



PLANNING PROPOSAL

173-179 WALKER STREET, NORTH SYDNEY

OCTOBER 2017



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EXECUTIVE SUMMARY

OVERVIEW

This report has been prepared on behalf Walker Street No. 100 Pty Ltd (owner) to initiate the preparation of an amendment to the North Sydney Local Environmental Plan 2013 (*NSLEP 2013*). The amendment relates to 173-179 Walker Street, North Sydney, (Lots SP11082, SP86752, SP9808 and SP64615) and proposes to:

- Establish a site-specific height control, with a maximum height of RL210; and
- Establish a maximum FSR control for the site of 13.63:1

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), this report has been prepared to assist Council in the preparation of a Planning Proposal for the *NSLEP 2013* amendment of the site.

PROPOSED LEP AMENDMENTS

In accordance with the *NSLEP 2013*, the subject site is zoned R4 High Density Residential. The residential flat building is permitted with consent in the zone and achieves the zone objectives through an exemplar dense residential tower that incorporates a range of apartment typologies and layouts which positively respond to the surrounding natural and heritage values of the streetscape. Importantly, the proposal has been designed to achieve a holistic planning approach, forming a nexus to the adjacent Ward Street Precinct through the dedication of 1,515m² to community facilities and co-located landscaped open space, for community and public purposes. A landscaped pedestrian pathway has been incorporated to allow for future through-site linkages with any envisaged redevelopment of the north and eastern neighbour, to further embellish upon the ideology of a walkable and well connected community.

This Planning Proposal has been prepared in support of the redevelopment of the subject site for increased residential height and density, commensurate with the sites strategic position on the periphery of the North Sydney City Centre, which is earmarked for revitalisation into a key global destination.

The Planning Proposal seeks to capitalise on the site's prime position through the preparation of site-specific amendments to clause 4.3 height of buildings and clause 4.4 floor space ratio, as contained within the *NSLEP 2013*. To assist in conceptualising the character of the envisaged development, a Concept Design that would form the basis of a future Development Application has been prepared by the prominent and well renown architects, Kann Finch and is attached at **Appendix A**.

The key features of the Concept Design include:

- A two storey podium comprising:
 - 1,515m² of GFA dedicated to community facility uses, spanning the lower ground floor, ground floor (including a mezzanine level) and first floor, including interconnected external landscaped community spaces;
 - 80m² retail space addressed to Walker Street;
 - 865m² of landscaped open space; and
 - Landscaped pedestrian pathway with potential for future through site link.
- A slender residential tower accommodating:
 - 45 levels of residential accommodation (levels 2-46), including:
 - 31 storey mid rise module fronting Walker Street;
 - 2 penthouse levels;
 - 5% affordable rental accommodation, in accordance with the *North Sydney Affordable Housing Strategy 2015*

- 6 levels of basement parking for 252 vehicles, including 25 spaces for use by the community facilities.

The proposed development outcome will be achieved by amending *NSLEP 2013* as follows:

- Amend the *NSLEP 2013* Height of Buildings Map – Sheet HOB_002A to provide for a Maximum Building Height (RL m) of RL210 over land at 173-179 Walker Street, North Sydney; and
- Amend the *NSLEP 2013* Floor Space Ratio Map – Sheet FSR_002A to provide for a Maximum Floor Space Ratio of 13.63:1 over land at 173-179 Walker Street, North Sydney.

PLANNING OUTCOMES

In summary, the site will achieve the following key planning outcomes with resultant community benefits:

- The proposal is consistent with *A Plan for Growing Sydney* which supports growth within strategic centres:

The proposed development maximises residential floor space on the periphery of a major centre, taking advantage of the significant new transport infrastructure investment. The proposed residential floor space will contribute to the amenity, night time economy and commercial sustainability of the North Sydney Central Business District (CBD). It would generate new employment during and post construction, community facilities, open space, pedestrian linkages and housing opportunities, including 284 new dwellings within walking distance of major employment, retail, health and education facilities and excellent public transport connectivity.

- Consistent with emerging character of the North Sydney CBD

The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre with the global economic arc. The primary objective of this Planning Proposal is to realise a high quality mixed use redevelopment of the site that will make a meaningful contribution to the growth and enhanced physical quality of North Sydney as a the principle economic engine of the North Shore. The proposed built form seeks to promote taller building forms commiserate with the identified development trends in North Sydney. The concept will also leverage off significant investment in the current and future transport infrastructure accessible to the site, providing increased residential and employment opportunities in well serviced locations.

- Amalgamation of four (4) strata titled allotments

The proposal will result in the amalgamation of four (4) strata titled allotments, containing 24 individual strata lots and comprising a total site area of 2339m². This results in one of the largest privately owned unencumbered residential development sites within the 800m walking catchment of both the North Sydney Train Station (600m) and the Victoria Cross Metro Station (200m), which began early works in August 2017.

The amalgamation of these allotments enables a superior development outcome to be achieved through the provision of a slender tower and confined building footprint, with a significant portion of the ground level dedicated to publicly accessible landscaped open space and community infrastructure, which would otherwise be unachievable. The amalgamation of strata titled allotments aligns with the objectives behind the Strata Schemes Development Regulation 2016 and Strata Schemes Development Act 2015, to reduce red tape and overhaul run-down building stock in NSW, whereby unanimous consent is no longer required for the collective sale and renewal of strata buildings.

- Improved pedestrian access and connectivity:

The proposal delivers a high quality landscaped public park provides for the potential for an intrinsic link between the commercial core and potential future harbour view boardwalk, which is envisaged along the eastern periphery of this urban block.

The provision of public open space on the site, combined with the pedestrian pathways will enhance the public domain and significantly contribute to the pedestrian footpath network within the immediate locality.

- Street activation:

The two storey podium and associated terraces dedicated to community facility uses, combined with the arrival forecourt and public gardens addressing Walker Street, will encourage pedestrian activity and vibrancy.

- Other Public benefits:

- **Community Facilities:** Construction and dedication to Council of a state-of-the-art Community Arts Centre, with a superior quality fit out that will span two podium levels within the development, accessible from the ground floor level and via the pedestrian pathway along the northern boundary, which is easily identifiable from Walker Street.
- **Park / Public Open Space:** The proposal envisages providing approximately 865m² of public open space fronting Walker Street. Conceptual landscape and public domain plans prepared by Urbis articulate the vision for this space, which includes a publicly accessible linear green pedestrian link along the northern portion of the property, which provides for future connectivity to the envisaged harbour view walk, along the eastern periphery of the urban block. We believe that this has the potential to be an asset to the local community and workers in North Sydney CBD, given the lack of quality open space and provision of landscaped pedestrian pathways.
- **Affordable Housing Contribution:** The future redevelopment of the subject site includes the dedication of 5% of residential accommodation to affordable rental housing, in accordance with *North Sydney Affordable Housing Strategy 2015*.
- **Employment Growth:** Employment growth generated by the construction of the building, which will require 368 personnel to be employed during the construction phase. The proposed retail and community spaces will also generate approximately 43 permanent employment opportunities.

Following our analysis of the site and its surrounding context and the applicable State and local planning policies, it is demonstrated that there is clear planning merit to the Planning Proposal. It is therefore recommended that this Planning Proposal be favourably considered by North Sydney Council and that Council resolve to forward it to the Department of Planning and Environment for Gateway Determination in accordance with the *Environmental Planning and Assessment Act, 1979* to prepare the necessary LEP amendment.

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis Pty Ltd to initiate an amendment to the *North Sydney Local Environmental Plan 2013* in regards to the “subject site” at 173-179 Walker Street, North Sydney.

This report has been prepared on behalf of Avenor Pty Ltd (Avenor) (“the applicant”) and Oxley Holdings Limited (Oxley) for Walker Street No. 100 Pty Ltd (owner). Walker Street No. 100 Pty Ltd is a subsidiary company of Oxley Holdings Limited.

The Planning Proposal seeks to capitalising on the sites prime location on the periphery of a strategic CBD centre that is intended to be revitalised into a vibrative and active commercial and retail precinct that will contribute to Sydney’s vision as a global economic corridor. The potential redevelopment of the subject site is intended to supply an appropriate level of residential floor space that will contribute to and support a sustainable, resilient and vibrant commercial core.

The proposal seeks to establish the following development standards, which will enable the provision of a single slender residential tower on the site:

- Establish a site-specific height control, with a maximum height of RL210; and
- Establish a maximum FSR control for the site of 13.63:1.

The proposal does not seek to amend the current R4 High Density Residential zone under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013). The proposed redevelopment of the site is consistent with the objectives of the R4 High Density Residential zone.

The site 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 site 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 site 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.

An increased intensity of residential development on the subject site will contribute to the revitalisation of the existing commercial centre into a sustainable, vibrant, safe and active 18 hour global destination. A high-level of internal and external amenity, new landscaped public open space and pedestrian linkages will support the evolution of the North Sydney CBD into a greener and cleaner world class business and entertainment and community precinct.

1.2. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the subject site and its context;
- An overview of the strategic context of the site;
- A summary of the local planning controls;
- An overview of the key elements of the Planning Proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provision of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;

- Description of the community consultation process expected to occur regarding the proposal; and
- An approximate project timeline.

The Planning Proposal is accompanied by a range of plans and specialist reports, providing a comprehensive analysis of the site opportunities and constraints. These include:

Table 1 – Specialist consultant reports

Report	Consultant	Appendix
Concept Design Report	Kann Finch Architects	Appendix A
Survey Plan	LTS Lockley	Appendix B
Overshadowing Analysis	Steven King	Appendix C
Traffic Impact Assessment	Arup	Appendix D
Heritage Impact Assessment	Weir Phillips	Appendix E
View Impact Analysis	Richard Lamb and Associates	Appendix F
Public Domain and Landscape Concept Report	Urbis (Landscape)	Appendix G
Urban Design Peer Review	AE Design Partnership	Appendix H
Draft VPA	Mills Oakley	Appendix I
Economic Impact Assessment	Hill PDA	Appendix J
Cultural Statement	Avenor	Appendix K
Aeronautical Impact Assessment	Strategic Airspace	Appendix L
Wind Impact Assessment	Windtech	Appendix M
Environmental Study	Aargus	Appendix N
Hydraulic Report	Harris Page and Associates	Appendix O
ESD Report	LCI	Appendix P

Each of the above plans and reports has informed the proposed increase in height and density under the provisions of a site specific LEP.

2. SITE AND SURROUNDING CONTEXT

2.1. THE LOCALITY

The subject site is located within the suburb of North Sydney, which is governed by the North Sydney Local Government Authority (LGA), with the LGA spanning approximately 10.9km². North Sydney is located approximately 4.5km north of the Sydney CBD, on the northern side of the Sydney Harbour Bridge and within Sydney's Lower North Shore. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park. The North Sydney Train Station is located approximately 600m south west of the subject site, at the southern edge of the North Sydney CBD. The subject site is also located 200m north east of the planned Victoria Cross Metro Station.

North Sydney is Australia's 9th largest commercial core and Sydney's 3rd largest, with over 800,00m² of commercial floor space, generating approximately 60,400 jobs (2016). North Sydney's CBD specialises in financial and professional services, media and telecommunications. The commercial core is centred amongst a diverse range of land uses, including business and retail uses, educational facilities, church's and residential land uses of varying densities. The current commercial floor space is of B grade stock, with increasing demand for higher quality commercial floor space.

The suburb is bisected east-west by the Warringah Freeway, resulting in a predominance of residential land uses located on the eastern side of the Warringah Freeway, separated from the commercial core, mixed use precinct and key transport nodes.

Emerging development: The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre with the global economic corridor. These factors include, inter alia:

- The Gateway Determination issued by the Minister for Planning on 20 July 2017 for the North Sydney Centre Planning Proposal which identifies significant uplift within the B3 Commercial Core zone, with the opportunity for proponent led Planning Proposals on the periphery of the CBD;
- The draft Ward Street Precinct Masterplan which includes a number of key sites set for large scale redevelopment, including the Council owned car park, Ausgrid site and the introduction of Victoria Cross metro;
- Recent development activity which includes a number of prominent mid to large scale developments being approved and constructed within the immediate locality, as illustrated in Figure 2: below.

The surge in recent development activity, combined with the anticipated growth arising from the Ward Street Precinct Masterplan and North Sydney Planning Proposal will rejuvenate and revitalise the locality to create an active and vibrant precinct. This planning proposal aligns with the emergence of North Sydney as a global destination and Sydney's 3rd largest CBD and provides an ideal opportunity for residential floor space to activate and compliment the commercial core.



