

## REZONING REVIEW – Briefing Report

<b>Date of referral</b>	2 September 2019	
<b>Department ref. no</b>	RR_2019_North_005_00	
<b>LGA</b>	North Sydney	
<b>LEP to be amended</b>	North Sydney Local Environment Plan 2012	
<b>Address</b>	173-179 Walker Street and 11-17 Hampden Street, North Sydney	
<b>Reason for review</b>	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
<b>Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?</b>	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required	

### 1. SUMMARY OF THE PROPOSAL

#### 1.1 Introduction

This rezoning review request (**Attachments F1-F14**) was submitted by Urbis Pty Ltd on behalf of Avenor Pty Ltd and Oxley Holdings Ltd for the landowner Walker Street No. 100 Pty Ltd. The request relates to a planning proposal for 173-179 Walker Street and 11-17 Hampden Street, North Sydney (the site). The proposal (reference scheme) for the site seeks to amend the North Sydney Local Environmental Plan (LEP) 2013 to:

- increase the building controls to a maximum RL 133m;
- increase the maximum FSR of 6.1:1 across the site;
- introduce a Special Provisions Map within the North Sydney LEP 2013 to identify the site as 'Area 1'; and
- amend Section 6 Additional Local Provisions to include a section '6.20 East Walker Street Precinct' to establish development controls for amalgamation, overshadowing and community infrastructure, including a maximum height of buildings of RL148 and an FSR of 6.9:1.

The planning proposal states that it will provide between 230-300 new dwellings and around 19-25 jobs.

The rezoning review request was submitted as North Sydney Council notified the proponent that the request to prepare a planning proposal has not been supported.

## 1.2 Background

### Previous Planning Proposal

On 20 October 2017, a site-specific planning proposal was lodged with North Sydney Council to amend the North Sydney LEP 2013 for 173-179 Walker Street, North Sydney.

On 25 January 2018, the proponent lodged a rezoning review with the then Department of Planning and Environment as North Sydney Council notified the proponent that the request to prepare a planning proposal has not been supported.

On 19 February 2018, Council resolved not to support the planning proposal.

On 11 April 2018, the Sydney North Planning Panel determined, in a unanimous decision, that the proposal had strategic merit but did not demonstrate site specific merit **(Attachment D)**. The Panel noted that Council and the proponent have expressed a desire to work together and outlined the following considerations for consultation between the parties:

- *The planning proposal should incorporate the current site and the adjacent properties on Hampden Street;*
- *Consolidation of the site with the adjacent properties on Hampden Street;*
- *The site is more suited to residential than commercial;*
- *Height transition down to the east from 41 McLaren Street, as proposed, and 168 Walker Street;*
- *Views from the west should be maximised through the site;*
- *Vehicle and pedestrian access into and around the site should be further reviewed including consultation with RMS;*
- *Public consultation should be undertaken prior to consideration of a further proposal;*
- *Overshadowing east of the freeway should be minimised;*
- *Any future proposal should include a draft DCP, and*
- *Provision of well-connected open space on the site.*

On 15 November 2018, a pre-application request was made and withdrawn by the proponent.

### Pre-Lodgement Meetings

On 10 December 2018, a pre-lodgement meeting was held, and a preliminary urban design report was provided to North Sydney Council. The rezoning review states that at this meeting the concept design, Council planning activities and the community consultation process was discussed.

The rezoning review states that other key issues were raised included overshadowing of Doris Fitton Park, building envelop, access, parking and a voluntary planning agreement (VPA).

On 6 February 2019, a second pre-lodgement meeting was held to discuss the proposed LEP and DCP amendments with North Sydney Council. The documentation states that a refined urban design report including solar access, parking and access, VPA and the proposed LEP and DCP amendments were discussed.

## Revised Planning Proposal

On 22 March 2019, a revised planning proposal (**Attachment F2**) was submitted by Urbis Pty Ltd on behalf of Avenor Pty Ltd to North Sydney Council for land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

The revised planning proposal documentation states that it has been updated to address the Planning Panel's feedback and their list of reasons they provided outlining why the previous planning proposal did not demonstrate site specific merit.

The documentation states that to ensure consistency with the Ward Street Precinct Masterplan, the revised planning proposal has been prepared using the same site analysis and massing constraints.

The documentation states that the proposal refers to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney and it outlines three possible schemes:

- Reference Scheme – two development parcels, 173-179 Walker Street and 11-17 Hampden Street with a consistent podium, 3 storey street wall and two towers, one on Walker Street and the other on Hampden (**Figure 7**);
- Separate Land Holdings Reference Scheme – no amalgamation of 11, 15 and 17 Hampden Street, a consistent podium, 3 storey street wall and a tower on the Walker Street site (**Figure 8**); and
- Special Provisions Reference Scheme – amalgamation of 173-179 Walker Street and 11-17 Hampden Street with a consistent podium, 3 storey street wall, a tower on Walker Street and 11 Hampden Street (**Figure 9**).

A comparison of the schemes is provided in Table 1.

A letter of offer to enter into a voluntary planning agreement (VPA) (**Attachment F12**) was submitted to:

- dedicate 5% of the residential yield to affordable housing; and
- contribution for community infrastructure at a rate of \$15,100 per net dwelling for land at 173-179 Walker Street.

However, the planning proposal was not accompanied by a draft VPA.

Accompanying the planning proposal is a site specific DCP (**Attachment F13**) which will assist in guiding future development on the site.

Council engaged Ingham Planning to prepare an assessment of the planning proposal and a report was prepared on 14 August 2019.

## Local Planning Panel Recommendation

On 14 August 2019, the North Sydney Local Planning Panel (NSLPP) considered the planning proposal (**Attachment E3**) which recommended that Council not support the planning proposal because:

- the requested heights did not provide an appropriate transition from the existing CBD development to the subject R4 zoned land;
- the indicative building typology does not respond adequately to the existing development controls in 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;
- it is contrary to the objectives of the R4 zone as 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;

- it is contrary to the objectives of the Height of Buildings and FSR under clause 4.3 and 4.4 of the North Sydney LEP;
- it is contrary to the provisions under the North Sydney DCP 2013 with relation to residential flat building development and the Area Character Statement for the Hampden Neighbourhood;
- it is inconsistent with objectives and actions under the Regional and District strategies;
- it does not adequately demonstrate that it will not overshadow Doris Fitton Park;
- there will be unreasonable loss of views from surrounding apartments;
- the benefits of the Special Provisions Design have not been adequately demonstrated;
- the traffic study submitted does not adequately demonstrate that the proposal will not adversely impact on the local traffic network; and
- insufficient information has been provided concerning uplift value from the proposed LEP amendments to determine if the applicant's public benefit offer is reasonable.

Council stated that they are in the process of preparing a Northern CBD Planning Study and due to the complexity of the subject site, there is a need for a more complete plan to approach growth in this area.

**Table 1:** comparison of proposals

Previous Planning Proposal	Height of buildings	FSR	Non-residential GFA	Residential GFA	Site Area	Apartments
173-179 Walker Street	47 storeys (RL 210)	13.63:1	80m <sup>2</sup>	26307m <sup>2</sup>	2339m <sup>2</sup>	284
<b>New Planning Proposal</b>						
Reference Scheme – 173-179 Walker Street	24 storeys (RL 133)	6.06:1	80m <sup>2</sup>	14185m <sup>2</sup>	2339m <sup>2</sup>	240
Reference Scheme – 11-17 Hampden Street	18 storeys (RL 110.7)	6.07:1		9779m <sup>2</sup>	1609m <sup>2</sup>	
Special Provision Reference Scheme (amalgamated reference scheme with incentive clause)	29 storeys (RL 148)	6.86:1	80m <sup>2</sup>	27044m <sup>2</sup>	3949m <sup>2</sup>	284
Separate Land Holdings Study – 173-179 Walker Street	24 storeys	6.09:1	80m <sup>2</sup>	14177m <sup>2</sup>	2339m <sup>2</sup>	211
Separate Land Holdings Study – 11 Hampden Street	9 storeys	4:1		3204m <sup>2</sup>	800m <sup>2</sup>	
Separate Land Holdings Study – 15-17 Hampden Street	8 storeys	3.76:1		3040m <sup>2</sup>	809m <sup>2</sup>	

### 1.3 Locality and context

The site is in North Sydney, to the north of the North Sydney CBD and west of the Ward Street Precinct Masterplan area. The Ward Street Precinct covers the area bounded by

Miller, McLaren, Walker and Berry Streets and is recognised as a significant opportunity for urban renewal as a result of the termination of the Wilson car park lease. The North Sydney CBD comprises predominantly commercial offices with some retail and residential uses (**Attachment A, Figure 1** and **Figure 2**).

On the northern side of Hampden Street is a row of two storey heritage listed terrace houses. The northern and southern sides of Hampden Street are separated by a sandstone wall with mature vegetation.

To the east and adjacent to part of the site at 88 Berry Street is an eight-storey residential flat building. The remainder of the eastern side towards the north is bounded by a vegetated corridor with mature trees. Both of these areas separate the site from the on-ramp to the Warringah Freeway.

To the south and adjacent to the site on the corner of Berry Street and Walker Street is a 21-storey mixed use building comprising of commercial offices on the lower levels with residential dwellings above.

