

<b>DATE OF DECISION</b>	20 February 2020
<b>PANEL MEMBERS</b>	Sue Francis (Chair), Brian Kirk and Kevin Alker
<b>APOLOGIES</b>	Peter Debnam, Julie Savet Ward, Virginia Waller
<b>DECLARATIONS OF INTEREST</b>	Kenneth Robinson declared a conflict of interest having voted on this application in his role as Councillor with North Sydney Council. Peter Debnam declared a conflict of interest having been contacted by the proponent prior to the rezoning review meeting.

### REZONING REVIEW

2019SNH042 – North Sydney - RR\_2019\_NORTH\_005\_00 at 173-179 Walker St & 11-17 Hampden St, North Sydney (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

### PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
  - ☐ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

### REASONS FOR THE DECISION

The Panel noted the prior decision of the Sydney North Planning Panel in 2018 where it resolved that, whilst the proposal had strategic merit it lacked site specific merit and was therefore not recommended to proceed to Gateway. In making this decision the Panel identified its reasons and these have acted to inform the proposal before us now.

Council made representation to the Panel that whilst they accept that the site has strategic merit, in the absence of a local strategic study they do not believe the proposal should proceed and that it should await the outcome of the Northern CBD Planning Study which Council has just commenced and which they anticipate may be finalised in 12 months. Council accepted that the introduction of the Metro at Victoria Cross is a 'game changer' in terms strategic planning, particularly in the vicinity of the Metro. The Panel notes that the Metro is within 200m of the site.


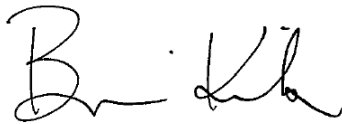
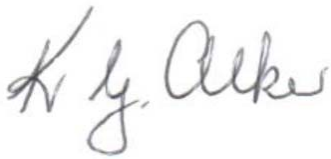
Council and the Panel accept that the current proposal has responded to the issues raised in the prior planning proposal, albeit further detail is required as to certain matters and is a site which has capacity and should be the subject of controls to allow greater density. Council's concern was that the current

planning proposal would be premature to their strategic planning and the proposed building typology was not consistent with the current area character and the likely future character.

The Panel accepts that the building typology in the reference schemes and that anticipated in the DCP does need further work. However, that work does not preclude the matter progressing to Gateway where these matters can be adequately addressed.

The Panel therefore recommends that the matter proceed to Gateway, but it would suggest to the delegate that the following matters be matters considered with the issuing of any Gateway:

- That prior to the making of any instrument, consideration be had of the outcomes of any Northern CBD Planning Study being undertaken by Council;
- That prior to any finalisation of the planning proposal there be consultation with RMS/TNSW regarding the cumulative impact of traffic matters in the CBD and any implications for the western harbour tunnel portal from Berry Street;
- The additional height sought with the 'Special Provisions Clause' is acceptable but the additional FSR sought is undesirable. By retaining the FSR of 6:1 with the additional height to RL 148 would allow flexibility to remove or modify the podium built form and allow for substantial breaks in the building in both Walker Street and Hampden Avenue; and
- The site specific DCP needs to be amended to address the following:
  - Reconsideration of the podium solution to a built form which better reflects the residential zoning, in a heritage precinct;
  - Hampden Street frontage needs to mirror the bulk and rhythm of heritage items incorporating more vertical proportions with physical breaks in the building form;
  - Open space to be reworked – focus on providing better open space adjacent Hampden Street to also improve transition of built forms; and
  - Physical breaks between the built form in Walker Street to allow for views through the site from existing RFBs in the vicinity as well as public views and streetscape views.

PANEL MEMBERS	
 Sue Francis (Chair)	 Brian Kirk
 Kevin Alker	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF – ADDRESS	2019SNH042 – North Sydney – RR_2019_NORTH_005_00 173-179 Walker St & 11-17 Hampden St, North Sydney
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	<p>The rezoning review request seeks to amend North Sydney Local Environmental Plan 2013 for the site at 173-179 Walker Street and 11-17 Hampden Street North Sydney to:</p> <ul style="list-style-type: none"> <li>* increase the maximum height of buildings from 12m to RL133;</li> <li>* establish a maximum FSR of 6.1:1;</li> <li>* introduce a new Special Provisions Map within the NSLEP 2013 and identify the Precinct on the map as 'Area 1'; and</li> <li>* amend Section 6 Additional Local Provisions to include a section '6.20 East Walker Street Precinct' to establish controls associated with a lot amalgamation, overshadowing and community infrastructure, including a maximum height of buildings of RL148 and an FSR of 6.9:1.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li><b>Site inspection:</b> 12 February 2020 <ul style="list-style-type: none"> <li>Panel members in attendance: Sue Francis (Chair), Brian Kirk, Kevin Alker</li> <li>Department of Planning, Industry and Environment (DPIE) staff in attendance: Nick Armstrong, Stewart Doran</li> </ul> </li> <li><b>Briefing with Department of Planning, Industry and Environment (DPIE):</b> 12 February 2020 at 10am. <ul style="list-style-type: none"> <li>Panel members in attendance: Sue Francis (Chair), Brian Kirk, Kevin Alker</li> <li>Department of Planning, Industry and Environment (DPIE) staff in attendance: Nick Armstrong, Stewart Doran</li> </ul> </li> <li><b>Briefing with Council &amp; Proponent:</b> 12 February 2020 at 11am. <ul style="list-style-type: none"> <li>Panel members in attendance: Sue Francis (Chair), Brian Kirk, Kevin Alker</li> <li>Department of Planning, Industry and Environment (DPIE) staff in attendance: Nick Armstrong, Stewart Doran</li> <li>Council representatives in attendance: Neal McCarry, Marcelo Occhiuzzi, Brett Brown (Independent Consultant Planner)</li> <li>Proponent representatives in attendance: Peter Clemesha, James Paver, Greg Gould, Malcolm Beville, Howard Barkhan, Marton Kaufmann, Diane Fischer, Tim Blythe, Stephen White, Jonathon Knapp, Sacha Coles, Josh Milston, Kathy Jones.</li> </ul> </li> </ul>