Figure 1: Site location and context plan

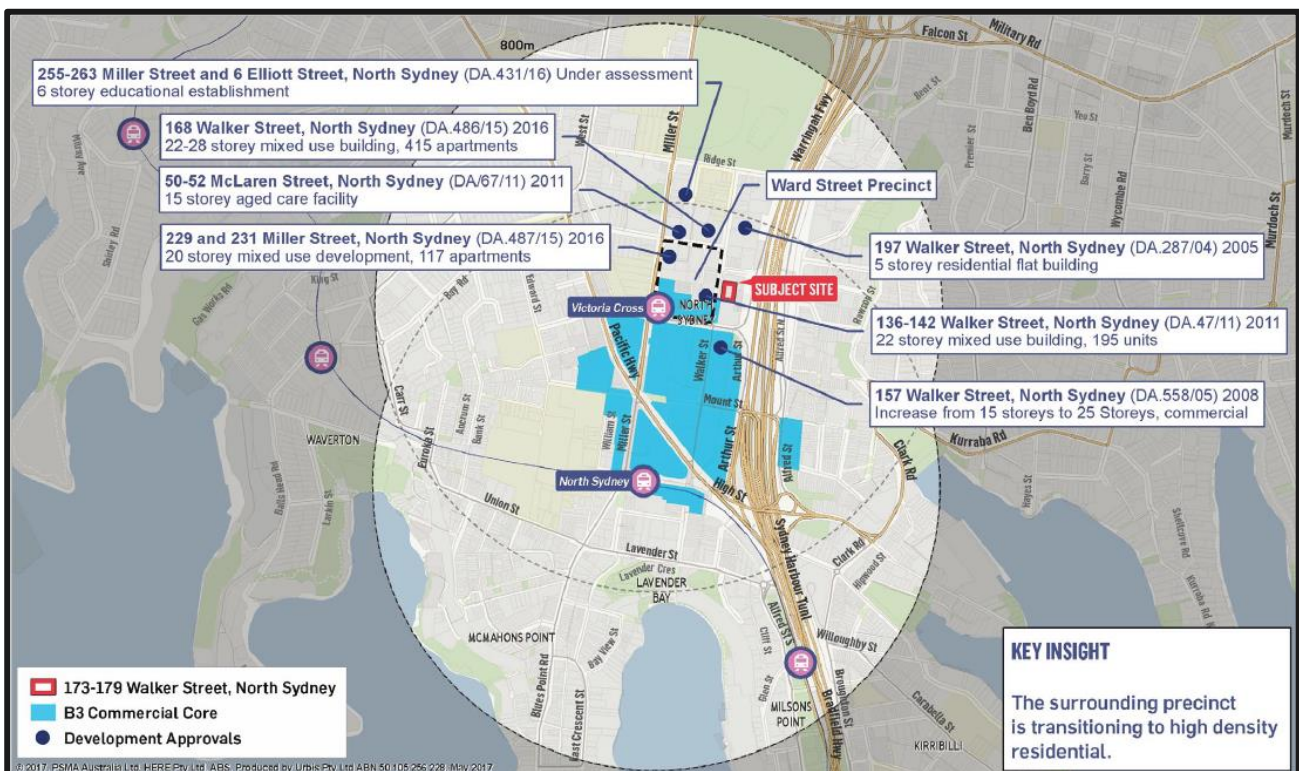


Figure 2: Development Activity

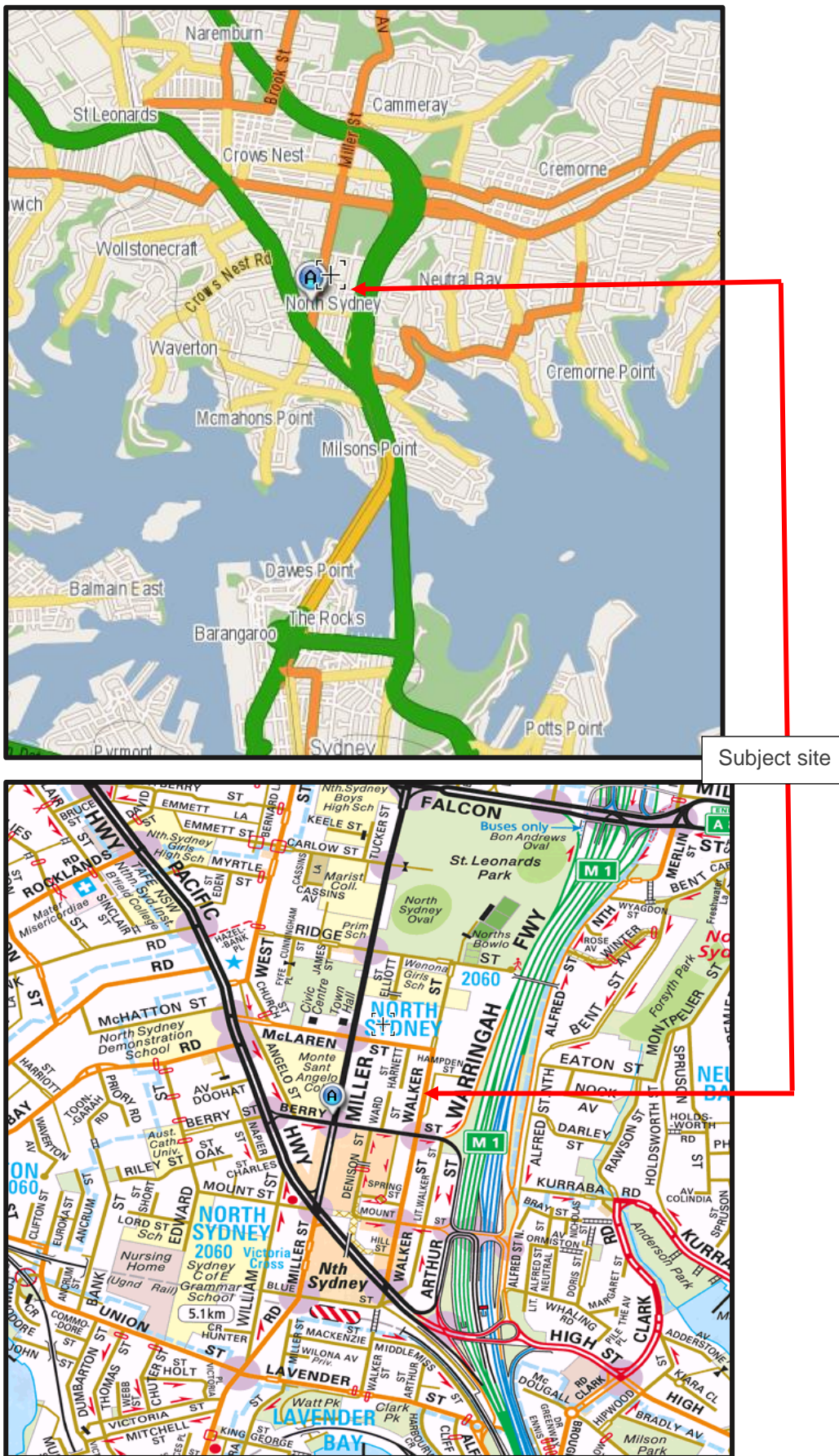


Figure 3: Context Map

2.2. SITE DESCRIPTION

The subject site is located at 173-179 Walker Street, North Sydney and is situated between Walker Street in the west and the Warringah Highway in the east. The land is bound by Hampton Street in the north and Berry Street in the south.

As illustrated on the accompanying Survey Plan (Appendix B), the site has a combined frontage of 57.8m to Walker Street in the west and extends to the east for a depth of 40.2m, comprising a total site area of 2,339.16m².

The development parcel is currently made up of four (4) strata titled land holdings, being:

- 173 Walker Street (SP 11082) comprising 517.82m²;
- 175 Walker Street (SP 86752) comprising 505.69m²;
- 177 Walker Street (SP 9808) comprising 506.06m²; and
- 179 Walker Street (SP 64615) comprising 809.33m².

The development parcel currently contains four (4), three storey residential flat buildings comprising a total of 24 strata titled units. Given the outdated nature of the residential flat buildings, many of the units are of poor quality and lack an appropriate level of internal amenity. Oxley Pty Ltd has secured all properties in the development parcel, with settlement having occurred on the majority of lots, and pending on 6 strata titles. Therefore, the strata titled nature of the subject site does not impede the potential for redevelopment of this large land holding.

The land slopes by approximately 3m from the Walker Street frontage (RL58) to the façade of the existing residential flat buildings (RL55), with the pedestrian entrance being at the second level. Across the extent of the subject site, the land slopes by approximately 8m, from the Walker Street kerb to the rear of the subject site.

A number of mature, established trees exists along the sites rear boundary and within the south western corner of 173 Walker Street. These trees are not of any significant cultural or heritage value, with preliminary investigations confirming the appropriateness for tree removal.

The subject site is not encumbered by any easements or the like.



Figure 4: Aerial image of the subject site



Figure 5: Subject site as viewed from the south west, demonstrating the sloping topography and the sites relationship with the heritage listed wall



Figure 6: Subject site as viewed from the western side of Walker Street



Figure 7: Subject site as viewed from the western side of Walker Street

2.3. SURROUNDING CONTEXT

The subject site is located to the north east of the North Sydney CBD and to the east of the recently identified Ward Street Precinct Masterplan area. The area is at the preliminary stages of urban renewal, which is set to transform the largely unattractive CBD and surrounds into a world class commercial destination, supported by a range of retail and residential uses. This transition is being supported by current development activity, recent approvals and further planned development, within the North Sydney CBD and within the Ward Street Precinct,

The planning framework at both a State and Local Government level seeks to transition the area from an older style commercial precinct into a thriving mixed use area, which retains and strengthens the commercial core for long-term employment growth supported by a mix of surrounding land uses. This is

The surrounding area is described as follows:

- **North:** To the north of the subject site, at 11 Hampden Street is a part three (3), part four (4) storey residential flat building, which is located on the corner of Walker Street and Hampden Street. The residential flat building is positioned to have its primary frontage to the north, with a secondary pedestrian entrance to the west, off Walker Street. Similarly to the subject site, this property slopes from the Walker Street and Hampden Street frontages to the southern boundary, where it adjoins the subject site.
- Further north of these properties and on the northern side of Hampden Street is a row of two storey heritage listed terrace houses. These terrace dwellings are largely obscured from the subject site by the dense mature vegetation that is established within the median strip, separating the northern and southern sides of Hampden Street.
- **East:** To the east of the subject site, at 88 Berry Street, is an 8 storey residential flat building, which separates the subject site from the on ramp to the Warringah Highway. The north eastern portion of the site / rear of 179 Walker Street adjoins the rear yard of 15-17 Hampden Street.
- **South:** To the south of the subject site, on the corner of Berry Street and Walker Street is Century Plaza, a 21 storey mixed use building comprising commercial office space at the lower levels with residential above.
- **West:** The subject site adjoins Walker Street in the west, with the roadway dissected by a retaining wall. On the western side of Walker Street, at 136-142 Walker Street, is a 22 storey mixed use building with commercial uses at the ground & first floor and residential above. The northern boundary of this building adjoins 144-150 Walker Street which was developed concurrently and includes a 4 heritage listed items positioned against a 10 storey building.

2.4. SURROUNDING ROAD, RAIL AND BUS NETWORK

2.4.1. Road

The subject site is located to the west of the Warringah Freeway and to the north of the Pacific Highway with access to the on ramp approximately 100m and 450 south of the subject site, respectively.

The Warringah Freeway provides direct and convenient access to the Sydney CBD in the south and Artarmon in the north west, where it then transitions into the Lane Cove Tunnel and intersects with the Pacific Highway.

2.4.2. Rail

The subject site is located 600m north of the North Sydney Train Station, Sydney's 5th busiest station with an approximate 52,000 patrons per day (Environmental Impact Assessment, Sydney Metro).

The sites location on the train line provides a 10minute travel time between the Sydney CBD and North Sydney CBD. The train line also connects residents / workers to Berowra in the north and Parramatta in the west.

2.4.3. Sydney Metro

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations to deliver world class transport at a level unbeknownst to Sydney. The Sydney Metro project extends from Rouse Hill in the north west to Bankston in the south west and is set to revolutionise the way in which Sydney functions.

In late 2015 the NSW Government made an announcement regarding the location and commissioning of the Victoria Cross Metro Station. Early works for the Victoria Cross Metro Station began in September 2017 with the service expected to be operational in 2024. Trains will depart every 4 minutes, connecting the North Sydney to Martin Place in 5 minutes and the Sydney CBD in 9 minutes.

Victoria Cross will be accessed via the pedestrian plaza opening up onto Miller, Denison and Berry Streets. A secondary pedestrian entrance will be located at 50 McLaren Street, providing for underground connectivity between the two access points. This puts the subject site within 200m (main entrance) and 220m (northern entrance) of the new Metro station.

The station creates a new transport focus on the northern side of the North Sydney commercial core and provides the much needed infrastructure to revitalise the area into an 18 hour economy, including increased connectivity to other nearby strategic centres, within the global economic arc.

2.4.4. Bus

A number of different bus routes service North Sydney, with bus stops located along Miller Street in the west. The redevelopment of Ward Street Precinct will allow for direct pedestrian connectivity to the Miller Street bus stops.

