The proposed heights are comparable to the heights of the emerging context of the immediately locality. The Belvedere apartments located on the opposite side of Walker Street sit on a site that is 1,740sqm, comprises 195 apartments, built form up to RL 130 metres and achieve an FSR of 9.4:1. The reference has a height of RL 133 metres, an FSR of 6.1:1 and the sites are of similar size at 1,609sqm and 2,339sqm respectively. The height is also similar to the R4 High Density Residential building at 171 Walker Street, which has an existing height of RL 130 metres.

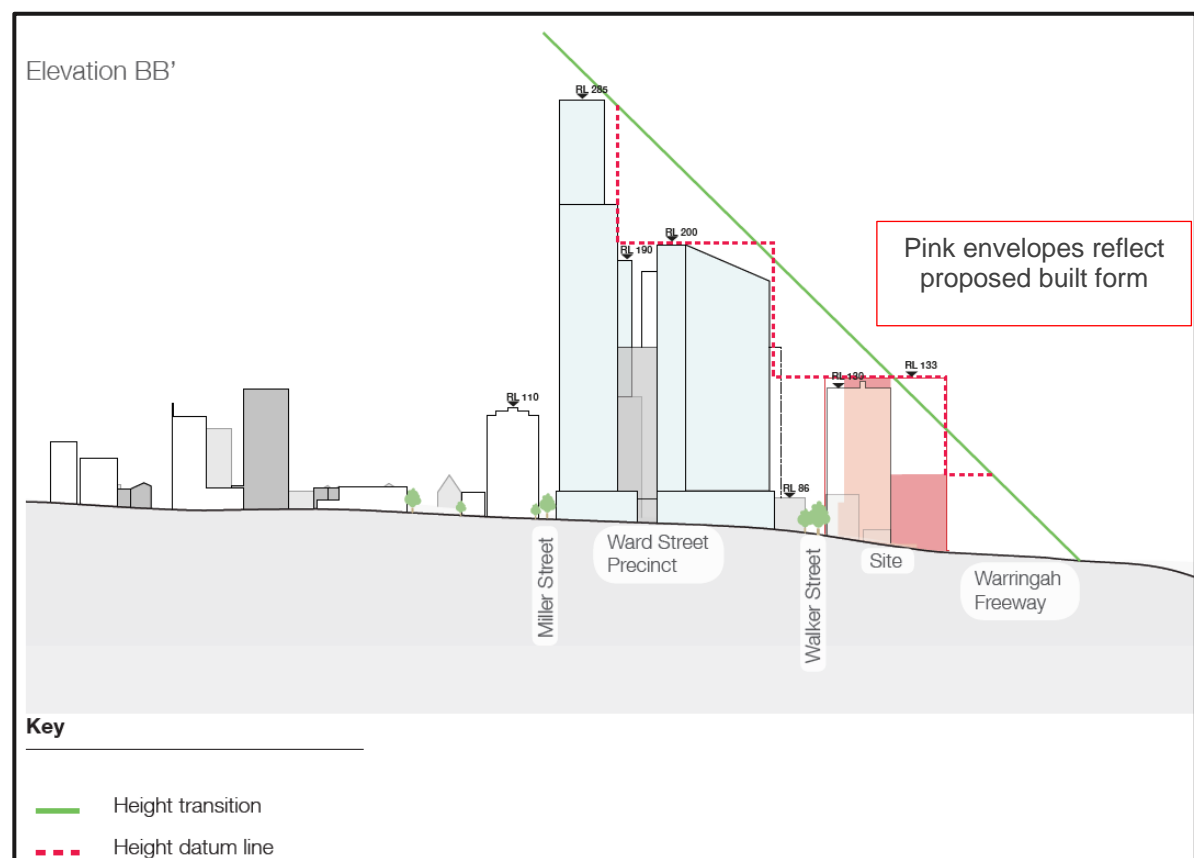
Within the immediate vicinity, residential towers have been approved for the following heights:

- 229-231 Miller Street – 20 storey mixed use residential tower up to RL 135 metres
- 168 Walker Street – 22-28 storey mixed use residential tower up to RL 168 metres
- 136-142 Walker Street – 22 storey residential tower

- 50-52 McLaren Street – 15 storey aged care facility

The proposed building envelope provides a height transition down from the planned heights of RL168 - RL225 within the Ward Street Precinct Masterplan to RL133 – RL148 on the site. The transition of heights from the CBD and from the endorsed buildings heights within Ward Street has been well documented with in the SJB Urban Design Report.