To the west of the site is a heritage listed stone wall dividing Walker Street. The western side of Walker Street contains a row of heritage listed 2 storey terrace houses towards the northern end and two single storey houses. Adjacent to these houses is a 22-storey mixed-use building at 136-142 Walker Street and a 10-storey building at 144-150 Walker Street.

The site is approximately 600m north of North Sydney Train Station and approximately 200m east of the proposed Victoria Cross Metro Stations. The centre of Sydney CBD is approximately 3kms from the site.

A locality map is provided at **Attachment A** and **Figure 1**.

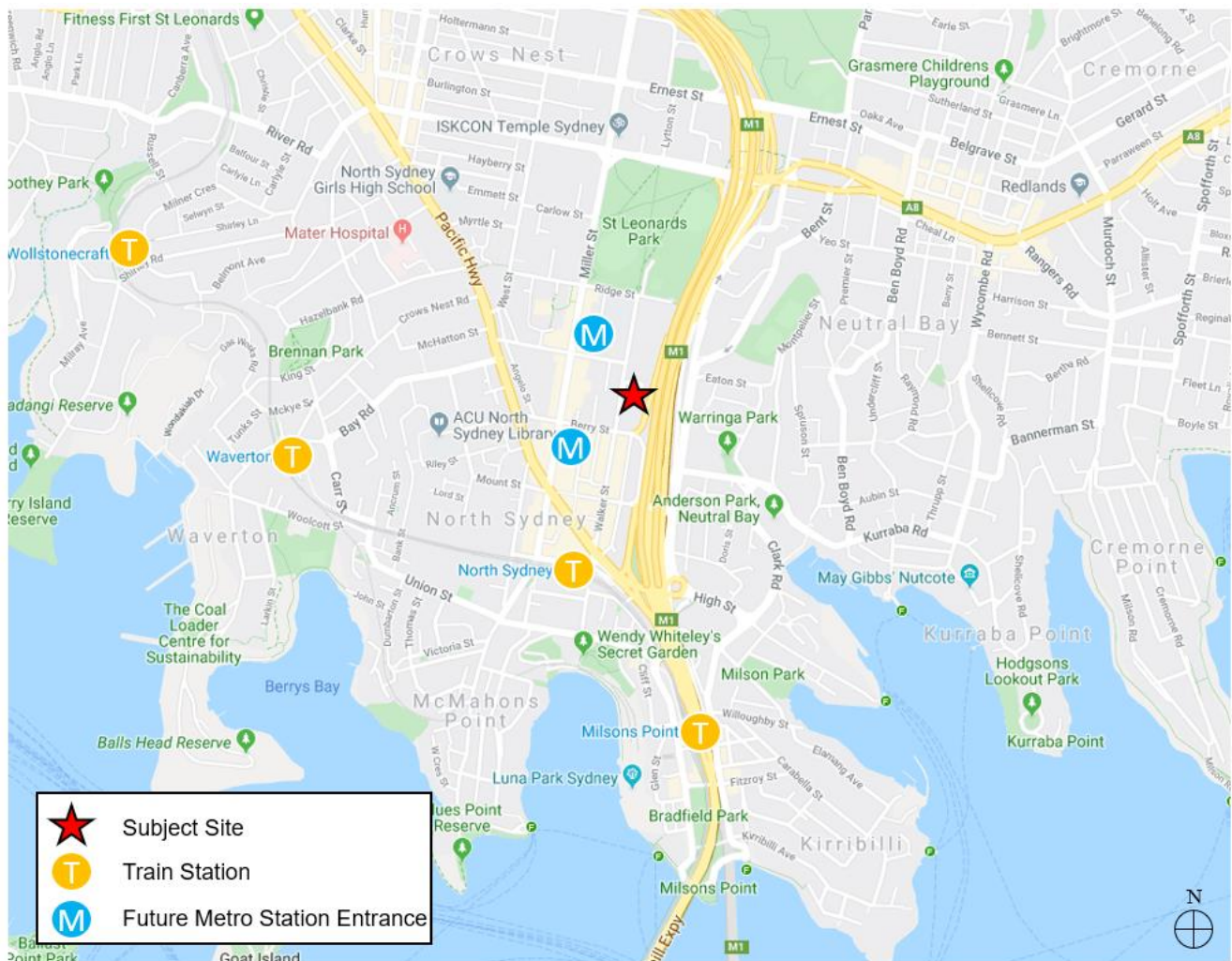




Figure 1: Site location map (source: Nearmap - overlay by DPIE)

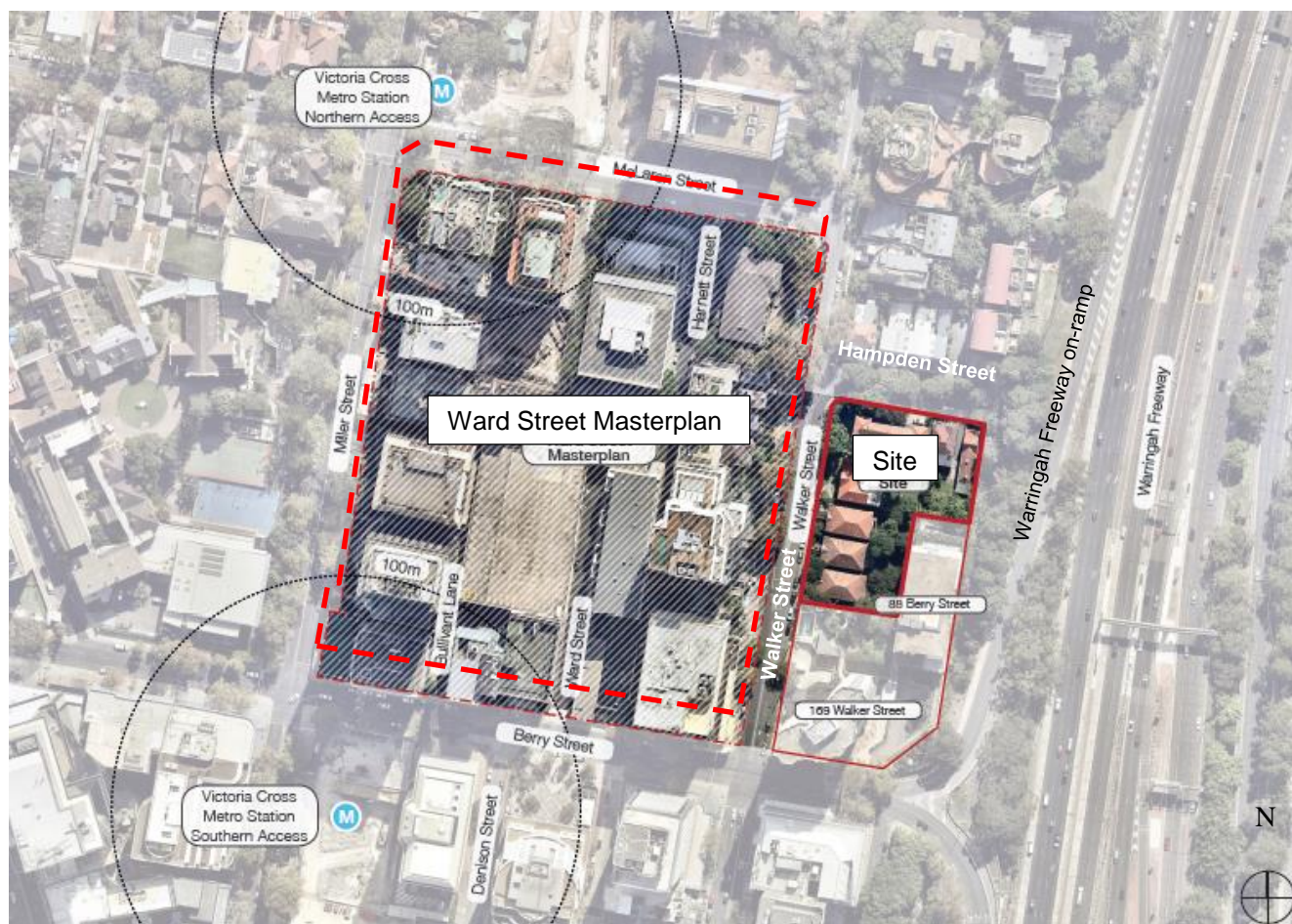


Figure 2: Site map (source: SJB – overlay by DPIE)

#### 1.4 Site description

The subject site consists of seven lots with a total combined area of approximately 3949m<sup>2</sup> (**Table 2**). The rezoning review states that the site consists for four separate land owners in two groups;

- Walker Street properties
  - total of 2339m<sup>2</sup>;
  - 77m frontage to Walker Street; and
- Hampden Street properties
  - total of 1609m<sup>2</sup>;
  - 56m frontage to Hampden Street

The rezoning review documentation states that the topography is varied, falling approximately 8m from the western boundary (RL 57m) to the eastern boundary (RL 49m).

The site is bounded by Hampden Street to the north, Walker Street to the west and contains a range of buildings as described in **Table 2**.



A site map is provided at **Attachment B** and **Figures 2** and **3**.