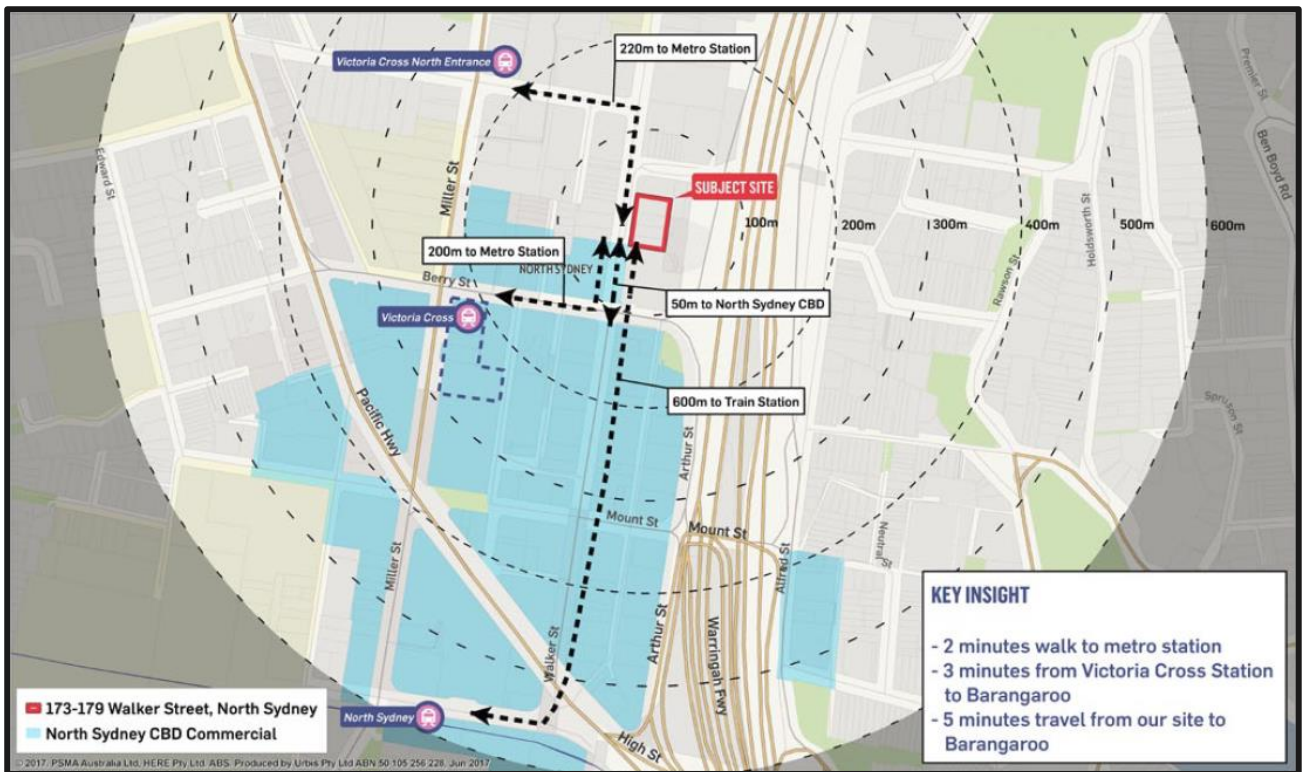


Figure 8: Public transport map

3. BACKGROUND

3.1. PRECINCT PLANNING BACKGROUND

North Sydney Council identified significant opportunity for urban renewal and transformation within and around the Ward Street precinct, as a result of the termination of the Wilson car park lease, the introduction of the Metro Station and the partial decommission of the Ausgrid substation. To facilitate and guide future development, Action 2.1.2.1.5 of the North Sydney Council Delivery Program 2013/2014 – 2016/2017 required the preparation of the Ward Street Precinct Masterplan.

Master planning for the area began in August 2015 however it wasn't until 26 April 2016 that Council sought expressions of interest from external consultants to assist in the preparation of the Ward Street Precinct Masterplan.

On 14 June 2016, the Ward Street Precinct Masterplan preliminary report was presented to Councillors, which included the subject site within the precinct study area (Figure 9).

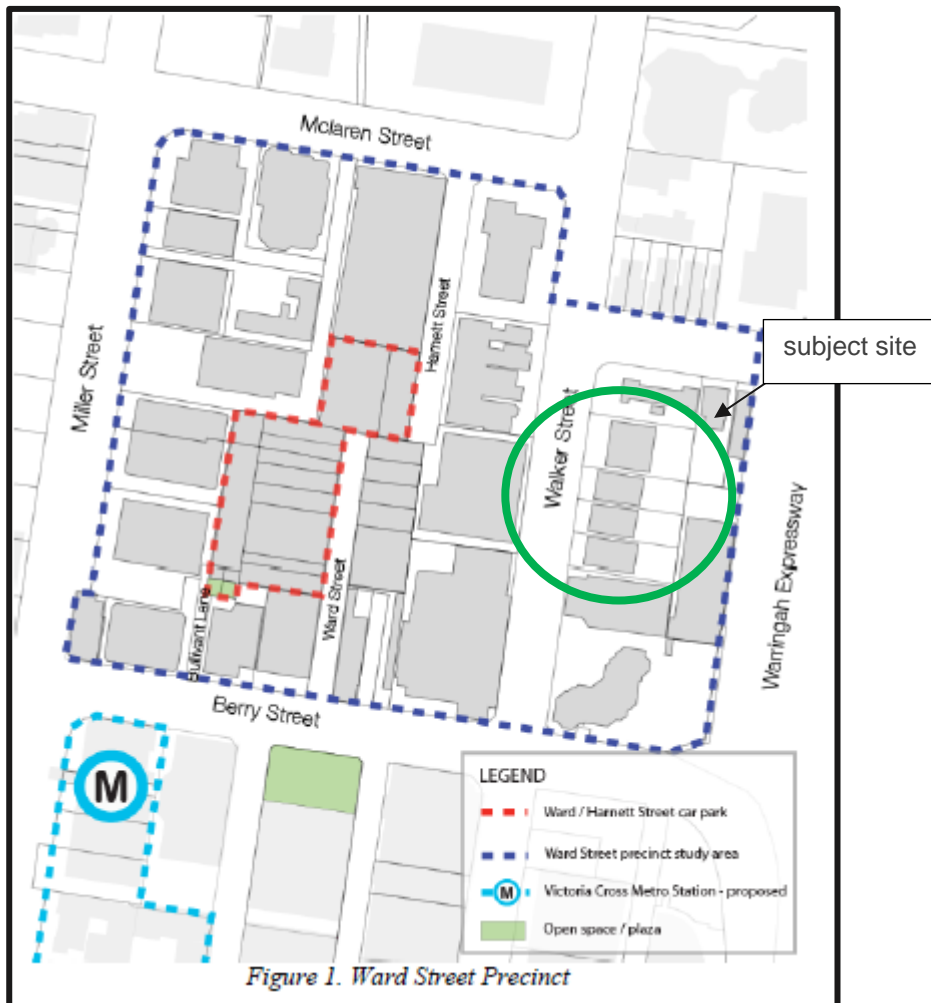


Figure 9: Ward Street Precinct

Source: North Sydney Council Report, Item C1S04, dated 14/06/16

On 8 November 2016, the Ward Street Precinct Masterplan was presented to the Design Excellence Panel. The concept scheme included a number of indicative building envelopes, including a *dual tower outcome on the eastern side of Walker Street, with potential for parking within a podium level.*

Commentary from the panel on the reviewed scheme for East Walker Street stated that *“the sites need to be evaluated in terms of the public benefit that would derive from development against traffic, parking and view loss impacts in developments of this scale.”*

On 5 December 2016, the Ward Street Precinct Masterplan was presented to Council, identifying the subject site as an opportunity site, ready for redevelopment (Figure 10). Opportunity sites are identified as sites that are relatively unconstrained and where land is underutilised within the context of its locality and proximity to the Centre and the amenity offered by it.

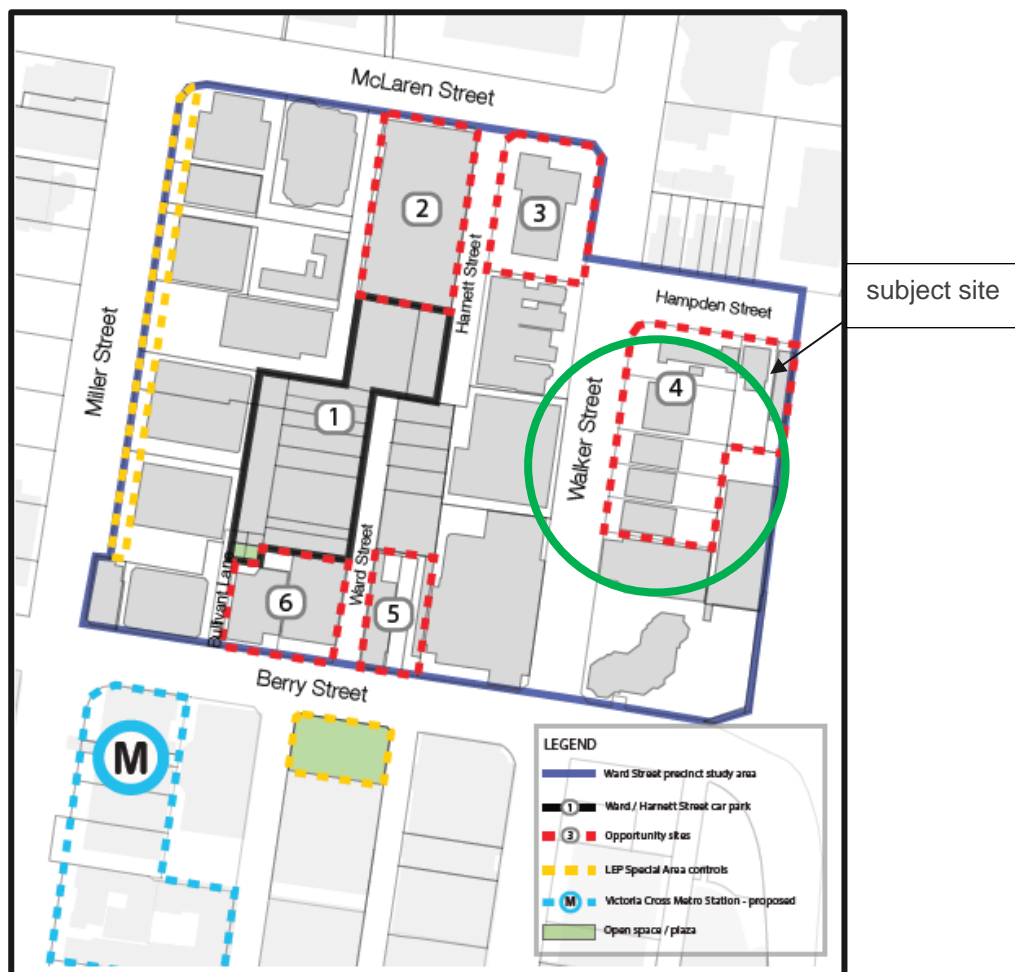


Figure 10: Ward Street Precinct Masterplan Analysis Map

Source: North Sydney Council, Attachment to CiS06, dated 5/12/16

Whilst the site was identified at the outset as an opportunity site, Council concurred with the Design Excellence Panel and concluded that *“given the site does not present a direct contribution to the public benefit outcome...the investigation of this site has been deferred to future discussion with relevant landowners who may seek to initiate a planning proposal,”* (North Sydney Council Report, Item CiS06, dated 5/12/16).

At considerable time and cost, Walker Street No. 100 Pty Ltd proactively sought to facilitate Council’s vision to unlock the area and realise its opportunity through direct acquisition of the properties. The procurement and amalgamation of the majority of the identified east Walker Street opportunity area by Oxley Pty Ltd has removed the key barrier to achieving the redevelopment vision.

As directed by Council commentary, the proponent engaged in preliminary conversations with North Sydney Council prior to lodging the Planning Proposal. As a result of these preliminary conversations, detailed studies were undertaken and a concept building envelope was developed. The preliminary design is considered to address the constraints identified by Council in regards to traffic and parking, solar access, view sharing and relationship to nearby heritage items and demonstrates that the site is suitable for redevelopment, as proposed.

The outcome of the Pre-Planning Proposal meeting is discussed in section 3.2 below.

3.2. PRE-PLANNING PROPOSAL MEETINGS

3.2.1. Meeting 1

On 25 May 2017 Avenor Pty Ltd attended an initial meeting with North Sydney Council in advance of lodging a formal Pre-Planning Proposal application. Representatives of Avenor Pty Ltd, Kann Finch Architects, and Urbis Pty Ltd provided a preliminary planning presentation for discussion. The presentation included an overview of the amalgamated site, including site considerations and context, opportunities and constraints mapping constraints and opportunities for future residential development in North Sydney and a brief study of high level height and urban design outcomes.

Council indicated that Avenor Pty Ltd should proceed with development of a planning proposal application. Council also noted that the project had amalgamated a significant site close to the CBD with significant financial outlays, which was not previously anticipated.

On 4 July 2017, Avenor Pty Ltd lodged a formal application for a Pre-Planning Proposal meeting to be held in relation to the subject site at 173-179 Walker Street. The preliminary proposal presented a development outcome that aligned with the Ward Street Precinct Masterplan and overall vision for the site and demonstrated an ideal opportunity to increase housing supply on the site through the provision of a single tower with lower scale perimeter development. The Pre-Planning Proposal report was supported by preliminary investigations addressing traffic, heritage, view sharing, and solar access.

3.2.2. Meeting 2

On 18th July 2017, Avenor Pty Ltd met with North Sydney Council to discuss the strategic and site specific merits of the planning proposal.

Council stated that “Council has prepared a draft Masterplan for the Ward Street precinct but excluded the “East Walker Street” sites. This was on the basis that the Ward Street sites were a higher priority to resolve and it was recognised that Masterplan still required work to be fully refined. To make the finalisation of the Masterplan more manageable” the East Walker Street sites were deleted”.

Council further stated that it would “in all likelihood refuse any Planning Proposal lodged in the interim.” This is contrary to the previous advice provided by Council on 1 December 2016, which states that “investigations of the east Walker Street site has been deferred to future discussions with relevant landowners who may seek to initiate a planning proposal.”