This height transition is demonstrated below on a corrected Skyline Study diagram from Page 42 of the SJB Urban Design Report.



- The indicative building typology does not adequately respond to the existing development controls that apply to the subject R4 zoning resulting in excessively large building forms that are out of keeping with the existing and desired future character of the area and will have an unacceptable visual impact;***

Response: As listed above, there are multiple examples of residential tower forms within the immediate catchment of the site, including the 21 storey Century Plaza (171 Walker Street) located to the immediate south.

The indicative building typologies are concept only and provide for 3D building envelopes of which any future DA can fit within. The heights, street wall heights, setbacks and separation distances have been

designed in response to the surrounding context. This includes a street wall height that complements the heritage curtilage, reduced heights in the south-western corner to maximise view corridors, reduce overshadowing and compliant separation distances between the tower forms.

The desired future character of the area is evolving into a dense urban context. The Planning Proposal needs to be assessed against the future character, as envisaged by the endorsed Ward Street Precinct Masterplan.

Extensive view impact analysis has been undertaken by RLA from various vantage points. RLA has also reviewed the view analysis undertaken by Council for the development of the Ward Street Precinct.

3. *It is contrary to the objectives of the R4 zone in that it will ‘compromise the amenity of the surrounding area or the natural or cultural heritage of the area’ and will not ‘ensure that a reasonably high level of residential amenity is achieved and maintained’;*

Response: The proposal fits well within the context of surrounding existing and proposed development. The design strategy has been specifically tailored to respond to the constraints and characteristics of the Precinct and surrounds whilst incorporating the key principles identified within the draft Ward Street Precinct Masterplan, and the community consultation and engagement undertaken.

No items of environmental protection are identified in the vicinity of the subject site. In addition, the Planning Proposal proposed specific Development Control Plan provisions to respect the surrounding heritage items through the siting of the built form and provision of street wall heights and podiums that take cues from the heritage datum. This includes heritage items at 150 Walker Street (“The Heritage”) where a high-density apartment building was constructed in their rear curtilage in 2010-2011.

In comparison, the Ward Street Precinct Masterplan recently endorsed by North Sydney Council provides overshadowing and impacts on adjoining heritage listed properties including the Rag and Famish Hotel at the corner of Miller and Berry Streets, and Monte Sant’ Angelo Mercy College on the Western side of Miller Street.

4. *It is contrary to objectives (c), (e) and (f) of the Height of Building controls under clause 4.3 to NSLEP 2013;*

Response: The proposal demonstrates a high degree of compliance with the objectives of the height of buildings clause.

In particular, the proposal maintains solar access to a compliant degree to the immediately adjoining residential buildings and promotes a development outcome on the site that can achieve a compliant solar outcome. The location of the building envelopes, the proposed heights and the stepping of the built form ensures that there will be no net increase in overshadowing to Doris Fitton Park.

The combination of these elements demonstrates that the objective of part (c) is achieved.

The site is located at the interface of the B4 Mixed-Use zone and R4 High Density Residential zone (Part (e)). Whilst the buildings to the immediate west of the site, within the B4 zone, are exclusively residential, the planning proposal proposes heights which provide for an appropriate transition and lower of height and scale from the western fringe of the Ward Street Precinct to the Freeway, east of the site.

As evidence by the submitted Urban Design Report and in response to item 1 of the reasons, the Planning Proposal is of an appropriate scale and density that is consistent with that of other residential

tower developments to the west of the site. The character of the area is evolving and the Planning Proposal reflects the emergence of the new character for this Precinct (Part (f)).

5. *It is contrary to the objectives (a) and (b) of the FSR controls under clause 4.4 to NSLEP 2013;*

Response: The site is not subject to an FSR control under clause 4.4 of the NSLEP 2013. Notwithstanding the above, an FSR is proposed over the site, with the intent being to limit the bulk and scale to a building envelope that is compatible with the desired future character for the East Walker Street Precinct.