**Table 2:** Site description

Address	Lot and DP	Existing Building	Land Size
173 Walker Street	SP 11082	Three storey residential flat building containing six strata apartments	517.82m <sup>2</sup>
175 Walker Street	SP 86752	Three storey residential flat building containing six strata apartments	505.69m <sup>2</sup>
177 Walker Street	SP 9808	Three storey residential flat building containing six strata apartments	506.06m <sup>2</sup>
179 Walker Street	SP 64615	Three storey residential flat building containing six strata apartments	809.33m <sup>2</sup>
11 Hampden Street	Lot 1 DP 119732	Part three and part four storey building containing 19 apartments	800m <sup>2</sup>
15 Hampden Street	Lot 1 DP 591516	Single storey detached dwelling	542m <sup>2</sup>
17 Hampden Street	Lot 2 DP 591516	Single storey detached dwelling	267m <sup>2</sup>



**Figure 3:** Site map (source: Urbis – overlay by DPIE)

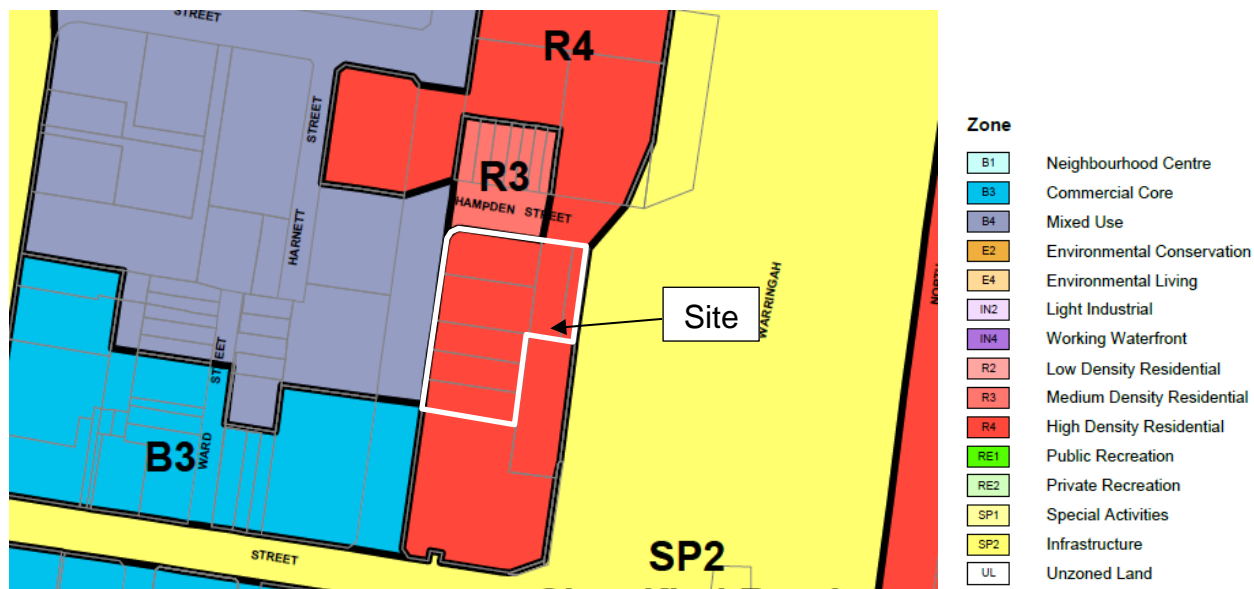
## 1.5 Current planning provisions

Under the North Sydney LEP 2013, the site:

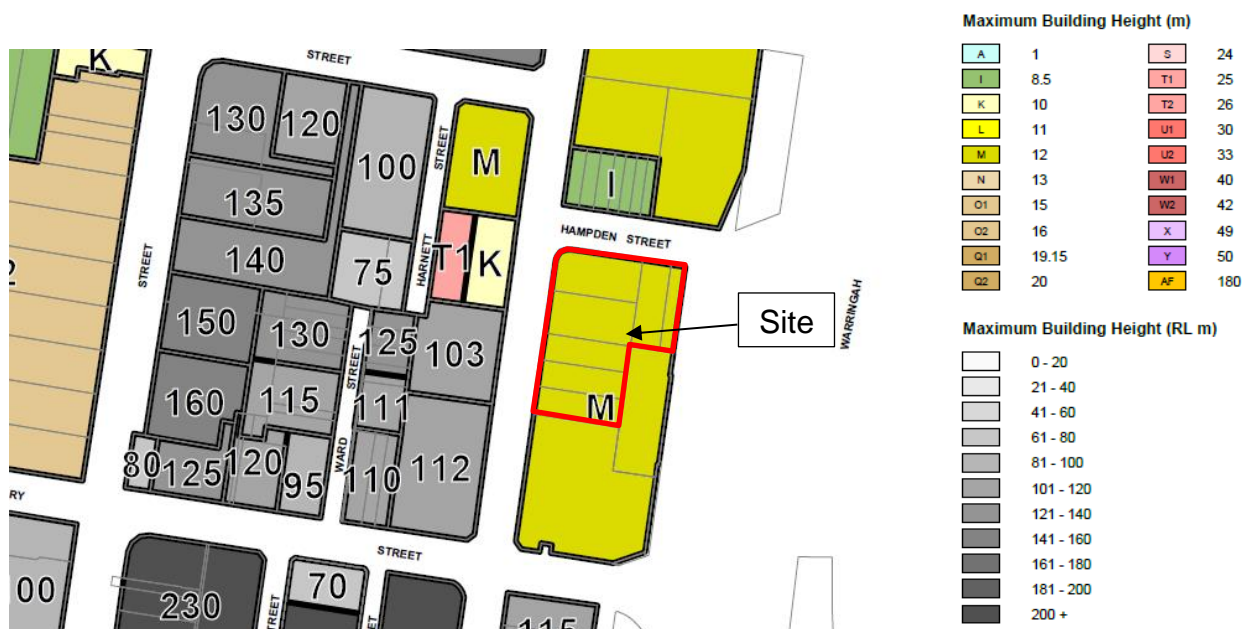
- is zoned R4 High Density Residential (**Figure 4**);
- has a maximum Height of Buildings of 12m (**Figure 5**);
- has no Floor Space Ratio (**Figure 6**);

The site is not identified as containing any state or local heritage items or being within a heritage conservation area. It is directly east of the Ward Street Precinct (**Figure 2**).

Current LEP zoning, maximum building heights, FSR and heritage maps are also provided at **Attachment C**.



**Figure 4:** Current land zoning under the North Sydney LEP 2013 (LZN\_002A)



**Figure 5:** Current height of buildings under the North Sydney LEP 2013 (HOB\_002A)





**Figure 6:** Current FSR under the North Sydney LEP 2013 (FSR\_002A)

### 1.6 Proposed planning provisions

The planning proposal for the subject site seeks to amend the North Sydney LEP 2013 (**Attachment F14**) by:

- increasing the maximum buildings from 12m to RL 133m;
- increasing the maximum FSR to 6.1:1;
- introduce a Special Provisions Map to identify the area as 'Area 1';
- amend Part 6 Additional Local Provisions – Division 2 General Provisions to include;
  - 6.20 East Walker Street Precinct
    - This clause applies to land identified as 'Area 1' of the Special Provisions Map and comprises land at:
      - 173 Walker Street (SP 11082)
      - 175 Walker Street (SP 86752)
      - 177 Walker Street (SP 9808)
      - 179 Walker Street (SP 64615)
      - 11 Hampden Street (Lot 1 DP 119732)
      - 15 Hampden Street (Lot 1 DP 591516)
      - 17 Hampden Street (Lot 2 DP 591516)
    - if all seven lots are amalgamated then the consent authority may grant development consent for a building not exceeding
      - a maximum height of RL 148m;
      - an FSR of 6.9:1;
    - no net increase in overshadowing to Doris Fitton Park between 12pm – 2pm June 21<sup>st</sup>; and
    - the consent authority is satisfied there is adequate provision for social and community infrastructure.

The planning proposal documentation contains three development concepts, a summary is at **Table 1**.

#### Planning Proposal – Reference Scheme

The planning proposal documentation states that this concept assumes the redevelopment of the site into two landholdings, the Walker Street properties and the Hampden Street properties (**Figures 7, 10-13** and **Table 3**). This scheme would be provided the proposed new base building height and FSR controls. It would not be eligible for the incentive controls awarded for an amalgamated site. This design proposes:

- a 24-storey tower fronting Walker Street stepping down to the north to 16, 12 and 2 storeys;
- an 18-storey tower on the north-eastern corner fronting Hampden Street; and
- a 3-storey podium with a 3m setback to the Hampden Street frontage wrapping around the northern corner of Walker Street.

#### Planning Proposal – Separate Land Holdings Scheme

The planning proposal documentation states that this scheme demonstrates development if the landholdings do not amalgamate (**Figure 8** and **Table 3**). This design proposes:

- a 24-storey tower fronting Walker Street stepping down to the north to 16, 12 and 2 storeys;
- an 8-9 storey built form to Hampden Street supporting the future development of 11 Hampden Street; and
- a 3-storey podium with a 3m setback to the Hampden Street frontage wrapping around the northern corner of Walker Street.