Nonetheless, Council provided written feedback on the indicative scheme, as documented with the following table:

Table 2 – Design Response to Council feedback

Issue	Council comment	Design Response
Site Isolation	Council raised the issue of allotments to the north fronting Hampden Street not being in control of Avenor and the potential for site isolation. It was questioned whether the scale or development potential indicated on these sites is likely to be viable. Kann Finch suggested that the indicative 4 storeys on the northern neighbouring group of sites could be increased on the eastern end of the “L” shaped allotment.	<p>During the site acquisition process and prior to lodging the Pre-Planning Proposal, Oxley Pty Ltd attempt to acquire the adjoining sites, however were unsuccessful in doing so.</p> <p>Nonetheless, an indicative scheme for the three (3) allotments fronting Hampden Street (11-17 Hampden Street) accompanies this Planning Proposal which demonstrates that these allotments can be amalgamated and developed in their own right.</p> <p>The indicative scheme adopts a similar yield to that which would have resulted from the dual tower outcome, further confirming the viability of the scheme.</p>

Issue	Council comment	Design Response
		<p>Moreover, the proposed concept design for the subject site has been designed with regard to a future building envelope over this site.</p> <p>Please refer to Section C – Environmental, Social and Economic Impact which discusses this issue in detail.</p>
Shadows	Shadow impacts should be carefully managed, not only to existing residential properties to the south and west, but to properties across the freeway, in keeping with the methodology adopted for the North Sydney CBD Capacity and Land Use Study.	<p>Extensive shadow studies have been undertaken which has informed the concept building envelope.</p> <p>Given the location of the subject site, the additional overshadowing cast by the development, beyond that of which currently assists by surrounding developments, is minimal.</p> <p>A detailed analysis of the overshadowing impacts is provided in Section C – Environmental, Social and Economic Impact and is further substantiated within the accompanying Overshadowing Analysis prepared by Steven King (Appendix C).</p>
Commercial Floor Space	Avenor is requested to consider commercial floor space on the site. Council does not yet have a fixed view on the quantum, but an element of commercial on the doorstep of the CBD is likely to be desirable and in demand. It was noted that a May 1 resolution of Council for the Ward Street Masterplan project resolved to investigate the expansion of the current boundary of North Sydney Centre, which could conceivably take in this group of sites.	<p>The subject site is located within the R4 High Density Residential zone and does not include the proposition of a zone change.</p> <p>The resolution by Council contradicts the findings presented with the Future Capacity Study prepared by SJB, which contributed to the outcomes of the North Sydney Capacity and Land Use Study.</p> <p>The report concluded to state that <i>“lateral expansion to accommodate additional commercial floor space is not required. Should expansion be explored....as a starting point, it is preferred that significant commercial growth is contained within the existing commercial core, but that growth of the peripheral mixed use zones includes a more significant commercial element than has been delivered in recent times.”</i></p> <p>Given that the proposal does not seek to change the current zoning applicable to the site, a number of permissible land uses have been incorporated into the concept scheme, which is considered to align with the intent of</p>

Issue	Council comment	Design Response
		<p>this statement. Such land uses include a neighbourhood shop which would ideally be utilised as a café or the like to service the patrons utilising the proposed community facilities area and provide convenience to the users of the proposed park.</p> <p>Importantly, North Sydney has a dominant commercial core which has resulted in harsh and dearth retail conditions outside normal business hours. The proposal provides for the ideal opportunity to rejuvenate the current attractive environmental conditions associated with the over dominance of commercial land uses.</p>
Parking	<p>The indicative design places a significant amount of parking on the site, where the proposal seeks to justify its density via transit oriented development. Council officers noted this would appear contradictory. Council would advocate that any parking provision should be minimised, particularly in the context of Council's objectives for high amenity pedestrian environments in and around the CBD and the arrival of Sydney Metro.</p>	<p>The original preliminary planning proposal documentation included 387 car spaces.</p> <p>The refined scheme has significantly reduced the proposed car parking rate to 252 spaces, which allows for 227 spaces to be dedicated to future residents, with the remaining 25 spaces afforded to the community / retail use and visitors.</p> <p>Further discussions regarding the proposed parking rates are provided in Section C – Environmental, Social and Economic Impact and within the accompanying Traffic Impact Assessment prepared by Arup (Appendix D).</p>
Heritage	<p>The heritage report provided by Weir Phillips is noted. The relationship upon heritage listed properties and retaining wall items will continue to require close consideration.</p>	<p>Detailed investigation into the surrounding heritage items has been undertaken and has assisted in the outcome of the concept design.</p> <p>The accompanying Heritage Impact Statement prepared by Weir Phillips (Appendix E) concludes to state that any impacts on surrounding heritage items are considered acceptable.</p> <p>Please refer to Section C – Environmental, Social and Economic Impact which discusses this in further detail.</p>
View	<p>A detailed view analysis is required to be prepared identifying impacts on existing views from residential properties adjacent or nearby the site.</p>	<p>A detailed view analysis has been undertaken by Richard Lamb & Associates which has been based on an analysis of block model montages from view locations using drone photography.</p>

Issue	Council comment	Design Response
		<p>This includes a view analysis from 138 Walker Street, 150 Walker Street, 169 Walker Street and 168 Walker Street.</p> <p>Please refer to the accompanying independent visual assessment prepared by Richard Lamb and associations (Appendix F) which is also summarised in Section C – Environmental, Social and Economic Impact.</p>

3.2.3. Meeting 3

On 21 August 2017 the proponent met with North Sydney Council to discuss the Planning Proposal and potential to provide public benefit, including public open space and a community centre within a revised concept scheme.

Council advised the proponent of the following:

- The issues and attention raised by the community in relation to the East Walker Street Opportunity Site lead to its exclusion from the Ward Street Masterplan;
- Council want to lead the process of planning change and therefore cannot endorse a proponent lead Planning Proposal.
- Council currently do not have the resources to assess the East Walker Street Precinct;
- Council stated that the amount of community space provided was a great outcome however a VPA outcome cannot be assessed on the site prior to undertaking an assessment of the planning outcome for the precinct.

In summary, Council officers declined to comment on the above public benefits and restated that they were unable to endorse the proposal or advise on the acceptability of the provision of public benefits.

4. STATUTORY PLANNING FRAMEWORK

4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN

4.1.1. Land Use Zone

The North Sydney Local Environmental Plan 2013 (*NSLEP2013*) is the relevant planning instrument for the site. Under the *NSLEP2013*, the subject site is zoned R4 High Density Residential, as illustrated in Figure 11 below.

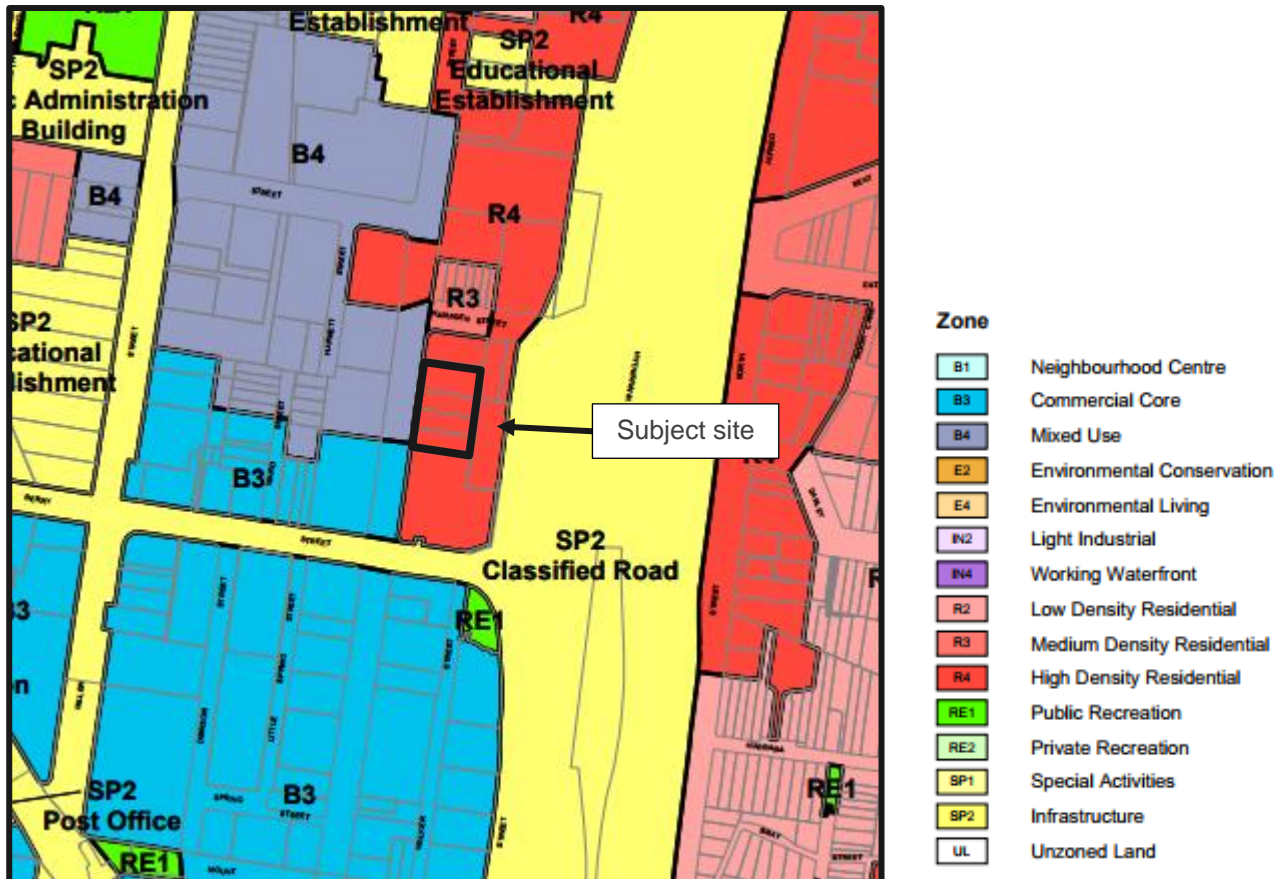


Figure 11: Land use zoning map

The objectives for the R4 High Density Residential zone are as follows:

- To provide for the *housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*

In accordance with the *NLEP 2013*, the R4 High Density Residential zone permits the following land uses:

Permitted without consent

Environmental protection works

Permitted with consent

*Attached dwellings; Boarding houses; Child care centres; **Community facilities**; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; **Neighbourhood shops**; Places of public worship; Recreation areas; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing*

Prohibited

Any development not specified in item 2 or 3

The proposed land uses consist of a residential flat building with ancillary community facilities and a neighbour shop. The proposed land uses are defined as followings:

In accordance with permissible land uses, the proposed mixed use development, comprising a neighbourhood shop, community facilities, with residential apartments above, are land uses which are permitted with consent in the zone.

The permissible land uses are further defined below:

Residential flat buildings:

Means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Community facilities:

Means a building or place:

- a) owned or controlled by a public authority or non-profit community organisation, and*
- b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The Planning Proposal seeks to dedicate 1,515m² of GFA to community facilities, which would be dedicated to Council and would benefit the community. Given the substantial size of this space, it is envisaged that any future development could incorporate a range of community facility uses, that would be best placed to take advantage of the interconnected internal and external community areas.

Neighbourhood shop:

Means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but not restricted premises.

**In accordance with Clause 5.4 Controls relating to miscellaneous permissible uses, if development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.*

The proposal incorporates an 80m² neighbourhood shop fronting Walker Street. The intent of this space is to be utilised for a café / coffee shop or the like which would provide a nexus to the community facilities and the proposed Walker Street public park.

4.1.2. Height of Buildings

Pursuant to Clause 4.3. of the *NSLEP2013*, the site is subject to a maximum building height of 12m, as illustrated below:



Figure 12: Existing Height of Buildings Map

4.1.3. Floor Space Ratio

In accordance with the *NSLEP 2013* Floor Space Ratio Map – Sheet FSR_002A, the site is not encumbered by an FSR control.



Figure 13: Floor Space Ratio Map

4.1.4. Heritage Conservation

In accordance with the *NSLEP 2013 Heritage Map* – Sheet HER_002A, the site is located to the east and south of heritage items, however the subject site is not encumbered by any heritage affectations nor is it located within a heritage conservation area.

The central stone dividing wall within Walker Street is also identified as a heritage item.

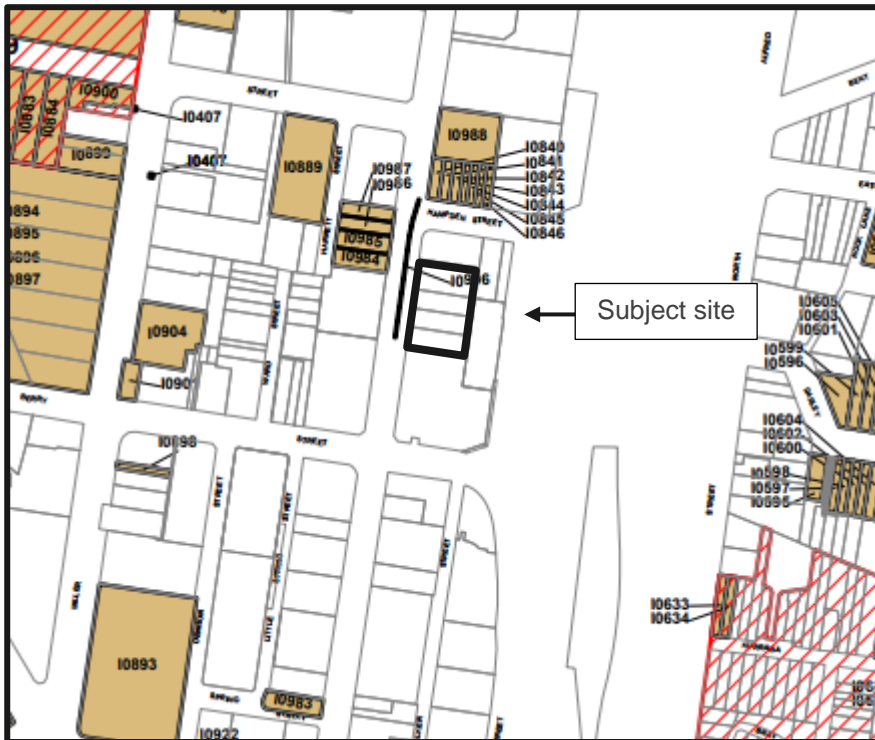


Figure 14: Heritage Map

5. PROPOSED DEVELOPMENT OUTCOME

This Planning Proposal seeks to facilitate the redevelopment of the subject site into a vibrant, active area that is categorised by community facilities and landscaped open space at the lower ground, ground and first floor levels, combined with a new slender high density residential tower. The intended urban redevelopment of the site seeks to realise the potential of the site, considering its strategic location within the global economic corridor and at the doorstep of the North Sydney CBD, an area that is being rejuvenated to reflect the investment of Australia's largest transport infrastructure project, the Sydney metro.