6. *It is contrary to the provisions of NSDCP 2013 in relation to residential flat building development and the Area Character Statement for the Hampden Neighbourhood;*

Response: This Planning Proposal includes draft amendments to the NSDCP 2013, outlining the site-specific building envelope controls for future development within the Precinct. These provisions adapt the Area Character Statement to respect the character of the area while providing updated controls to better suit the urban context of the East Walker Street Precinct.

7. *It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*

Response: The report also explains that the proposal is consistent with numerous regional and local strategies. This statement contradicts the reports findings. The proposal has also been recognised as having strategic merit by the Sydney North Planning Panel.

High density residential uses on the site are further supported within by the Independent Assessing Officer's comments, which states that "The proposal will provide additional housing, which will assist Council in meeting and/or exceeding the relevant targets of the Plan. The housing is 'in the right location' in accordance with the recommendations of the GSRP." Page 26.

8. *It does not adequately demonstrate that it will not result in excessive overshadowing of adjoining dwellings;*

Response: The proposed LEP provisions demonstrate that future development is capable of compliance with ADG solar access provisions, and will not result in excessive overshadowing of adjoining residential properties.

- 88 Berry Street has a nil setback to the site. Notwithstanding, the proposed building envelope has been designed to achieve compliance with the ADG in regards to overshadowing and separation distances
- The solar insulation diagrams and additional solar study confirms that solar access to both 88 Berry Street and Century Plaza is compliant with the ADG.
- Under the reference scheme, 71% of apartments at 88 Berry Street receive a minimum 2 hrs solar access which is increased to 81% under the special provisions scheme.
- Century Plaza receives 75% solar access under both schemes.

The table below from Page 3 of the Letter to North Sydney Council dated 26 July 2019 demonstrates that both the Reference Design and the Special Provisions Reference design can achieve a compliant level of solar access with design resolution at DA.

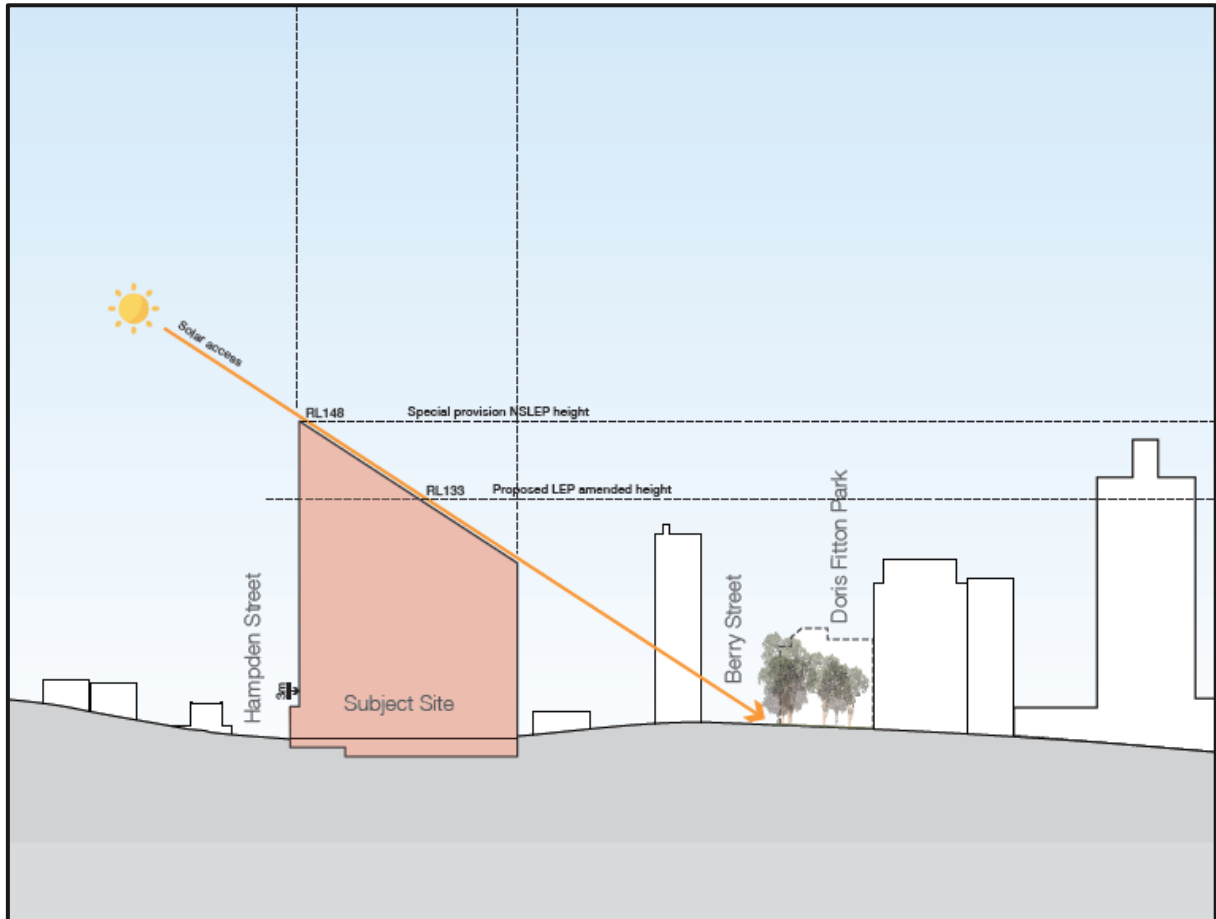
88 Berry Street	2hrs daylight will be easily achieved with design resolution at DA	Less than 2 hours daylight in mid-winter	Total
Reference design			
Apartments	41	17	58
Percentage	71%	29%	100%
Special Provisions Reference Design			
Apartments	47	11	58
Percentage	81%	19%	100%