#### Special Provisions Reference Scheme

The planning proposal documentation states that with a full site amalgamation (**Figure 9** and **Table 3**), the proponent would be able to access the incentive provisions proposed under Clause 6.20 East Walker Street Precinct of the Norths Sydney LEP 2013. This design proposes:

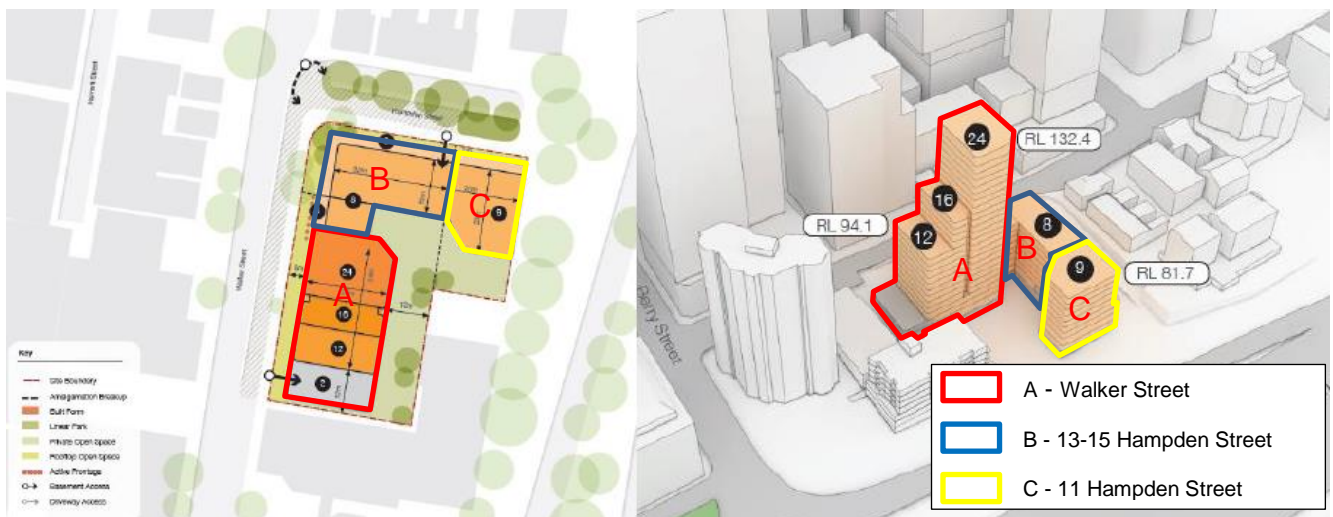
- a maximum height of 29 storeys (RL 147.9m) stepping down to 27, 25, 20 and 8 storeys;
- the stepping down of the built form to ensure that the development will not result in additional overshadowing to Doris Fitton Park between 12pm-2pm, June 21<sup>st</sup>;
- a 3-storey podium with a 3m setback will extend the full length of Walker Street and Hampden Street; and
- the eastern end of Hampden street will achieve a maximum height of 9 storeys.

**Table 3:** Proposed development schemes

Development Scheme	Potential number of residential units	Non-Residential GFA	Configuration
Reference design	237	80m <sup>2</sup>	Consolidated development with two development parcels
Special Provisions Reference design (with incentive clause)	284	80m <sup>2</sup>	Consolidated development with consistent podium across the site and single tower
Separate Landholdings Reference design	211-284	80m <sup>2</sup>	Consolidated development not requiring amalgamation of the Hampden Street sites



**Figure 7:** Reference scheme assuming two sites – Walker Street and Hampden Street (source: Urbis – overlay by DPIE)



**Figure 8:** Separate landholdings scheme (source: Urbis overlay DPIE)

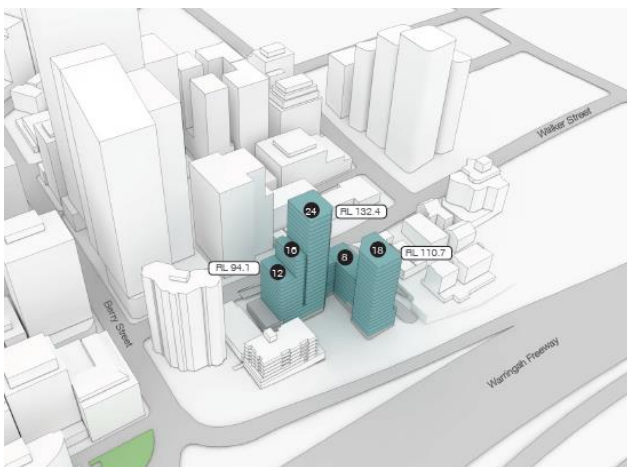


**Figure 9:** Special Provisions reference scheme (source: Urbis)

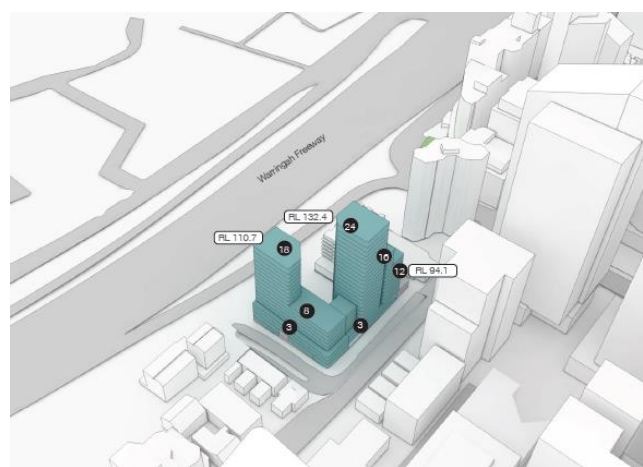




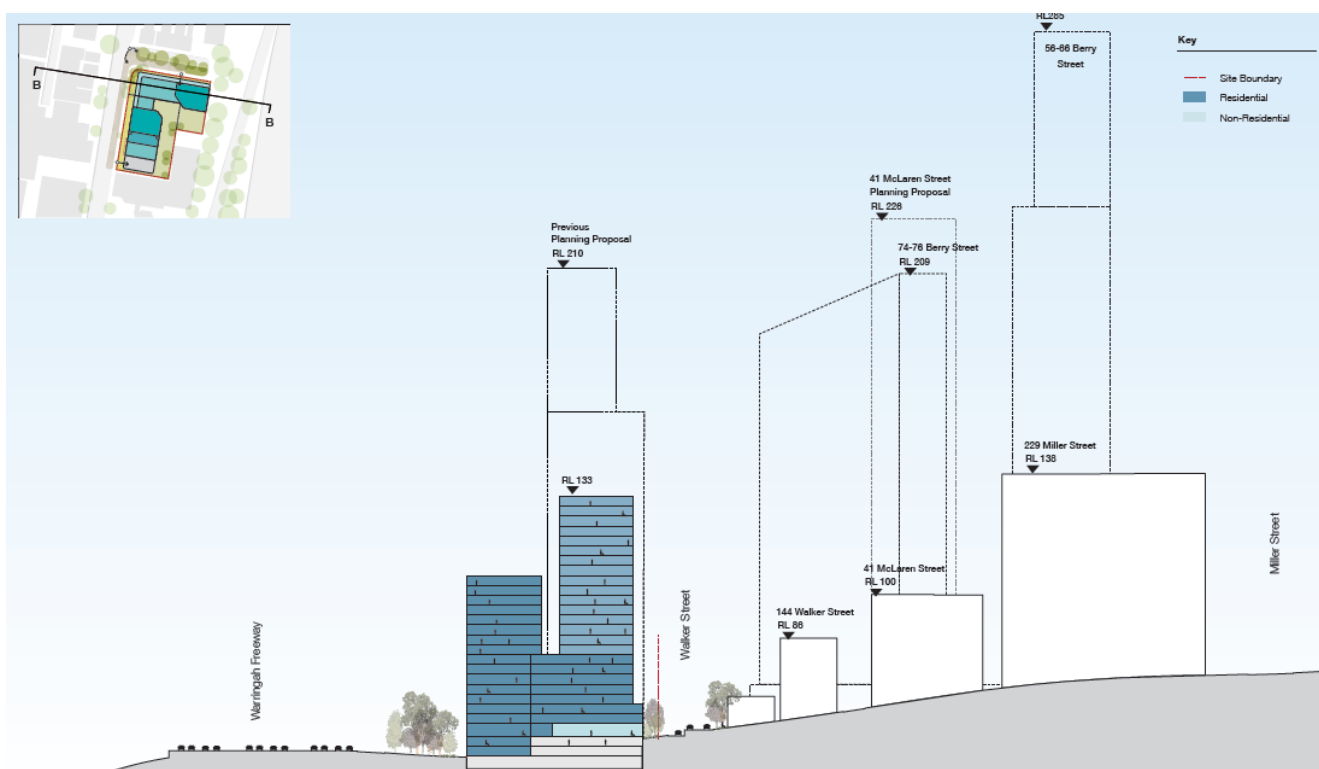
**Figure 10:** Concept of the proposed reference scheme looking south along Walker Street (source: SJB – overlay by DPIE)



**Figure 11:** Base reference scheme - view 1 (source: SBJ)



**Figure 12:** Base reference scheme - view 2 (source: SBJ)



**Figure 13:** Reference Scheme section, view looking south – section of figure 7 (source: Urbis)

## 2. INFORMATION ASSESSMENT

*Does the proposal seek to amend a zone or planning control that is less than five years old?*

No. The North Sydney LEP 2013 commenced on 2 August 2013.