5.1. DEVELOPMENT OVERVIEW

This Planning Proposal is informed by an urban design study and concept architectural schematic, prepared by Kann Finch Architects (Appendix A), which analyses the development opportunities for the site and surrounding context and provides an exemplar of best practice urban design outcomes, as envisaged by the draft Ward Street Masterplan.

This is achieved by the amalgamation and redevelopment of four strata titled allotments to create a substantial site area (2,339m²) on the periphery of the North Sydney CBD. The Planning Proposal seeks deliver on State, district and local planning objectives to foster a world class mixed use development that complements the evolution of the North Sydney CBD.

Broadly, the conceptual architectural plans include lower ground floor, ground floor and first floor community facilities which sprawl out and overlook the public park and future pedestrian through site link with a small café / coffee shop servicing the patrons, matched with a modern, slender high density residential tower ranging between 32-47 storeys.

Key numerical details are provided below, followed by illustrations of the proposed conceptual scheme:

Table 3 – Key numerical details

Indicator	Development outcome	
Land Use	Community Facilities Neighbourhood Shop Residential accommodation	
Height	RL210 / 47 storeys	
FSR	Total FSR of 13.63:1	
GFA	Residential (internal)	26,307m ²
	Balcony (external / wintergarden)	3,989m ²
	Neighbourhood	80m ²
	Community Facilities	1,515m ²
Apartments	284 apartments, including 1 bedroom – 31% 2 bedroom – 59% 3 bedroom – 10%	
Communal open space	265m ² at level 33 + 440m ² within the terrace level – 705m ²	
Car parking	252 spaces over 6 basements including (227 residential & 25 for the retail / community facilities use)	
Landscaped Area	865m ² dedicated to the public	

5.2. DESIGN PRINCIPLES

The conceptual building envelope and design strategy has been specifically tailored to respond to the site constraints and surrounding characteristics whilst incorporating the key principles identified within the draft Ward Street Precinct Masterplan. This includes

- **Urban renewal:** Generation of 284 apartments, 1,515m² of community facilities, 80m² of retail space, 865m² of public park land and landscaped open space.
- **Emerging Skyline:** Design the built form so that it is consistent and compatible with the emerging North Sydney skyline, including the CBD and the Ward Street Precinct. This has been achieved through the provision of a slender single tower which has a maximum height of RL210 and has been modulated to retain views and solar access to surrounding properties whilst being of a height, bulk and scale that is commensurate with the future desired character of the surrounding area. The built form reduces the effect of tower crowding and provides for a positive transition within the surrounding building envelopes.
- **Solar Access:** Retention of a compliant degree of solar access to surrounding residential properties, including those to the south of the site and those on the eastern side of the Warringah Freeway.
- **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 and the thin elegant tower will only block areas of open sky, with height of the building associated with the Planning Proposal, have no significantly greater view impacts.
- **Heritage:** Respect the surrounding heritage items through the siting of the built form and the incorporation of a high degree of landscaping and open space, which is considered to open up the site and create a more positive relationship with the streetscape setting and nearby heritage items.
- **Neighbourhood Structure:** Contribute to the ideology of a walkable and well connected community through the provision of a linear green pedestrian link spanning the northern extent of the subject site, met with the Walker Street park in the north west and future access to the envisaged harbour view walk in the north east.
- **Transport orientated development:** Contribute to the patronage of metro users as part of Australia's largest infrastructure project, supporting the fruition of an 18 hour economy as illustrated below:

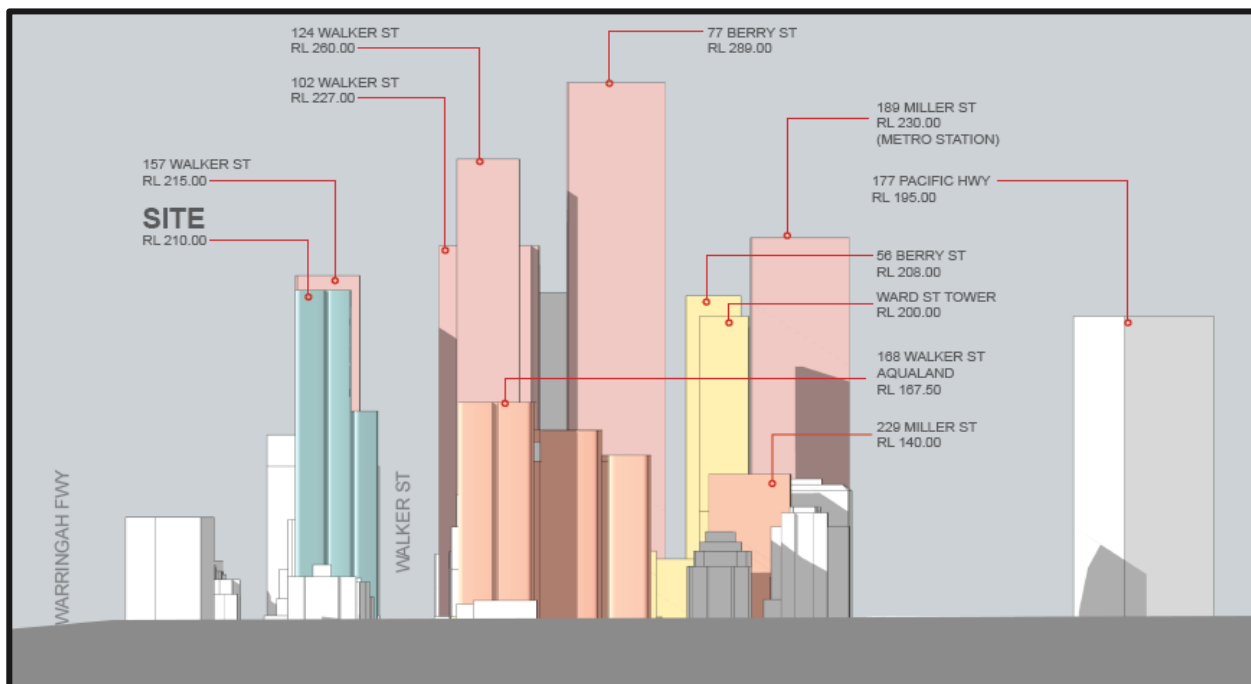


Figure 15: Emerging Skyline
Source: Kann Finch

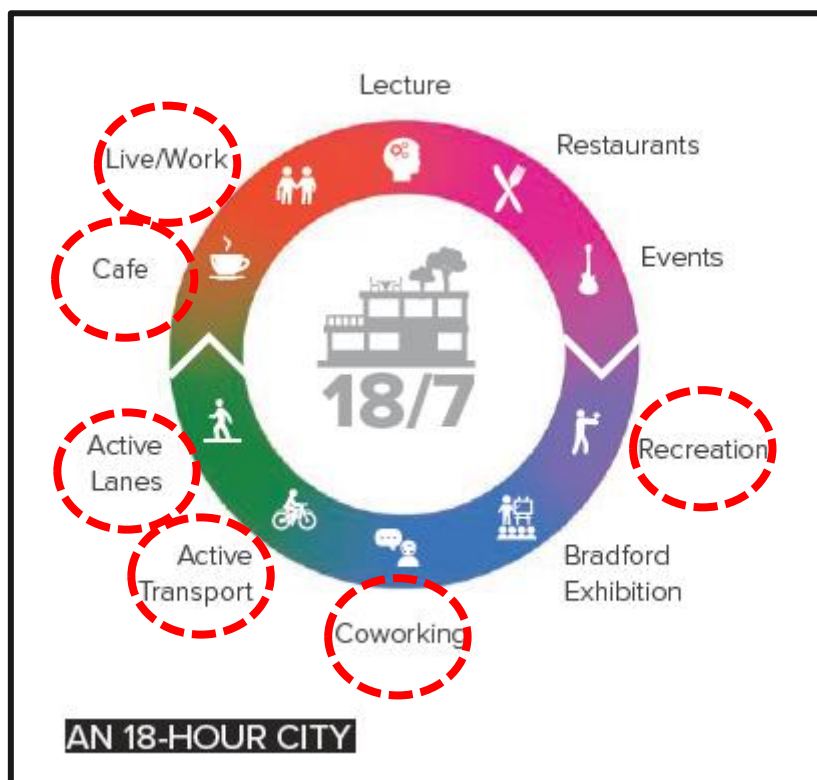


Figure 16: Contribution towards an 18 hour economy, as circled in red

The following sections discuss the design principles in greater detail.

5.2.1. Land Use

The Planning Proposal seeks to retain the R4 High Density Residential zoning on the subject site whilst employing a range of permissible land uses, including retail, community facilities and residential accommodation to achieve the highest and best use of this large amalgamated site. The Planning Proposal will facilitate a redevelopment opportunity that will be enjoyed by future residents, key workers and the surrounding community.

This includes 1,515m² of community floor space dedicated to Council in perpetuity and 80m² of retail floor space, capable of generating approximately 43 jobs.

Above the two storey podium is 26,307m² of residential floor space creating a total of 284 high quality apartments, distributed over 30-45 storeys. It is anticipated that the redevelopment of the subject site would accommodate for an additional 502 additional residents.

Given the highly fragmented nature of North Sydney and the forecasted population increase of 32.9% by 2036 (.idcommunity), retention of the existing land use zone will assist Council in achieving the dwelling density targets and alleviating the pressure of residential encroachment on the commercial core.

The increased diversity on the site would have the effect of activating the east Walker Street precinct and contributing to the 18 hour economy, creating a more vibrant place to live, work and socialise.

The intended direction is consistent with the draft Ward Street Master Plan and North of Centre Precinct Plan, in that it provides for improved pedestrian links, future access to the harbour view promenade, linear gardens and protection of surrounding heritage items through the retention of a landscaped buffer and a two storey street podium.

Importantly, the concept proposal and range of land uses is set to breathe new life into the precinct's eastern edge, forming a key contribution to the Ward Street Precinct and the North Sydney CBD.

5.2.2. Height and built form

The Planning Proposal seeks to achieve a maximum building height of RL210 which will allow for a total of 47 storeys within a single slender tower form. The tower includes three (3) modules wrapped around a central core, with a 32 storey module fronting Walker Street in the west and two 47 storey towers set beyond.

The slenderness of the built form is accentuated by a typical floorplate of 915m² (39% of the site area) and the vertical shifts within the building which further reduce the floor plate to 650m² (27.78%) within the upper 14 storeys whilst the elegance is derived from a range of high quality materials and finishes and the softening of the articulated edges.

The overall building has been modelled to respond to the site and surrounding constraints, resulting in a slender tower form that maximises opportunities for landscaping and open space at the ground floor plan, reduces visual bulk impacts, promotes view sharing and limits the degree of additional overshadowing. The vertical shifts and the overall height of the building are a result of detailed shadow and view loss analysis, as discussed in Section 9.5 of this report.

Specifically, the building envelope has been positioned on the site to enable compliant separation distances, facilitating a landscaped curtilage that separates the site from the northern neighbour, retains a sympathetic relationship to the heritage items in the north west and allows for retention of views. The separation distances and modelling of the floor plates towards the east would alleviate any potential privacy impacts to the north.

The 51m separation to the southern neighbour at 80 Berry Street retains a significant view corridor from the Ward Street precinct to the east. This also retains privacy, solar access, daylight and outlook, whilst also reducing the effect of tower crowding and the perceived visual bulk.

The proposed height is further justified and supported in the accompanying Urban Design Report prepared by AE Design Partnership, as attached in Appendix H.