171 Walker Street	2hrs daylight will be easily achieved with design resolution at DA	Less than 2 hours daylight in mid-winter	Total
Reference design			
Apartments	60	20	80
Percentage	75%	25%	100%
Special Provisions Reference Design			
Apartments	60	20	80
Percentage	75%	25%	100%

9. It does not adequately demonstrate that it will not result in overshadowing of Doris Fitton Park;

Response: The proposed changes to the LEP controls include a prohibition on overshadowing to Doris Fitton Park. Any future development proposed under these controls is unable to overshadow this area.

The diagram below from the SJB Urban Design Report illustrates the proposed amendments to the NSLEP 2013 which limit overshadowing to Dorris Fitton Park.



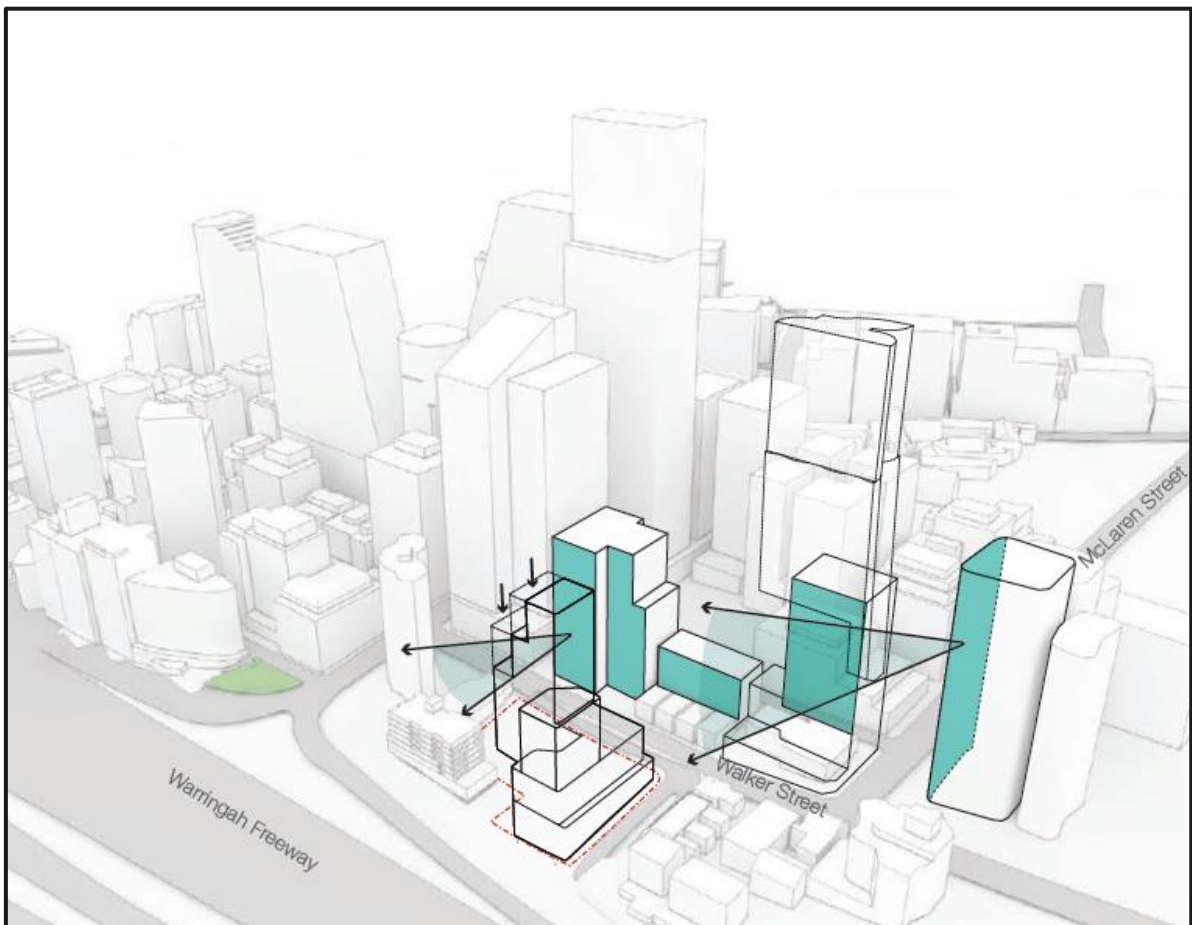
10. It will result in unreasonable loss of views for surrounding apartments;

Response:

- This is not quantified.
- The predominant view affections are at the lower level and not directly related to the height.
- Iconic views are unimpacted
- Council previously acknowledged that *“Given the subject site’s location in a dense urban environment and the need to accommodate more development to satisfy State targets for housing and employment, from a Council planning perspective, there is an expectation that views may be impacted upon.”*
- A comprehensive VIA has been undertaken by RLA including view photography being taken from the apartments in buildings that were previously impacted. The apartments selected provide a reliable representation of many apartments in that particular alignment of those buildings. A more detailed view photography study of more than a selection of key representative apartments would only be appropriate at a DA stage to help inform actual built form design and architectural treatment, so as to avoid unnecessary or pre-emptive impost on residents.

- Exhibition of the Council WSMP indicates that 221, 231, 239 Miller Street and 39 McLaren Street do not have iconic views of the Opera House or Sydney Harbour Bridge.
- 3D images were generated from various locations within 5 different development sites. This builds upon the imagery that was undertaken as part of the original PP and the view analysis within the WSPM, which the Report does not consider.

The diagram below from page 39 of the SJB Urban Design Report illustrates how the Built form considers view sharing with neighbouring developments, including a stepped design and a slender tower, as well as setbacks to the north to improve views from Belvedere and The Heritage. This is achieved with a slender and stepped tower form that maintains view lines to the south and east of the site.



11. The benefits of the Special Provisions Design have not been adequately demonstrated;

Response: Additional information was provided to the assessing officer, outlining the benefits of the Special Provisions Design. This is included at Volume 3, tab 6.2.

12. The traffic information submitted does not adequately demonstrate that the proposal will not have an adverse impact on the local traffic network; and

Response: Council's report on the previous planning proposal recommended that parking was reduced from 252 cars to 120 cars for 173-179 Walker Street. In the new proposed reference design and in line with the previous Council Report, the parking has been reduced to 120 spaces, for 173-179 Walker Street. The parking rates comply with RMS rates for metropolitan areas.