### 2.1 Strategic merit test

*Consistency with the relevant regional plan outside the Greater Sydney region, 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.*

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for *Planning and Public Spaces* or the *Department of Planning, Industry and Environment* have announced that such a plan will be updated before being able to be relied on.

### North District Plan

The rezoning review application states that the proposed amendment is consistent with the following planning priorities of the North District Plan in **Table 4**:

**Table 4:** Proposal's consistency with North District Plan

North District Plan Priority	Comment
N1 Planning for a city supported by infrastructure	The proposal states that the site is close to the future metro station which will support growth in North Sydney. It will help deliver additional employment and provide housing in close proximity to services and jobs
N4 Fostering healthy creative, culturally rich and socially connected communities	The planning proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets
N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	The planning proposal will provide housing close the North Sydney commercial core which is reserved only for commercial growth. The proposal for the site is supported by significant infrastructure, transport and services

N6 Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal meets the locational criteria and the reference schemes appended to the SJB Urban Design Report and demonstrates the proposed fine grain urban form envisaged for the Precinct
N20 Delivering high quality open space	<p>The Planning Proposal facilitates the creation of a linear park along Walker Street and a pocket park at the eastern end of Hampden Street.</p> <p>Any future DA would provide large communal open space areas along the eastern portion of the site and would include paving, seating, lawns and community gardens that would promote multi-faceted use for families and children.</p> <p>The proposal seeks to transform Walker Street and Hampden Street into a shared zone and improve pedestrian linkages in and around the Precinct</p>

*Consistency with a relevant local strategy that has been endorsed by the Department.*

No local strategies have been endorsed by the Department that applies to the site. However, the planning proposal discusses the following:

#### Ward Street Precinct Masterplan

The proposal documentation states that the area was recognised as a significant opportunity for urban renewal as a result of the termination of the Wilson car park lease, the proposed Victoria Cross Metro Station and a partial decommissioning of the Ausgrid substation. The Stage 1 Ward Street Precinct Masterplan was prepared to guide future development on the site (**Figure 2**).

The proposal documentation states that the subject site was initially identified as an area ready for redevelopment but deferred due to fragmented land ownership. The subject site was removed from the Stage 2 Ward Street Precinct Masterplan.

The Stage 2 Ward Street Masterplan encompassed the area bounded by Miller, McLaren, Walker and Berry Streets. The existing height distribution is RL 120m to RL 150m towards the west side of the CBD. The Masterplan was exhibited between 7 August 2018 and 8 October 2018 with option 1 - Miller Street Square and the option 2 - Central Square put forward to Council (**Figure 14**).

- Option 1 - Miller Street Square
  - a height limit of 25 storeys on Site F; and
  - a smaller public square cut off from the centre of the precinct.
- Option 2 - Central Square
  - a no-change approach to retain the existing maximum height of 12m; and
  - a large central open square protected from the wind.

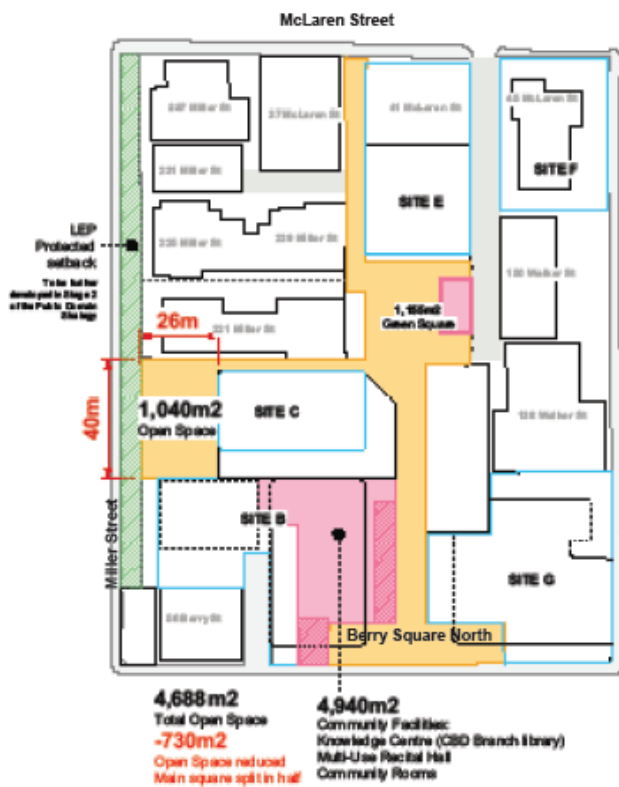
Following public exhibition, Council resolved to adopt option 2 - Central Square.

On 24 June 2019, Council resolved to endorse the finalised Ward Street Masterplan. The objective of the Ward Street Masterplan is to maximise the public benefit with the provision of open space and community facilities while delivering jobs.

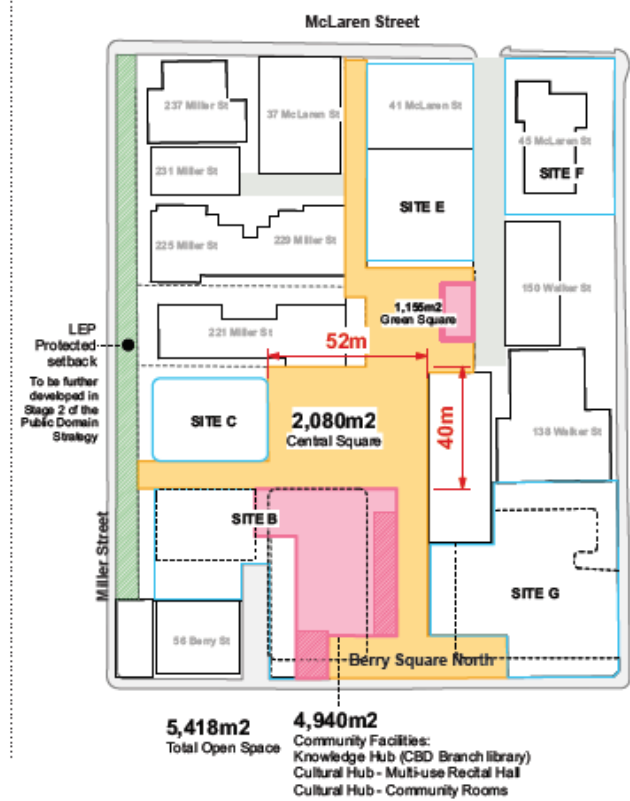
The planning proposal documentation states that the Ward Street Masterplan has set a clear plan in terms of land use, open space and connections and building scale. The subject site is not within the Ward Street Masterplan area and the height and scale of the proposal is based on the existing urban context (**Figure 15**). The documentation states that the planning proposal has been prepared to align closely with Ward Street Precinct Masterplan to ensure a better outcome in regard to future land use, built form and open space outcomes for the site.



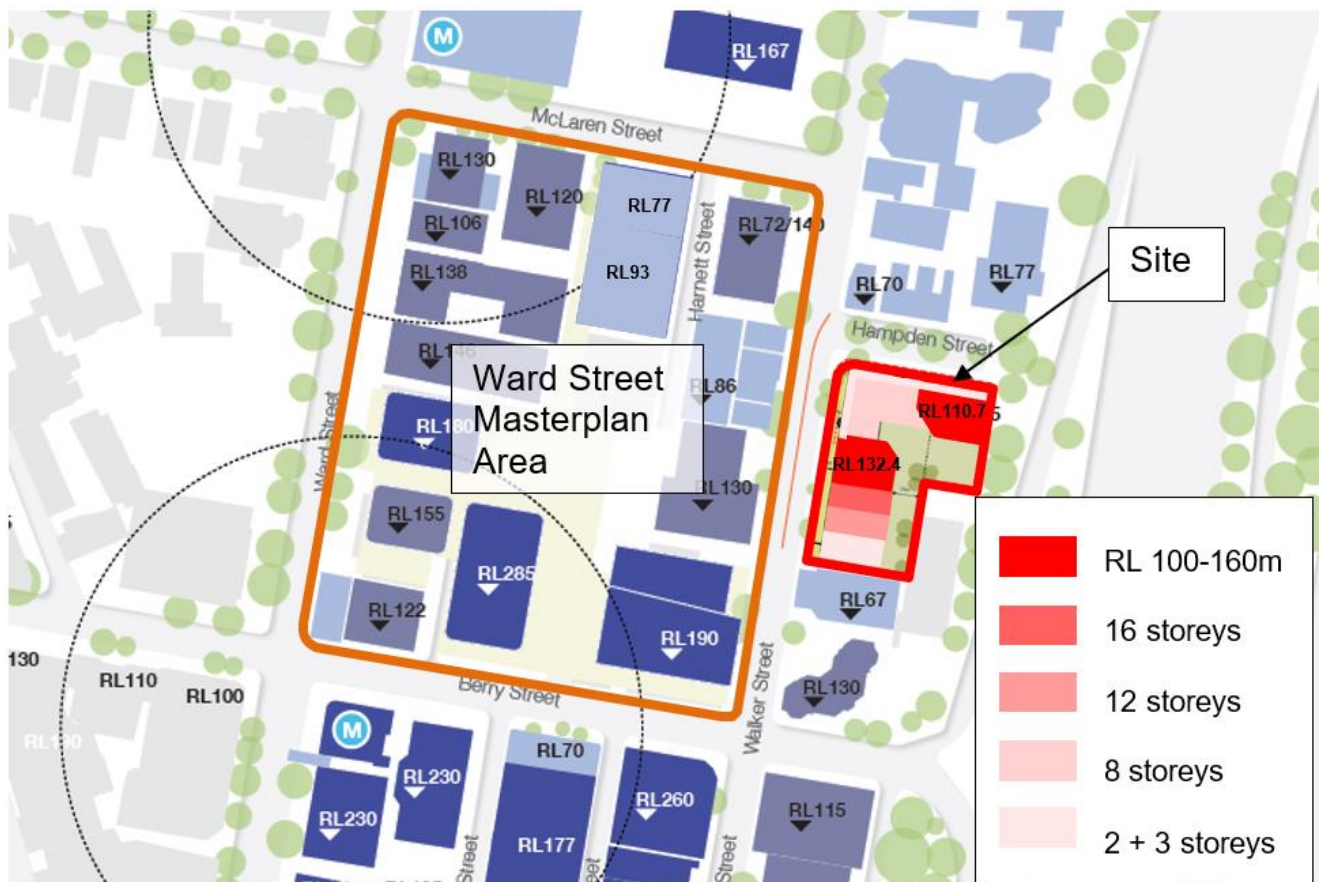
### OPTION 01\* 'Miller St Square'