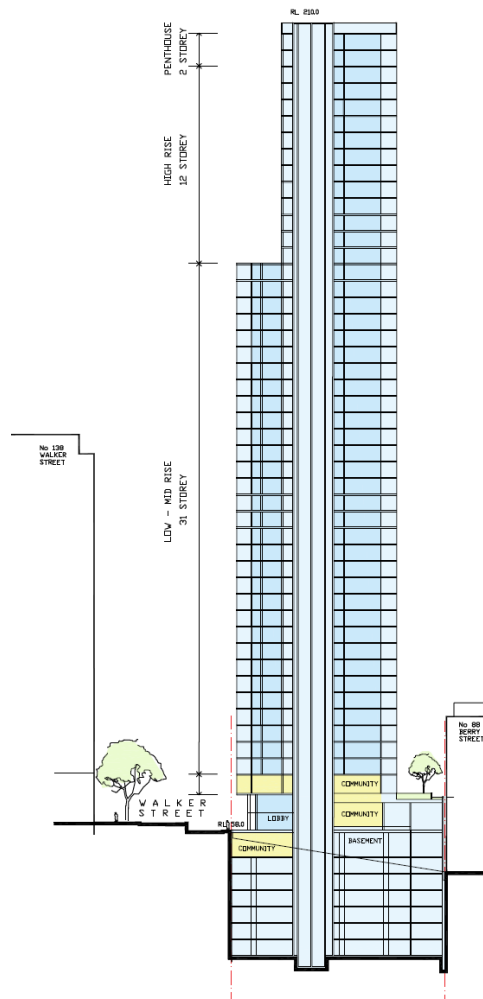


Figure 17 –Section illustrating the proposed height



Figure 18: View from the north east

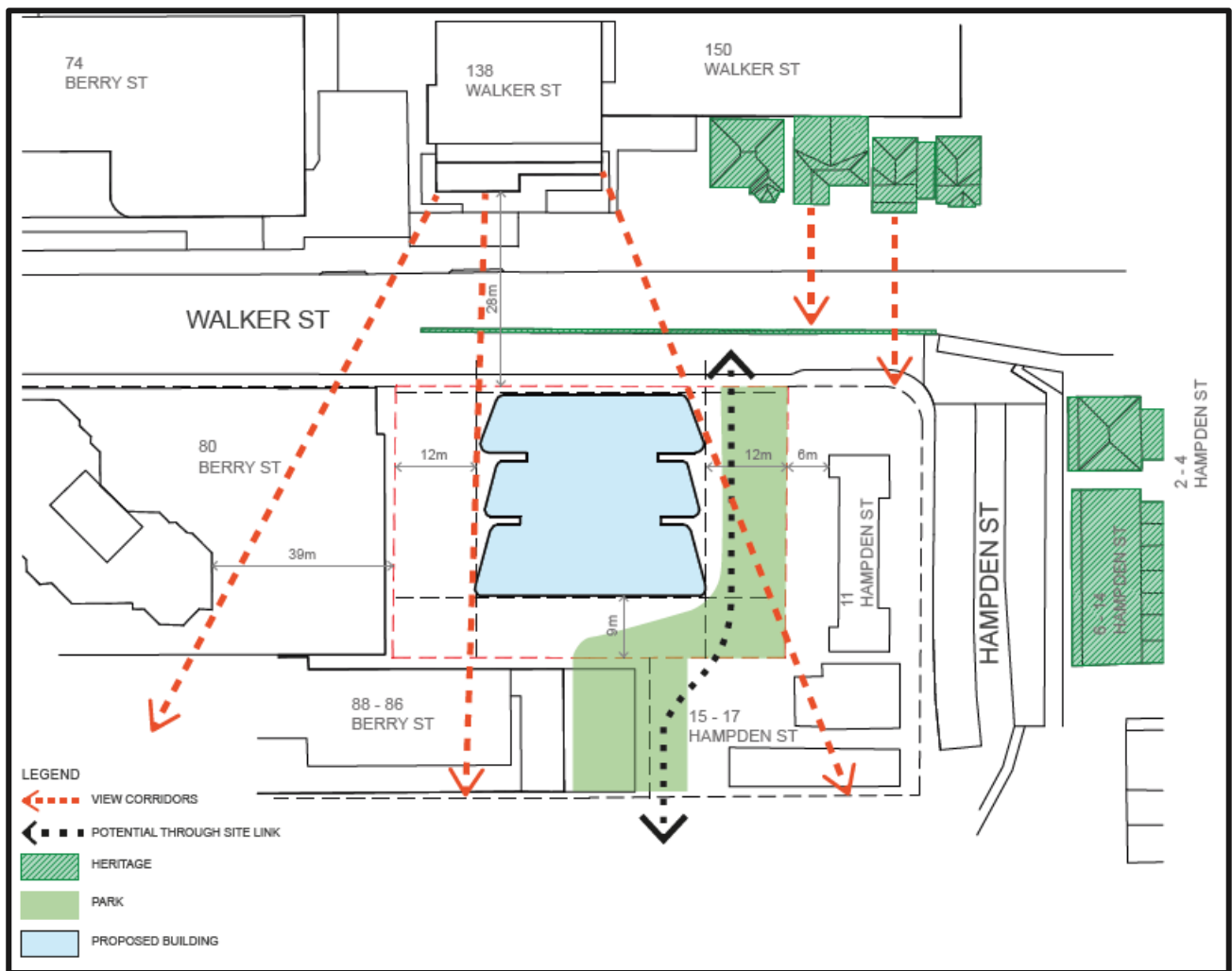


Figure 19: Proposed building footprint

5.2.3. Public domain and landscape outcome

The Public Domain and Landscape Concept Report prepared by Urbis (Appendix G) illustrates the high quality landscape and public domain outcome, including the sites integration into the surrounding precinct.

The concept plan includes a total landscaped area of 1,710m². This includes the dedication of 865m² of landscaped open space to the community, 415m² of deep soil planting, the Walker Street park and the provision for a future through site link, providing connectivity to the harbour view promenade which is intended to be constructed along the eastern side of the Walker Street precinct, connecting the CBD to St Leonards Park in the north.

The concept proposal also includes a 440m² landscaped terrace which includes medium size trees and screening plants to the south and east.

Any future development application would include medium sized street trees along the Walker Street frontage in accordance with the North Sydney Public Domain Manual.



Figure 20: Landscape concept plan

5.2.4. Setbacks

The concept proposal achieves the following setbacks:

Table 4 – Setbacks

Setback	Ground	Tower
North	16.5m - 18.5m	12m
East	11m (0m to carpark)	9m
South	12m (0m to carpark)	12m
West	3m	1m

5.2.5. SEPP65

As illustrated within the accompanying Concept Design Report prepared by Kann Finch (Appendix A), the indicative building envelope demonstrates compliance with, if not outperformance of, the key site and amenity criterion, as contained within SEPP65 and the accompanying ADG.

The following table demonstrates achievement of the SEPP65 / ADG numerical requirements:

Table 5 – SEPP65 Summary Compliance

Key parameters	Numerics	Proposal
Separation distances	Up to 4 storeys: 12m 5-8 storeys: 18m 9+ storeys: 24m	North: 18m East: 9m South: 51m West: 24m

Key parameters	Numerics	Proposal
Building depth	12m-18m	Depth of modules approximately 9m
Deep soil	6m wide – 7% site area 15% for sites over 1,500m ²	17.75%
Communal open space	25% site area with a minimum 2 hours solar access between 9am – 3pm on June 21	30% in addition to the dedicated public open space 285m ² of communal open space provided at level 33 in addition to the 420m ² landscaped terrace.
Overshadowing	2 hours of solar access is to be retained	2 hours solar access is retained, with no overshadowing to the southern neighbour prior to 9:45am and after 1:45pm. Only minor overshadowing beyond that cast by the current heights within the CBD, noting building envelopes are anticipated to increase.
Solar access	70% of living rooms and private open spaces are to receive at least 2 hours solar access between 9am – 3pm June 21st	87% of apartments receive 2 hours solar access between 9am -3pm June 21st
	A maximum of 15% of the apartments receive no solar access on June 21st	A maximum of 13% of apartments receive no solar access
Natural Ventilation	60% are natural cross ventilated	75%
Ceiling heights	Commercial: 3.3m Residential: 2.7m	Building has been designed to achieve minimum floor to ceiling heights

Compliance with SEPP65 has taken into consideration the redevelopment of the surrounding east Walker Street precinct, including the northern Hampden Street properties which are likely to be redeveloped within the short-medium term.

5.3. PUBLIC BENEFIT OFFER

Under Section 93F of the EP&A Act, a proponent may enter into a Voluntary Planning Agreement (VPA) where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

Following a Gateway determination, it is anticipated that Walker Street No. 100 and North Sydney Council will enter into discussions regarding a VPA to address the embellishment of community facilities, the public park and 'future' landscaped pedestrian link and the dedication of affordable rental accommodation.

The VPA is attached in full at Appendix I, with the key terms are summarised below:

- **Affordable housing:** Dedication of 5% of the residential yield to affordable rental accommodation, in accordance with the *North Sydney Affordable Housing Strategy 2015*;
- **Community facilities:** Dedication of 1,515m² of gross floor area to Council to be utilised for community facilities, as defined by the *North Sydney LEP 2013*. Providing that the Planning Proposal is successful and that consent is granted with respect to a future development application, the redevelopment of the subject site would seek the dedication of the lower ground floor, ground floor and first floor to community facilities, which is envisaged as sprawling out on the subterranean community terrace to create an active and lively space;
- **Walker Street public park:** Make publicly accessible 865m² by way of an easement-in-gross of landscaped open space, comprising the street level park and lower level landscaped open space for use by the public. The Council would be the beneficiary of the easement, but the owners' corporation would retain maintenance and responsibility of this area; and
- **Registration of VPA and novation:** Developer to have the VPA registered on the title of the land within 3 months of the entering into of the VPA in accordance with section 93H of the EP&A Act. VPA to include a novation clause that will apply if the ownership of the land changes.

6. THE PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Sections 55 (1) and (2) of the Environmental Planning and Assessment Act 1979 with consideration of the relevant guidelines, namely “A guide to preparing planning proposals” issued by the NSW Department of Planning and Environment, August 2016.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives or intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following chapters.

7. PART 1 – STATEMENT OF OBJECTIVES

7.1. OBJECTIVES

The primary objective of the Planning Proposal is to realise a high quality mixed use redevelopment of the site that will make a meaningful contribution to the growth and enhanced physical quality of North Sydney as a global city. The proposed built form response seeks to promote taller building forms commiserate with the identified development trends in North Sydney. The concept will also leverage off significant investment in the current and future transport infrastructure accessible to the site, providing increased residential and employment opportunities in well serviced locations.

The proposed amendments to the *NSLEP 2013* controls have the objective of facilitating development which achieves the following:

- Contribute to the advancement of a global city that provides for a mix and variety of desirable places to live, work, study, play and visit.
- Providing compatible land uses that will contribute to the creation of a vibrant and active community including residential and retail activity and community facilities.
- Integrating the site with the broader area through improvements to the Walker Street public domain and the provision of the Walker Street public park and associated future through site link.
- Realising the current development density on the site through the introduction of residential accommodation which results in more resilient economies and reduces the pressure from commercial core rezoning. This Planning Proposal will therefore assist the LGA in the potential achievement of overall employment targets for the wider precinct.
- Encouraging and supporting development activity in North Sydney, supporting the diverse mixed use nature of the precinct and contributing to the rejuvenation and revitalisation of North Sydney.
- Leverages the site's strategic location proximate to rail and bus networks and TOD principles by providing high levels of accessibility for residents and workers to the broader metropolitan area.
- Supporting a global city that is home to a mix and variety of places and connected to essentials like housing, employment, education, medical facilities, open spaces and community services.

7.2. INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to facilitate the comprehensive and timely redevelopment of the site to accommodate a high quality mixed use building that successfully integrates with the emerging context of the North Sydney CBD and the Ward Street Precinct.

To facilitate the LEP amendment the following changes to the *NSLEP 2013* are proposed:

- Amend the *NSLEP, 2013 Height of Buildings Map* to provide for a building height of RL210 on the subject site at 173-179 Walker Street, North Sydney; and
- Amend the *NSLEP, 2013 Floor Space Ratio Map* to provide for a Floor Space Ratio of 13.63:1 on the subject site at 173-179 Walker Street, North Sydney.

A Concept Design for future development of the site has been prepared and discussed in **Section 5** and accompanies this Planning Proposal in **Appendix A**. However, the scheme will be refined as part of the DA process once the Planning Proposal has been endorsed by Council and the DPI 'Gateway' issue a determination that supports the preparation of an LEP amendment.

8. PART 2 – EXPLANATION OF PROVISIONS

8.1. PROPOSED LEP AMENDMENTS

8.1.1. Height of Buildings Map

The existing Height of Buildings Map limits development within the site to a maximum of 12m in height. It is proposed to amend the height of buildings development standard to permit a maximum height of RL210 across the site, in accordance with Figure 35, Picture 2.

As illustrated on the accompanying concept plans, the proposed height control allows for 3 storeys of community facilities (including lower ground level), 44 storeys of residential and two storeys of plant equipment.

To facilitate the proposed amendment, the Planning Proposal requires the replacement of the existing Height of Buildings Map Sheet HOB_002A, as contained within the NSLEP2013 with a new sheet which incorporates an updated legend, with specific reference to the subject lots, being:

- 173 Walker Street (SP 11082);
- 175 Walker Street (SP 86752);
- 177 Walker Street (SP 9808); and
- 179 Walker Street (SP 64615).

8.1.2. Floor Space Ratio

The existing Floor Space Ratio Map does not impose a maximum Floor Space Ratio control. The intent of this Planning Proposal is create a maximum floor space ratio for the site of 13.63:1, in accordance with Figure 35, Picture 4.

As illustrated on the accompanying concept plans, the floor space ratio comprises the following:

- Residential FSR 11.2:1 (internal) + 1.7:1 (wintergardens) = 12.9:1
- Community Facilities FSR 0.64:1
- Retail FSR 0.03:1

To facilitate the proposed amendment, the Planning Proposal requires the replacement of the existing Floor Space Ratio Map Sheet FSR_002A as contained within the NSLEP2013 with a new sheet which incorporates an updated legend, with specific reference to the subject lots, being:

- 173 Walker Street (SP 11082);
- 175 Walker Street (SP 86752);
- 177 Walker Street (SP 9808); and
- 179 Walker Street (SP 64615).

8.2. RELATIONSHIP TO EXISTING LOCAL PLANNING INSTRUMENT

It is proposed that *NSLEP 2013* will continue to apply to the site and will be amended by the site specific LEP.

8.3. SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

9. PART 3 – JUSTIFICATION

9.1. SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

Yes. North Sydney Council has completed a strategic review of its planning framework for the North Sydney CBD with the Planning Proposal proceeding to Gateway Determination on 20 July 2017. Parallel to this document, the Ward Street Precinct Masterplan was publicly exhibited (January 2017 – March 2017), which included a number of built form envelopes.