13. Insufficient information has been provided in relation to the uplift in value from the proposed LEP amendments in order for Council to determine if the applicant's public benefit offer is reasonable.

Response: The proposal includes a detailed Letter of Offer and Valuation of public benefits. The proponent is able to work with Council to examine the uplift in value and explore the public benefits able to be offered.

14. Further to the reasons of the assessing officer, the NSLPP Minutes recommended on 14 August 2019 : that the "Planning Proposal lacks strategic and site specific merit"

Response: The Planning Proposal has Strategic Merit, this is clearly supported within by the Independent Assessing Officer's comments, which states that "The Planning Proposal is considered to have Strategic Merit and some site-specific merit as it proposes to increase density in an appropriate location adjoining the existing North Sydney CBD and in close proximity to the new Victoria Cross Metro Station." Page 55.

Matters to Address	Council's Appointed Independent Planners Response	Criteria met
1. The planning proposal should incorporate the current site and the adjacent properties on Hampden Street	Yes.	Yes
2. Consolidation of the site with the adjacent properties on Hampden Street	The sites have not been consolidated, however the Planning Proposal includes provisions that encourage development of the site as a single parcel.	<i>This is incorrect, all owners have provided written consent in support of the Planning Proposal with capacity for the properties to be developed as a single site. The reference designs demonstrate different iterations of how the development could progress in different stages with incentive for development as a single parcel.</i>

Matters to Address	Council's Appointed Independent Planners Response	Criteria met
3. The site is more suited to residential than commercial use.	Yes.	Yes
4. Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street	Yes.	Yes
5. Views from the west should be maximised through the site	The view impact analysis undertaken is considered to be inadequate. Further the nature of the indicative building form is inconsistent with the existing R4 zone controls and does not facilitate retention of views.	<p><i>The assessing officers report fails to take into consideration the view analysis undertaken for the previous PP and the view impact analysis undertaken by Council for the Ward Street Precinct Masterplan.</i></p> <p><i>The Ward Street Precinct Masterplan confirms that existing residential views are restricted to the east.</i></p> <p>Built form steps down to 16 storeys, to 12 storeys to 2 storeys to ensure retention of views from the west.</p>
6. Vehicle and pedestrian access into and around the site should be further reviewed including consultation with RMS	Yes. The applicant's documentation advises that RMS have been consulted.	Yes
7. Public consultation should be undertaken prior to consideration of a further proposal	Yes	Yes

Matters to Address	Council's Appointed Independent Planners Response	Criteria met
8. Overshadowing east of the freeway should be minimised	Yes.	Yes
9. Any future proposal should include a draft DCP	Yes.	Yes
10. Provision of well-connected open space on the site	Yes. The proposal provides publicly accessible setbacks and upgrade works to community gardens at the end of Hampden Street. Since the 2018 Planning Proposal, road widening works earmarked for the western side of the Warringah Freeway mean that a pedestrian walkway and site through links as proposed in the previous Planning Proposal are no longer practicable outcomes	<i>The proposal provides publicly accessible setbacks and upgrade works to community gardens at the end of Hampden Street. Since the 2018 Planning Proposal, road widening works earmarked for the western side of the Warringah Freeway mean that a pedestrian North-South walkway and site through links as proposed in the previous Planning Proposal are no longer practicable outcomes</i>


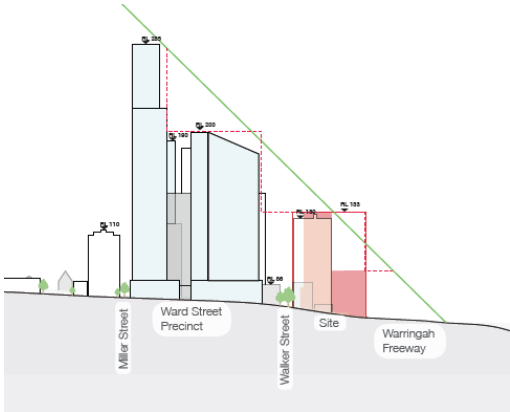
6.4. TABLE OF OMISSIONS

The independent report prepared by Ingham's Planning on behalf of North Sydney Council, included a number of omissions and errors, which have, in our opinion, resulted in a flawed assessment of the Planning Proposal.