### OPTION 02\* 'Central Square'



**Figure 14:** Ward Street Masterplan options (source: North Sydney Council)



**Figure 15:** Ward Street Masterplan area with maximum building heights for proposal reference scheme (source: SJB – overlay by DPIE)

### North Sydney Residential Development Strategy 2009

The planning proposal documentation states that this strategy provides a strategic framework for housing in North Sydney until 2031. The proposal states that it will deliver 230-300 dwellings that will contribute to the 6-10 year housing target.

The proposal states that it is one of the few sites capable of being developed in the short to medium term and will provide an opportunity for additional residential floor space on a relatively unconstrained, strategically located site.

### North Sydney CDB Capacity and Land Use Strategy (2017)

The rezoning review documentation states that this strategy is to support the land within the B3 Commercial Core and B4 Mixed Use zone and that the planning proposal has been prepared to align with the outcomes of the strategy.

The documentation states that the precinct is in the R4 High Density Residential zone but supports the objectives of the strategy by identifying residential development opportunities in the periphery. It intensifies land use close to planned and existing infrastructure and adds for the growth of the North Sydney Centre.

### Community Strategic Plan 2018-2028

The rezoning review documentation states that proposal achieves the directives of the community strategic plan as it will:

- provide and enhance quality greenspaces, public open space, recreation facilities and services that meet community needs;
- include incentive provisions in the LEP which will provide opportunities to deliver additional community infrastructure benefits;
- include the provision for off and on-street parking even though the increase in density around public transport will increase public transport patronage and decrease the reliance on private vehicles;
- increase the residential population and contribute to the vitality and viability of local centres;
- listen to community feedback preparing and refining the proposal through community consultation sessions ensuring a sense of place for North Sydney; and
- deliver a minimum of 10% floor space to affordable housing.

### North of CBD Planning Study (2019)

The rezoning review application states that Council is currently commissioning this study which seek to identify residential land suitable for increased housing supply and it is likely that the site will be included. The review application states that the proposal aligns with council's future direction as it seeks to increased residential density in close proximity to employment and public transport infrastructure.

### Public Domain Strategy for the CBD – Stage 1 (2019)

The rezoning review states that it is outside the study area of the strategy, but the redevelopment of the precinct aligns with its key themes. These include the provision of shared zones to encourage walking, cycling as well as an increased variety of open space and the quality of the public domain and green space.

### North Sydney Centre Traffic and Pedestrian Study (2014)

The rezoning review states that this study outlined that there is a high proportion of public transport patronage in the local area and pedestrian and cycle environments were generally of poor quality.

The rezoning review states that this study seeks to maximize public transport patronage and improve pedestrian amenity and the streetscape environment.

The documentation also states that although the site is outside of the study area, the proposed upgrade and improvements to infrastructure for the immediate precinct is strategically aligned with the aims and objectives of this study.

Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The rezoning review documentation states that the planning proposal responds to the strategic location of the Victoria Cross metro station with the south and north entrances located approximately 250m from the site.

The rezoning review also states that as a result increased density is required to boost employment and housing growth within walking distance of the new rail infrastructure.

The rezoning review documentation states the construction of the Victoria Cross metro station, being within proximity to the site, will provide additional transport infrastructure and capacity.

## 2.2 Site-specific merit test

*The natural environment (including known significant environmental values, resources or hazards).*

The rezoning review application states the site is in an urbanised environment and there are no known critical habitats, threatened species or ecological communities on the site and therefore the likelihood of any negative impacts is minimal.

### Overshadowing

An assessment of the potential shadow impacts was undertaken and reported in the Urban Design Report by SBJ (**Attachment F3**). The shadow analysis was shown for 21 June, the winter solstice, in hourly intervals between 9am and 3pm.

The report states that there is no increase in overshadowing impact to any existing or proposed open space on 21 June including Doris Fitton Park to the south east of the subject site (**Figures 16 – 21**).

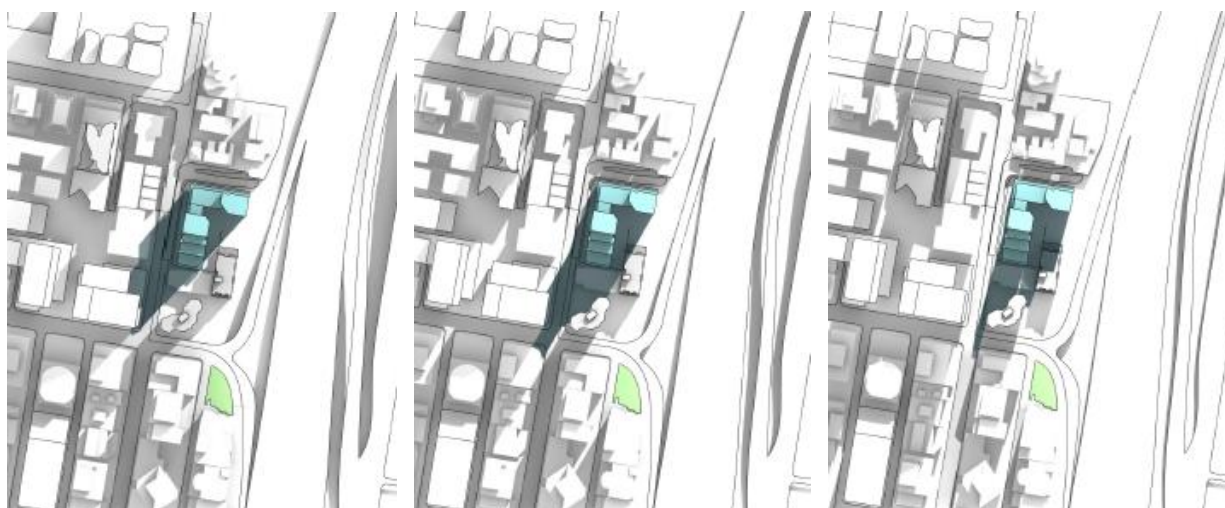


Figure 16: 9am

Figure 17: 10am

Figure 18: 11am

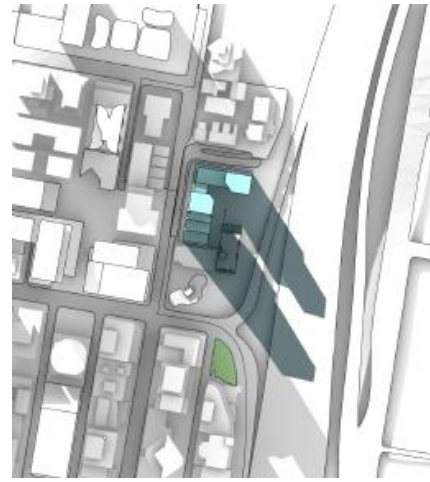




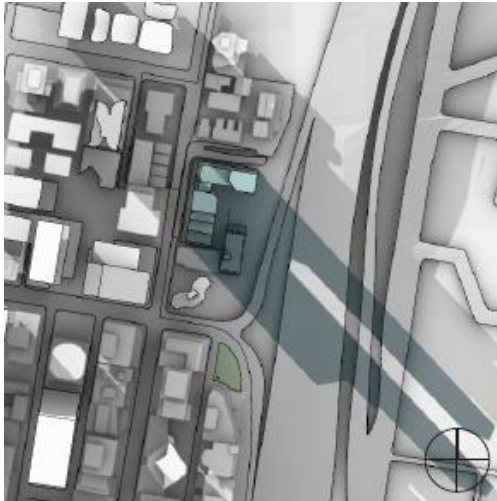
**Figure 19: 12pm**



**Figure 20: 1pm**



**Figure 21: 2pm**



**Figure 22: 2pm (source: SJB)**

 Doris Fitton Park

### Traffic

A traffic and transport assessment dated 21 March 2019 was conducted by Arup Pty Ltd (**Attachment F4**) after consultation with RMS and submitted with the planning proposal. The assessment concludes:

- six on-street car parking bays will be lost due to provision of an access driveway on Walker Street and Hampden Street. Arup's report states that this is acceptable as:
  - the existing residential in Walker Street and Hampden Street included in the proposal do not currently have off-street parking and are entitled to a residential parking permit;
  - the demand for on-street parking in the vicinity of the site will reduce as residents of the dwellings would no longer be competing for parking spaces. Residents of the future site will not have access to residential parking permits;
- the proposal is to provide bicycle parking in line with the North Sydney Development Control Plan 2013 (DCP) and car parking rates below the DCP due to the proximity to existing and proposed public transport;
- due to the proximity to public transport, a maximum of 31 vehicle trips during peak hours are forecast and the AM peak hour would equate to 25 vehicles leaving the development. This is considered to have a negligible impact;
- the measures proposed under the Ward Street Masterplan and the proposed Victoria Cross metro station will significantly improve the accessibility of the development by public transport and by foot;

- the formulation of a Green Travel Plan (GTP) can be formulated by the development occupants to encourage more sustainable travel; and parking is not proposed for the retail component given that only 80m<sup>2</sup> of floor space is to be provided.