During the exhibition of the draft Ward Street Precinct Masterplan, the subject site (and northern properties fronting Hampden Street) was identified as opportunity site No.3. The key characteristics included:

- Two tall buildings
- A new park within Hampden Street
- A through site link between the two built forms providing connectivity to the harbour view walk

The amalgamation of the subject site realises this vision through the provision of a single slender tower on the subject site, with the remaining allotments fronting Hampden Street in the north capable of being developed in their own right, delivering the second built form. The concept proposal also incorporates a new park which comprises the northern portion of the site. The proposed Walker Street public park is considered to be a superior outcome in comparison to the identified Hampden Street park and forms a nexus to the proposed future through site pedestrian link which will, at some future stage, connect to the harbour view walk, as envisaged by the Masterplan.

The draft Ward Street Precinct Masterplan states that “while conceptual at this stage, the Masterplan outlines the framework for various stakeholders to carry out future development planning.”

The draft Masterplan does not set a height for the potential redevelopment but instead invites landowners of sites to submit site specific Planning Proposals to Council for individual consideration.

Accordingly, the proponent met with Council numerous times to discuss the lodgement of a Planning Proposal over the subject site.

Council have advised that whilst the site has strategic and site specific merit, Council are unable to proceed with the advancement of the Planning Proposal without any committed program or timeframe due to the availability of resources and lack of funding.

Council did indicate that they would likely consider addressing planning on the site preferably with a Council led process, but only after the Ward Street Precinct Masterplan was completed and after other precinct studies had been finalised, which are targeted for the end of 2018.

In the absence of any forward Council resolution or indicative officer timeframe to commence study of the residential opportunity sites in the Ward Street Precinct, it is unreasonable to wait and contrary to state housing policy to not advance planning of a site identified for increased residential density.

Needs Analysis

A need analysis has been undertaken based upon the release of recent statistical data, which demonstrates that, in comparison to NSW there is a demonstrable demand for residential apartment typologies within the North Sydney Local Government Area.

As stated within the North District Plan, “North Sydney has high proportion of single person (43%) and couple only (26%) households, as reflected in the comparatively high number of flats, units or apartments (71%).

Housing that can accommodate smaller households – such as terrace, row or courtyard housing and apartment buildings - is in the greatest demand. Our planning for where we locate this housing should consider proximity to public transport, day-to-day needs, health, education, infrastructure and services.”

The above is further substantiated by the facts and findings contained within the Environmental Impact Statement (EIS) for the Victoria Cross Metro, which states that the North Sydney population is expected to increase by 40% from 2011 to 2041, with an increase in private occupied dwellings 42%.

This highlights the need for increased housing stock to be supplied to the North Sydney LGA, with the biggest pressure being placed on the demand for residential apartment typologies.

Restricting the supply of such residential accommodation results in increased pressure on housing affordability as demand continues to rise.

In response to this, the North District Plan indicates that North Sydney Council needs to supply an additional 3,000 dwellings by 2021 to meet the minimum benchmark standards, set by the State Government. To alleviate the pressure associated with the housing demand and projected population growth, the North District as a whole needs to supply a minimum of 97,000 dwellings by 2036, which equates to 14% of the overall housing (664,000 homes) required by 2031 (A Plan for Growing Sydney).

Given that the North District Plan does not set actual targets for LGA beyond the 5 year mark, it is assumed that a similar housing proportion would be applied throughout the 20 year period.

Based upon the supplied figures (page 89, draft North District Plan), North Sydney LGA is to contribute to 11.5% (25,950 / 3000) of the total housing supply for the North District, from 2016-2021. Given the likely assessment timeframes for this Planning Proposal, any subsequent development application and the likely construction period, occupation of a building on the site is not expected to occur until 2021 of thereafter.

Therefore, this Planning Proposal seeks to contribute to the housing supply period for 2021-2026.

In order to determine the required dwelling supply targets for the 2021-2026, the following analysis has been undertaken:

Table 6: Dwelling supply rates per 5 year increments

Period	North district targets	North Sydney target	variable
2016-2036	97,000 dwellings	3000 dwellings	11.5%
2021-2036	71,050 dwellings	8171 dwellings	Over 3 terms
2021-2026	23,683.3 dwellings	2724 dwellings	

Based upon the above assumptions, North Sydney LGA is required to supply a baseline minimum of 2724 dwellings for the 5 year period between 2021-2026. This Planning Proposal seeks to deliver 284 new dwellings which contributes to 10.4% of the overall supply required for that period.

Importantly, it is reiterated that these are **minimum base line targets** to rectify the historic undersupply of housing. Council's should be working towards exceeding base line targets and contribute to overcoming massive housing affordability constraints as a result of restricted growth and supply.

Whilst the Residential Development Strategy 2009 states that the *NSLEP 2013* provides for sufficient capacity to achieve these targets, not all capacity built into the system is realised nor are all approvals commenced. This is particular evident in the North Sydney LGA whereby the land is significant constrained by a dominant commercial core, a high proportion of strata titled allotments, educational establishment, significant heritage items and heritage conservation areas which are unlikely to be rejuvenated for high density land uses. The sporadically placement of such established sites also limits the development potential of immediately adjoining land uses.

This Planning Proposal therefore responds to the requirement for housing supply, contributing 10.4% to the 5-10 year housing target and provides Council with the opportunity to leverage this development ready site to achieve independent local government housing targets.

Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The proponent has investigated alternative approaches to achieving the intended outcome on the subject site. This includes:

- Amend Schedule 1 of the *NSLEP 2013* to permit a maximum building height of RL210 and an FSR of 13.63:1 on the subject site;
- Amend the relevant height of buildings map and FSR map; or
- Wait for Council to lodge a Planning Proposal over the east Walker Street Precinct.

It is considered that an amended to Schedule 1 of the *NSLEP 2013* does not represent best planning practice and potentially creates confusion amongst the community, particularly at the development application stage. Furthermore, the proposal does not seek to alter the land use zone or include additional land uses that would otherwise be prohibited in the zone. It is therefore considered that a written amendment within the LEP would not be the best means of achieving the intended outcome.

Given the Planning Proposal only seeks to change the numerical controls relating to height of buildings and FSR, which by nature is reflected within the accompanying LEP maps, it is considered that an amendment to the applicable LEP maps would be the simplest strategic outcome.

Given that the subject site has been excised from the draft Ward Street Precinct with no confirmed commitment or timeframe to advance a Planning Proposal for the residential opportunity site, this Planning Proposal is the best means of achieving the intended outcome for the site. The residential nature of the subject site and small study area (subject lot and adjoining sites at 11-17 Hampden Street) does not provide Council with an incentive to amend the existing planning controls and therefore, it is considered unlikely that Council would undertake their own strategic review, particularly when this would result in the outlay of Council resources.

Without an amendment to the statutory planning controls, the proposed design concept cannot be achieved and the associated public and community benefits would be lost. The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA being conveniently located at the doorstep of the North Sydney CBD and within the realms of existing and future public transport infrastructure. The Planning Proposal aligns with the wider North Sydney Centre redevelopment strategy and the Ward Street Precinct Masterplan, bringing the eastern edge of the centre into fruition and creating a timely and holistic rejuvenation approach to North Sydney.

9.2. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?

Yes, for the reasons outlined below.

a) Does the proposal have strategic merit?

The strengthened strategic merit test criteria require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria:

1. *Consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment*
2. *Consistent with a relevant local council strategy that has been endorsed by the Department.*
3. *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The Planning Proposal demonstrates strategic merit, as set out below:

A Plan for Growing Sydney 2014

The focus of *A Plan for Growing Sydney* (the Plan) is on boosting housing and jobs growth across all of Sydney. Various strategies and actions underpin this goal, the key being the establishment of revised subregional dwelling and jobs targets. The Strategy sets out a strategic plan to guide the growth of Sydney for the next 20 years. The plan sets out a vision for Sydney, defined by the following four goals:

- Goal 1: A competitive economy with world class services and transport.
- Goal 2: A city of housing choice, with homes that meet our needs and lifestyles.
- Goal 3: A great place to live with communities that are strong, healthy and well connected.
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Planning Principles to guide the growth of Sydney are set out as the focus of the document:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas.
- Principle 2: Stronger economic development in strategic centres and transport gateways.
- Principle 3: Connecting centres with a networked transport system.

In terms of residential growth, the Plan prioritises the acceleration of housing supply in order to meet the specified housing target for Sydney Metropolitan Area of 664,000 dwellings by 2031 (Direction 2.1). *A Plan for Growing Sydney* focuses new housing in centres which have direct access to frequent public transport. The area's most suitable for significant urban renewal are identified as those best connected to employment, including:

- Strategic Centres (host at least 10,000 jobs) - priority locations for increasing employment, retail, housing, services and mixed-use opportunities.
- Priority centres (specifically selected sites for urban renewal)
- In and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people

North Sydney is designated as a **Strategic Centre** within the strategy; is located within the **Global Economic Corridor** (attracting new economic activity) identified between Parramatta and Sydney; and located along the Sydney Metro Northwest. This connection is set to implement Sydney Rapid Transit and the surrounding land is identified as an Urban Renewal Corridor, which is charged with attracting investment and stimulating new economic activity.

It is clear from the Strategy that North Sydney is a centre where high levels of growth, both commercial and residential in nature, will be encouraged and supported. Urban renewal and additional housing growth will be enabled along the railway corridor to capitalise on the planned upgrades to public transport services.

The Strategy sets out policy directions to achieve the identified goals and principles, with each direction underpinned by a number of actions. Table 7 sets out the relevant directions and actions to the proposal and provides an overview of the planning response to these.

Table 7 – The proposal's response to *A Plan for Growing Sydney*

A Plan for Growing Sydney 2014 Strategic Directions and Policy	Attainment of the Policy Directions
GOAL 1: A COMPETITIVE ECONOMY WITH WORLD-CLASS SERVICES AND TRANSPORT	
Direction 1.6 Expand the Global Economic Corridor Through acceleration of urban renewal and housing supply which strengthens and complements the economic core.	The concept proposal contributes an additional 284 dwellings to North Sydney, which is estimated to accommodate an additional 502 residents on the site (Economic Impact Assessment; Appendix J). The

A Plan for Growing Sydney 2014 Strategic Directions and Policy	Attainment of the Policy Directions
	<p>proposed density will support a sustainable, resilient and vibrant commercial core.</p> <p>The delivery of housing opportunities within walking distance of key employment nodes reduces the pressure on the commercial core and protects it from residential encroachment.</p> <p>In order to protect and retain the commercial core it is considered necessary to increase densities and remove barriers to promote growth and allow efficient land use outcomes that will bring people closer to jobs and services. This concept proposal achieves this intent.</p> <p>The provision of additional housing stock will send a clear signal of investor confidence in the area which has the potential to stimulate further development activity.</p> <p>The concept proposal therefore balances the direction and actions set out in the strategy by strengthening the commercial core through the provision for residential living opportunities that support the economic growth of the local economy.</p>
<p>Direction 1.7 Grow strategic centres – providing more jobs closer to home</p> <p>Focus growth in strategic centres and transport corridors</p> <p>Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.</p>	<p>The proposed amendments to the LEP and associated redevelopment of the subject site will deliver more housing opportunities around the existing and planned transport network, therefore providing more homes closer to jobs and boosting the productivity of North Sydney CBD.</p> <p>This investment in housing strengthens North Sydney role as a Strategic Centre and facilitates the creation of a vibrant hub of activity associated with the Global Economic Corridor and the urban regeneration of the North Sydney CBD.</p> <p>Importantly, the Planning Proposal directly aligns with Action 1.7.1 in that it has unlocked developable land through the amalgamation of 24 strata titled allotments in a key strategic location that is ready for redevelopment for high density purposes.</p> <p>The concept proposal demonstrates a holistic approach to the subject site and surrounding context through the provision of new and improved public spaces and opportunities for through site</p>

A Plan for Growing Sydney 2014 Strategic Directions and Policy	Attainment of the Policy Directions
	<p>connections, which enhances the walkability of centres.</p> <p>The provision of residential dwellings on the subject site will allow people to live closer to jobs and reduce commute times, achieving sustainability outcomes. Housing a residential population in close proximity to areas designated for employment growth in turn stimulates this growth as it is more desirable for business and education activities have a readily accessible work force.</p>
GOAL 2: A CITY OF HOUSING CHOICE, WITH HOMES THAT MEET OUR NEEDS AND LIFESTYLES	
<p>Direction 2.1: Accelerate housing supply across Sydney</p> <p>An additional 664,000 dwellings required across Sydney over the next 20 years</p> <p>Action 2.1.1 Accelerate housing supply and local housing choices</p> <p>Action 2.1.3 Deliver more housing by developing surplus or under-used government land.</p>	<p>The planning proposal seeks to remove the existing barriers by amending the current LEP controls that apply to the subject to facilitate the delivery of 284 new dwellings to the North Sydney LGA.</p> <p>In accordance with the draft North District Plan 2016, North Sydney is required to provide a minimum 3,000 additional dwellings between 2016-2021 and a further 2,730 dwellings between 2021-2026, to assist in achieving the State Government targets.</p> <p>The proposed concept plan demonstrates that the redevelopment of the subject site will greatly contribute to achieving the housing targets for the LGA, particularly given that North Sydney is highly constrained and fragmented.</p> <p>The subject site has been identified as an opportunity site, capable of accelerating the supply of housing within the local area, given that the existing buildings are grossly undeveloped and are at the end of their economic life. The proposal would see the highest and best use of the land come to fruition.</p>
<p>Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs</p> <p>The government will support Council-led urban infill and local efforts to lift housing production around centres</p> <p>New housing for centres that have public transport able to carry large numbers</p> <p>New housing in strategic centres</p>	<p>Increased residential density in this strategic location provides housing on the fringe of the CBD - achieving sustainability outcomes and leading to employment containment within the region, i.e. residents are employed within the centre within which they live.</p> <p>However, the site is also accessible to a wider catchment through public transport and road infrastructure., as outlined below:</p>