The errors are tabled below

Table 6 – Table of errors

Page	Error	Clarification
5	<i>"the applicant only proposed amendments to the DCP provisions to include setback controls, however these only appear to reflect the reference design.</i>	The DCP provisions apply to all development scenarios. The three reference designs result from the application of these controls.
13	<i>11 Hampden Street is subject to company title and only the directors consent has been provided</i>	As a company title building, the directors represent all of the owners of the building in their capacity as directors of that company

Page	Error	Clarification
33	The shadow impacts are assessed against Clause 6.3 (3) of the NSLEP 2013 which strictly applies to the City Centre	The site does not form part of this area and is not subject to these controls.
33-34	<i>the overshadowing information provided is limited to a solar insolation diagram accompanied by a statement and that it needs to be demonstrated that at least 70% of the dwellings will need to maintain a minimum of 2 hours of solar access between 9am and 3pm at midwinter</i>	The applicant has also provided a table summarising the solar insolation diagrams which provides the number of apartments able to achieve solar compliance at a Development Application stage. It has been demonstrated in these tables clearly that 171 Walker Street and 88 Berry Street meet this solar compliance.
41	Figure 27 Skyline Study – South Elevation. This diagram incorrectly represents the subject property in proximity to the Ward Street Precinct	This was extracted from the SJB Urban Design Report which incorrectly the identified the location of site. The actual location of the site is consistent with the “potentially appropriate height datum” recommended by Ingham Planning. The diagram in Council’s report is shown below, with a modified diagram with corrected labels to the Right. This diagram shows that the proposed building envelopes referenced in the Planning Proposal are within the height transition from the Ward Street Precinct.
	 <p>Source – Urban Design Report by SJB</p>	

Page	Error	Clarification
51	it has not been adequately demonstrated that the redevelopment of the site to the level proposed, can occur without unreasonable impacts on traffic movements around the site.	Council's traffic advisor has stated that the proposal is supported on traffic grounds, providing the car parking is reduced from 203 spaces to 102 spaces.
54	Moratorium on Planning Proposals. As previously indicated, Council has resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the DPE's Priority Precinct planning process.	This proposed moratorium has not been adopted by the NSW Government.

7. CONCLUSION

This letter has been prepared in support of a Rezoning Review request to DPE in relation to the Proponent initiate Planning Proposal at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

This Planning Proposal seeks to deliver on the objectives of the Greater Sydney Region Plan and North District Plan by enabling the orderly and economic development of a Precinct on the periphery of a strategic CBD centre that is intended to be revitalised into a vibrant and active commercial and retail precinct that will contribute to Sydney's vision as a global economic corridor. Redevelopment of the Precinct will supply an appropriate level of residential floor space that will contribute to and support a sustainable, resilient and vibrant commercial core.

The Precinct represents a significant opportunity for urban renewal, strategically located within the walking catchment of the North Sydney train Station (600m) and being within 200m to the planned Victoria Cross Metro Station. The Precinct is also located on the periphery of the B3 Commercial Core, with the North Sydney CBD located 50m from the residential lobby. This unique and unrivalled residential block allows for future development to form a nexus to the Ward Street Precinct, resulting in a holistic planning approach to urban renewal within the area and delivering upon the vision of an active, walkable and well-connected community, where people live, work and play.

The Proponent has engaged with Council since 2017 to promote this Planning Proposal, which is evidenced by the various meetings, urban design options, analysis of site constraints and opportunities and the expansion of the site to include all land holdings within the Precinct. The current Planning Proposal has been prepared in response to the reasons for the decision provided by the Panel, on review of the previous Rezoning Review request (Ref: 2018SNH005 -RR_2018_NORTH_001_00). The Panel decision confirms that the Planning Proposal has strategic merit.

As evidenced by the submitted urban design analysis, this Planning Proposal responds directly to the feedback received by the Panel and Council and demonstrates that the proposal has considerable strategic and site-specific merit as outlined in "*A Guide to Preparing Local Environmental Plans*" and thus warrants the Panels support to proceed to Gateway for public exhibition.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen White". The signature is written in a cursive, flowing style.

Stephen White
Director