### Visual Impact and View Loss

A Visual Impact Assessment including view loss dated 20 March 2019 was conducted by Richard Lamb and Associates (**Attachment F5**) and submitted with the planning proposal. The proposal was assessed from 17 viewpoints. Significant view points have been provided in **Figures 23-28**. The report states:

- the visual catchment area is mostly situated to the east;
- the visual quality of the proposed development is compatible with the visual quality and streetscape character of Walker Street;
- the massing of all reference designs will not obscure or block views of scenic or culturally significant features and complies with the guidelines of the North Sydney DCP 2013;
- the proposal would be of high visual exposure to the Warringah Freeway and potentially to vantage points to the east however, the reference design would not be incompatible with adjacent development and built forms in the North Sydney CBD;
- there will be some view loss from the 'Belvedere' apartments at 138 Walker Street and 'The Heritage' apartments at 150 Walker Street, including views to the east and part of Sydney Harbour;
- a building envelope under the Special Provisions Reference Design controls has the potential to have greater impacts due to the height and location of the tower however potential impacts could be managed through a detailed analysis of the sculpting of the built form.



**Figure 23:** View 1 (reference scheme) from roof top, 138 Walker Street (RL 128.0m), looking south-east (source: RLA)



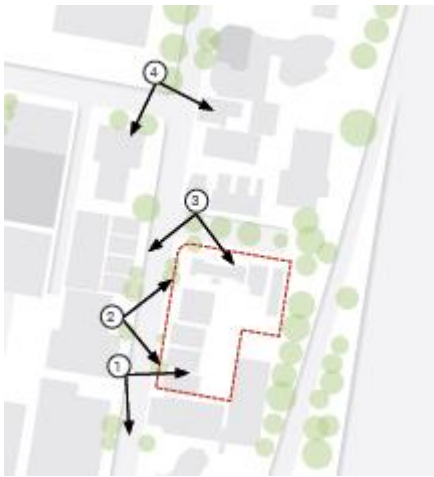
**Figure 24:** View 2 (reference scheme) from unit 1516, 138 Walker Street (RL 88.0m) looking east (source: RLA)



**Figure 25:** View 3 (reference scheme) from 1<sup>st</sup> floor, terrace house, 2 Hampden Street (RL 61.57m), looking south (source: RLA)



**Figure 26:** View 4 (reference scheme) from 168 McLaren Street (RL 119.0m), looking south-south-east (source: RLA)



**Figure 26:** Visual assessment locations (source: RLA)



**Figure 28:** View looking east (reference scheme) from apartment 302, 150 Walker Street (source: RLA)

### Heritage

The subject site is not listed as containing any heritage items and is not with a heritage conservation area. It is located within the vicinity of a number of local heritage items as defined by Schedule 5 of the North Sydney LEP 2013.

A Heritage Impact Statement (HIS) dated March 2019 was prepared by Weir Phillips and submitted with the proposal (**Attachment F6**). The report states that the site is not listed on the National or Commonwealth Heritage List or State Heritage Register.

The report states that the property at 179 Walker Street, North Sydney was previously gazetted as a heritage item under Schedule 2 of the North Sydney LEP 2001. The North Sydney Heritage Review (2007) determined that the property did not meet the criteria and was delisted.

A list of local heritage items within the vicinity of the site has been provided below and at **Figure 29**:

- Stone Wall, Walker Street, North Sydney (I0996);
- Houses, 144-150 Walker Street, North Sydney (items I0984, I0985, I0986, I0987);
- Simsmetal House, 41 McLaren Street, North Sydney (I0889);
- House 2-14, Hampden Street, North Sydney (I0840, I0841, I0842, I0843, I0844, I0845, I0846); and
- House, 185 Walker Street, North Sydney (I0988).

The HIS states that the proposed development will have an acceptable impact on heritage items in the vicinity as:

- the impact of the tower form will be mitigated by the use of a podium level and the proposed open space to the north of the site;
- in the context of the current and future skyline, there will be negligible impact on the heritage items in the vicinity and its visual impact;
- the buildings on the site will require demolition and are not considered to be of heritage significance; and
- heritage items in the vicinity are separated from the site by the width of the street.





- retention of the existing street trees along Hampden Street;
- the provision of:
  - blade walls or operable louvre screens along exposed perimeter balconies;
  - impermeable screens along exposed perimeter edges of various rooftops;
  - impermeable screens along the building façade facing onto various rooftops; and
  - localised screening, pergolas or dense vegetation within and around rooftops in areas intended for outdoor seating avoiding corner areas of the building.

The report states that the use of loose glass tops and light weight sheets and covers is not appropriate on high-rise outdoor balconies or terraces. Lightweight furniture would need to be securely attached to the balcony floor slab.

Windtech assessed the primary concept scheme and concluded that the treatment strategies suggested are expected to be effective for the separate landholding scheme and the special provisions scheme.

Windtech stated that wind tunnel testing of the subject development is recommended to be undertaken to provide analysis of the wind conditions. This will determine the size and extent of treatments needed to mitigate wind conditions in all outdoor pedestrian areas.

#### Site Isolation

A site isolation report dated March 2019 was prepared by Urbis Pty Ltd (**Attachment F9**) and submitted with the proposal. The report relates to land referred to as the East Walker Street Precinct and comprises 44 dwellings over seven lots (**Table 5**).

**Table 5:** Existing dwellings (source: Urbis)

Properties	Address	Dwellings	Total Area
Walker Street	173 Walker Street	6 strata units	2339m <sup>2</sup>
	175 Walker Street	6 strata units	
	177 Walker Street	6 strata units	
	179 Walker Street	6 strata units	
Hampden Street	11 Hampden Street	18 company title units	1610m <sup>2</sup>
	15 Hampden Street	single detached house	
	17 Hampden Street	single detached house	

The report states that:

- both the Walker Street properties at 2339m<sup>2</sup> and Hampden Street properties at 1610m<sup>2</sup> under Cause 6.12(c)(a) of the North Sydney LEP 2013 are greater than 900m<sup>2</sup> and not considered isolated;
- the reference scheme demonstrates that the combined site area is sufficient to achieve a high-density residential tower form with appropriate separation between the Hampton Street tower and the Walker Street tower; and
- fair and reasonable attempts have been made to consolidate the Hampden Street properties over a two-year period.

#### Economic Impact

An Economic Impact Assessment by Hill PDA Consulting (**Attachment F10**) was submitted with the planning proposal. The study stated that under the three schemes there would be approximately 80m<sup>2</sup> of retail space and between 211 and 284 residential apartments with a population of between 373 and 502 residents. The development is expected to generate approximately 19 to 25 jobs.

The assessment states that from an economic impact perspective, the 'special provisions reference scheme' (amalgamated reference scheme with incentive clause) would have the best outcome (**Table 6**).

**Table 6:** Employment figures expected to be generated post construction from the proposed development (source: HillPDA)

	Employment density	Reference Design	Special Provisions Reference Design	Separate Landholdings Reference Design
Retail general*	1/35sqm GFA	2	2	2
Home Based Businesses **		19	23	17
<b>Total Employment</b>		<b>21</b>	<b>25</b>	<b>19</b>

Source: HillPDA \*assumes 90% efficiency rate, \*\* assumes a 5% vacancy rate per apartment

### Contamination

A preliminary site investigation was carried out by Aargus Pty Ltd (**Attachment F11**) and submitted with the planning proposal.

The report states that there are areas of potential environmental concern including imported fill materials, pesticides, metal degradation and asbestos materials. It stated that these contaminants may be of low risk and detailed site investigation (DSI) is required to determine the site suitability for the proposed development

*The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.*

The documentation states that the proposal is currently in the R4 High Density zone. The site at 171 Walker Street, adjacent to and south of the site is also zoned R4 High Density Residential and with a similar height of RL 130m.

The planning proposal states that in the B4 Mixed Use zone, in the immediate vicinity there are several developments that have been approved for additional residential uses:

- 229-231 Miller Street – 20 storey mixed use residential tower RL 135m;
- 168 Walker Street – 22-28 storey mixed use residential tower RL 168m;
- 136-142 Walker Street – 22 storey residential tower; and
- 50-52 McLaren Street – 15 storey aged care facility.

The planning proposal states that the 'Belvedere' apartments on the western side of Walker Street has a similar site size and a comparable number of apartments to the reference scheme. However, the planning proposal notes that the reference scheme has a lower FSR.

The planning proposal states that the Walker Street Master Plan is the key strategy to shape the future character of the area. The masterplan will enable the development of larger commercial office buildings, community use and public open space in the B4 Mixed Use and B3 Commercial Core zones.

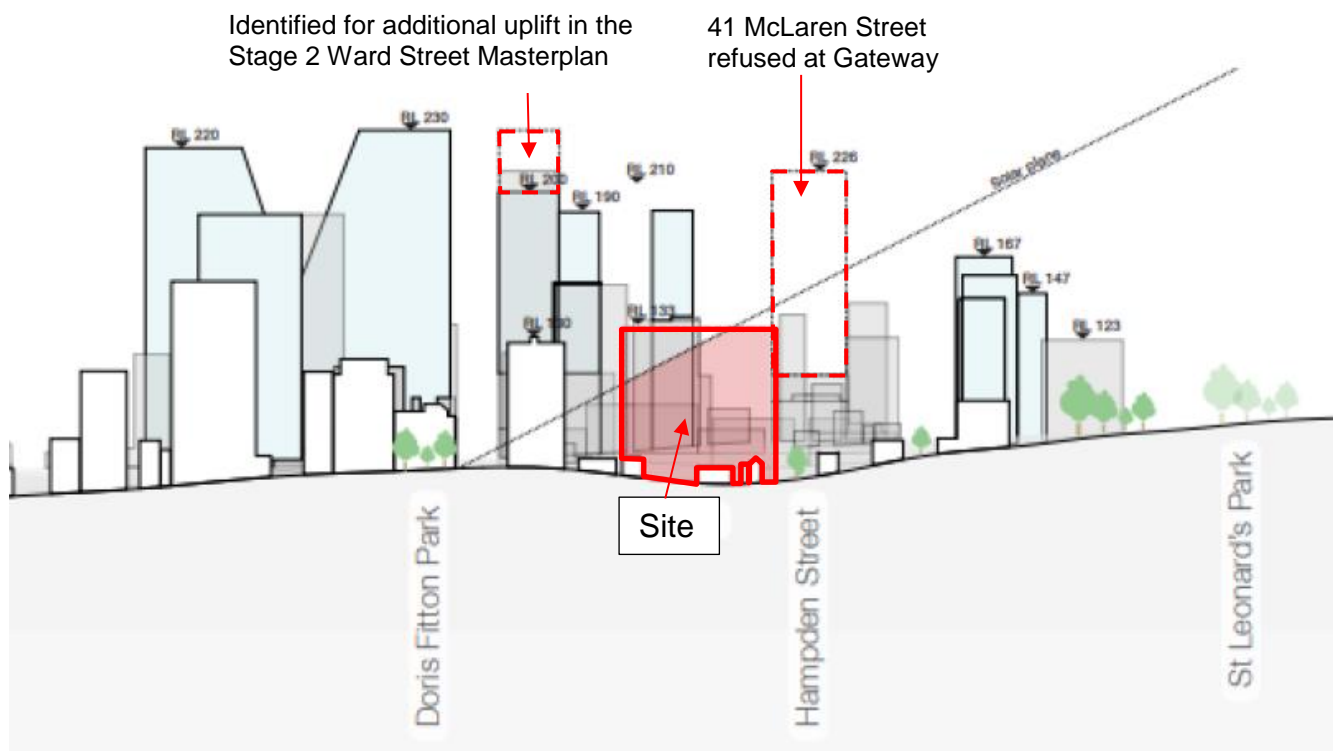
The documentation states that the planning proposal has been prepared using the same site analysis and massing constraints as the master plan. Residential uses will be retained and will not create any conflicts that could impact of the delivery of the master plan.

A draft DCP (**Attachment F13**) for the site has been submitted with the planning proposal with regard to land use, topography, views, streetscape, setbacks and podium heights.

A Gateway was issued by the Department for the site at 41 McLaren Street, North Sydney dated 23 August 2018 (**Figure 30 and 31**). The planning proposal was referred to the Independent Planning Commission (IPC) after Council requested a review of the Gateway determination.

After considering the proposal, the IPC issued its advice stating that the planning proposal had '*sufficient strategic merit but had not sufficiently demonstrated site specific merit*', because of:

- an adverse impact on public open space with an increase in overshadowing and reduced solar access in the area in general;
- an adverse impact on the amenity of adjoining residential buildings with an increase in overshadowing, reduced solar access and visual privacy;
- the planning proposal does not meet the wind criterion of the North Sydney DCP and there is insufficient information provided concerning the wind impact particularly on future public open space; and
- the impact on the existing heritage building and heritage items in the vicinity have not been sufficiently addressed and the planning proposal is inconsistent with the North District Plan and Ministerial Direction 2.3 Heritage Conservation.



**Figure 30:** Section of the proposals envelop against the existing surrounding buildings (source: Urbis - overlay by DPIE)





**Figure 31:** Aerial of the site showing the surrounding context, looking south-west (source: Urbis - overlay by DPIE)

*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.*

The rezoning review states that:

- the site is in close proximity to established health, education and emergency networks;
- the site is within 200m of the proposed Victoria Cross Metro Station;
- the site is within 600m of North Sydney Train station;
- the site is well serviced by state bus networks, footpaths and dedicated and on-road cycle paths; and
- the proposal will result in a negligible impact on the existing surrounding road network.

### **3. COUNCIL VIEWS**

The Department wrote to Council on 9 September 2019 advising of the rezoning review request.

Council stated on 15 October 2019 (**Attachment E1**), that as the request for the rezoning review was lodged after Council's resolution (**Attachment E4**) comments for not supporting the planning proposal were previously outlined by the independent assessment report from Ingham Planning (**Attachment E2**) and the NSLPP recommendation (**Attachment E3**).

Council stated that they have a moratorium of residential planning proposals which sought a departure from current planning controls and that were not endorsed in a precinct wide planning study. This will be until July 2020 or the completion of any gazetted amendments to the North Sydney LEP 2013 and in addition to the Draft St Leonards and Crows Nest 2036 Plan.

The Minister requested that the Greater Sydney Commission (GSC) provide advice on this request from Council for a moratorium on residential planning proposals.

On 14 December 2019, the GSC wrote back to the minister and noted that as Council is currently progressing through its Local Strategic Planning Statement (LSPS) review and assurance to understand the extent of the current and proposed development within the local government area. This would also detail the implications and requirements for infrastructure and the impacts of development to be adequately mitigated in a coordinated way.

Once this process is completed, a more detailed review of Council's request for a moratorium would be able to be considered.

Ingham Planning has prepared an independent assessment report (**Attachment E2**) for the planning proposal, which recommends that the proposal not proceed to the Department for Gateway determination.

On 14 August 2019, At the NSLPP meeting the panel advised Council (**Attachment E3**) that the planning proposal does not have sufficient and site-specific merit and therefore it should not submit the proposal to the Department for Gateway determination for the following reasons:

- *the requested heights do not provide an appropriate transition of building heights from existing CBD development to the subject R4 High Density Residential zoned land;*
- *the indicative building typology does not adequately respond to the existing development controls which apply to the subject R4 High Density Residential zoning and also notes that the extent of view analysis is inadequate and requires further refinement;*
- *it is contrary to the objectives of the R4 High Density Residential 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';*
- *it is contrary to objectives to the provisions of the North Sydney DCP 2013 in relation to residential flat building development and the Area Character Statement for the Hampden Neighbourhood;*
- *it is inconsistent with a number of objectives and actions under the Regional and District strategies applying to the land.*
- *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;*
- *it is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*
- *it does not adequately demonstrate that it will not result in excessive overshadowing of adjoining dwellings;*
- *it does not adequately demonstrate that it will not result in overshadowing of Doris Fitton Park;*
- *loss of views for surrounding apartments;*
- *the benefits of the Special Provisions Design have not been adequately demonstrated;*
- *the traffic information submitted does not adequately demonstrate that the proposal will not have an adverse impact on the local traffic network; and*
- *insufficient information has been provided in relation to the uplift in value from the proposed LEP amendments in order for Council to determine if benefit offer is reasonable.*

## **ATTACHMENTS**

Attachment A – Locality Map

Attachment B – Site Map

Attachment C – Current LEP maps

Attachment D – Sydney North Planning Panel decision for previous planning proposal

Attachment E1-E4 – Council Correspondence

- E1 – Council comments
- E2 – Independent assessment report, Ingham Planning
- E3 – North Sydney Local Planning Panel recommendation – 14 August 2019
- E4 – Council Resolution – 26 August 2019

Attachment F1-F14 – Proponent's Rezoning Review package

- F1 – Rezoning Review Request
- F2 – Planning proposal
- F3 – Overshadowing study
- F4 – Traffic and transport study
- F5 – Visual impact and view loss assessment
- F6 – Heritage assessment
- F7 – Aeronautical assessment
- F8 – Wind impact assessment
- F9 – Site isolation and consolidation report
- F10 – Economic impact assessment
- F11 – Preliminary site investigation (Environmental Impact) report
- F12 – Letter of offer to enter into a VPA
- F13 – Draft site-specific DCP
- F14 – Proposed Draft LEP maps

Assessment officer: Nick Armstrong  
A/Senior Planner: North District  
Contact: 9274 6045