A Plan for Growing Sydney 2014 Strategic Directions and Policy	Attainment of the Policy Directions
	<ul style="list-style-type: none"> • The site provides easy access to main arterial road connections, namely the Warringah Highway and Pacific Highway. • The North Sydney train station is located 600m to the south of the site and has considerable patronage. The site is also easily accessible via an extensive bus catchment that runs along the Miller Street. • The Victoria Cross Metro site will only be 200m away and will further increase the connectivity to the site and key centres by allowing faster and more frequent train services. This policy seeks to capitalise on the improvements to the public transport networks to focus new housing in and around centres on the rail corridor. <p>Thus, the concept proposal is a prime site for the high density mixed use development as it provides the ability to connect new homes to job-rich locations via good public transport– Action 2.2.2.</p>
<p>Direction 2.3: Improve housing choice to suit different needs and lifestyles</p> <p>Demand for inner city living is increasing</p> <p>Deliver more opportunities for affordable housing</p>	<p>In response to the demand for inner city living, the <i>Government will introduce planning controls that increase densities</i> in established urban area to take advantage of public transport, jobs and services.</p> <p>This planning proposal provides a mechanism for the Government to achieve such actions, with the proposed controls capable of delivering 284 new dwellings, in a variety of configurations and residential form, including the provision of affordable housing stock (5%) - Action 2.3.3.</p> <p>The detail of the apartment design and configuration has been conceptually explored which demonstrates the possibility for a mix of apartment types that could achieve this direction to meet the evolving housing needs specific to this region.</p>
<p>GOAL 3: A GREAT PLACE TO LIVE WITH COMMUNITIES THAT ARE STRONG, HEALTHY AND WELL CONNECTED</p>	
<p>Direction 3.3: Create healthy built environments</p>	<p>The concept proposal aligns with key design principles to promote healthy communities and social cohesion. This will be fully developed at the DA stage, however the concept proposal seeks to redeveloped the subject site to achieve:</p>

A Plan for Growing Sydney 2014 Strategic Directions and Policy	Attainment of the Policy Directions
	<ul style="list-style-type: none"> • A mixed-use development that has a strong community focus at the street level; • A safe, active and vibrant place for enjoyment by residents, works and the wider community; • An attractive place that connects people; • A connected place, through the provision of increased street activation and the potential for through site linkages. • Increased landscaping that strengthens the built and natural environments.
<p>NORTH SUBREGION</p> <p><i>The North subregion will continue to be an attractive place to live, work and visit with a thriving economy. The subregion's Gross Regional Product is second only to the Central subregion's, with North Sydney, the second largest office market in Sydney. Increases in the supply of housing and jobs will be focuses on centres with good public transport. The subregion will offer a growing diversity of high amenity living and working environments.</i></p>	
<p>Accelerate housing supply, choice and affordability and build great places to live.</p> <p>Work with councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services, including around Priority Precincts, established and new centres, and along key public transport corridors including the North West Rail Link, the Western Line, the Cumberland Line, the Carlingford Line, the Bankstown Line and Sydney Rapid Transit.</p>	<p>As discussed above, the proposal will facilitate increased residential housing supply in conjunction with the protection of an appropriate proportion of employment activity, commensurate with the sites R4 High Density Residential zoning.</p> <p>The opportunity for an increased diversity and mix of housing typologies is realised through the proposal and will contribute to the housing supply, choices and affordability objectives.</p> <p>Further, the site is highly connected in terms of access to transport and infrastructure and the amalgamation of the existing strata titled allotments represents the ideal location for urban renewal on the subject site.</p>
<p>Priorities for Strategic Centres: North Sydney</p> <p>Retain a commercial core in North Sydney CBD for long-term employment growth.</p> <p>Investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at Victoria Cross (North Sydney).</p>	<p>The site is zoned residential and thus does not adversely impact alignment growth with the CBD. The said, the proposal incorporates significant community space offering that will generate employment and add to the diversity of jobs in the centre which is highly desirable.</p> <p>Our GIS based opportunities analysis has highlighted the limited potential to achieve significant housing growth close to Victoria Cross Metro therefore making this proposal critically important to</p>

A Plan for Growing Sydney 2014 Strategic Directions and Policy	Attainment of the Policy Directions
	<p>provide future housing supply in a highly desirable and well connected locality.</p> <p>The proposal demonstrates that the site is capable of delivering housing opportunities that will support the patronage associated with the Victoria Cross metro station. The proposal capitalises on the existing and proposed infrastructure to provide mixed use development in well serviced and accessible locations.</p>

Draft North District Plan

The Draft District Plans were released for public comment in November 2016. North Sydney LGA is located within draft North District Plan.

The District Plan sets out aspirations and proposals which set a vision for growth and development in the North District and Greater Sydney. The North District will be faced with many challenges as the population grows significantly. To meet these challenges, the District will need to offer more housing choices, including better internal connections to link residents with jobs and services.

The District Plan sets out priorities and actions policy to achieve a productive, liveable and sustainable city. This Planning Proposal is considered to align with the vision for growth and achieves a number of the actions and priorities for the North District, as outline in **Table 8** below:

Table 8 – Alignment with the Draft North District Plan

Draft North District Plan 2016 Priorities and actions	Alignment with the draft North District Plan
A PRODUCTIVE SYDNEY	
<i>A productive city is a smart city; it promotes growth, is resilient, adaptable and well connected.</i>	
3.3 Planning for job target ranges in strategic and district centres	<p>The draft North District Plan sets a benchmark target for an additional 15,600 – 21,100 jobs by 2036 within the North Sydney Strategic Centre.</p> <p>During construction, the redevelopment of the site is expected to generate 1,452 jobs both directly and indirectly.</p> <p>Post construction, the planning proposal will inject an additional 43 jobs into the local economy, which is considered to be a highly desirable outcome given the site is located within the R4 High Density Residential zone.</p>
3.7 Accessing local jobs, goods and services within 30 minutes	<p>A key aim of ‘a productive Sydney’ is to create a 30-minute city.</p> <p>This Planning Proposal fulfils the aims for a productive city through the facilitation of high density</p>

Draft North District Plan 2016 Priorities and actions	Alignment with the draft North District Plan
	residential development conveniently connected to employment, health services, education, shops, public spaces and frequent high quality public transport, transporting the 502 projected residents to nearby strategic centres within 30 mins.
A LIVABLE SYDNEY	
<i>A liveable city is one that bolsters diversity, inclusivity and forms an equitable polycentric.</i>	
4.3 Improved housing choice	<p>The draft North District Plan indicates the supply of additional 3,000 dwellings to the North Sydney LGA by 2021, with a total 97,000 dwellings required by 2036.</p> <p>Given the timing of the likely end of construction, it is anticipated that this Planning Proposal will contribute to the dwelling supply period between 2021-2026, which is assumed to be a conservable 2,723 dwellings.</p> <p>Fundamentally, the proposal will deliver the provision of 284 residential dwellings to the local housing market, being 10.4% of the required dwelling supply during the 2021-2026 period.</p> <p>The proposal provides for a mix of dwelling typologies (1, 2 & 3 bed) which contributes to housing choice and reflects market demand, with 5% of the residential stock dedicated to affordable rental housing, in accordance with the <i>North Sydney Affordable Housing Strategy 2015</i>.</p> <p>This Planning Proposal will therefore assist Council in achieving the 20 year strategic target and inform their update to their 2009 RDS, which is not reflective on current population growth and housing needs in the LGA.</p>
4.3.5 Create housing capacity in the North District	<p><i>Action L3: Councils to increase housing capacity across the District</i></p> <p>In accordance with the above action, North Sydney Council will:</p> <ul style="list-style-type: none"> • commit to working with the Commission and Transport for NSW to identify urban renewal opportunities that connect to Sydney Metro; and • investigate local opportunities to address demand and diversity in and around local centres and infill area. <p>It is acknowledged that North Sydney is a highly fragmented and constrained LGA which contains a</p>

Draft North District Plan 2016 Priorities and actions	Alignment with the draft North District Plan
	<p>large number of educational establishments, heritage items and strata titled allotments.</p> <p>This Planning Proposal overcomes the existing barriers and presents a large amalgamated site within 200m of the Metro and 600m of the North Sydney train station, creating the ideal opportunity for urban renewal at the periphery of the commercial core, relieving pressure for rezoning of B3 zoned land.</p>
4.4.4 Deliver Affordable Rental Housing	<p>In accordance with <i>Liveability Priority 3: Implement the Affordable Rental Housing Target</i> and <i>Action L6: Support councils to achieve additional affordable housing</i>, this Planning Proposal dedicates 5% of the proposed floor space to affordable housing.</p> <p>This will be undertaken in accordance with the <i>North Sydney Affordable Housing Strategy 2015</i>.</p>
4.6.1 Provide design-led planning	<p>The proposed concept plans prepared by Kann Finch demonstrates a high quality urban design outcome that facilitates a safe, equitable and sustainable built environment – <i>Action L11: Provide design-led planning to support high quality urban design</i>.</p> <p>The residential apartments and the incorporation of community facilities combined with a public park and landscaped open space demonstrates best practice urban design principles that seek to foster a creative, socially inclusive and harmonious environment - <i>Liveability Priority 5: Facilitate the delivery of safe and healthy places</i>.</p>
4.7.2 Foster the creative arts and culture	<p>In accordance with <i>Liveability Priority 8: Support the creative arts and culture</i>, this Planning Proposal dedicates 1,515m² of floor space to community facility uses.</p> <p>As defined by the <i>NSLEP 2013</i>, this includes a building or place used for physical, social, cultural or intellectual development, delivering a significant community benefit.</p>
A SUSTAINABLE SYDNEY	
<i>A sustainable city integrates and balances the built and natural environments which lead to improved living standards and a safer, more prosperous future.</i>	
5.6 Delivering Sydney's Green Grid	<p>The Planning Proposal facilitates the creation of the Walker Street public park, thereby achieving <i>Action S4: Develop support tools and methodologies for local open space planning</i> which seeks to help councils plan for open space to meet the needs of the community.</p>

Draft North District Plan 2016 Priorities and actions	Alignment with the draft North District Plan
	<p>Furthermore, the Planning Proposal achieves the overall objectives for Sydney's Green Grid, which seeks to make the urban environment more green, promote good health and active living, creates new high quality public areas and places and increases access to open space.</p> <p>Any future development application would demonstrate compliance with energy efficiency outcomes.</p>

NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan outlines a number of projects that will impact Sydney. The masterplan aims to build efficiently on existing transport connections, including those with the Sydney CBD through the Global Economic Corridor, to connect people with jobs and other opportunities which in turn will support productivity and economic growth.

The Master Plan recognises that businesses and precincts, have the opportunity to grow and expand with investment in transport. The Master Plan includes strategies to improve road capacity, reduce journey times and public transport solutions to promote accessibility across Sydney.

The proposed LEP amendments are consistent with the objectives of the NSW Long Term Transport Master Plan by providing high density residential development in close proximity to train and bus networks which provide excellent linkages to key employment centres.

These short term and long term objectives promote the connectivity of North Sydney to the CBD and surrounding centres as well as ease of travel within the north. The proposal to increase residential density and strengthen the employment population on the subject site is timely given that early works have begun on the Victoria Cross Metro, which is set to operate from 2024, which will improve travel times between northern Sydney and the CBD.

b) Does the proposal have site-specific merit?

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site-specific merit against the following criteria:

Table 9 – Site-Specific Merit Test

Criteria	Planning Proposal Response
Does the planning proposal have site specific merit with regard to: <i>the natural environment (including known significant environmental values, resources or hazards)?</i>	<p>The subject site does not contain any natural environmental features which would preclude the site from being redeveloped in accordance with the proposed concept high density mixed-use development.</p> <p>Importantly, the proposed concept plan responds appropriately to the sites natural environment and provide for a range of uses that are ideal for the sub terrain environment as a result of the sites topography, which significant slopes from the Walker Street frontage to the rear / eastern boundary of the site.</p>
Does the planning proposal have site	The subject site is located at the periphery of the North Sydney CBD, which is currently subject to a Planning Proposal that includes significant uplift, resulting in heights of up to RL289. The Planning Proposal for North Sydney Centre,

Criteria	Planning Proposal Response
<p>specific merit with regard to:</p> <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>	<p>which is currently subject to Gateway Determination, includes (but is not limited to) the following uplifts:</p> <ul style="list-style-type: none"> • 120m - 124 Walker Street increasing from RL140 to RL260; • 125m – 40 Mount Street increasing from RL105 to RL220; • 110m – 187 and 189 Walker Street increasing from RL120 to RL230; • 104m – 77-81 Berry Street increasing from RL185 to RL289; and • 90m – 65 Berry Street increased from RL140 to RL230. <p>In addition to this, the properties to the west of the subject site, which are bound by the draft Ward Street Precinct Masterplan, are also identified for significant uplift, resulting in heights of up to RL206.</p> <p>In addition to the above, recent development activity within the area has resulted in the subject site being immersed amongst tall, dense buildings, with this northern portion of the east Walker Street precinct being the last undeveloped lots within the wider urban renewal context.</p> <p>Importantly, the surrounding area is undergoing a period of urban renewal in an attempt to rejuvenate and revitalise the North Sydney CBD. The transformation has been triggered by a number of factors, including the introduction of the Victoria Cross Metro Station, the commitment by the State Government to increase housing supply and encourage economic growth and the return of Council owned assets (Ward Street car park).</p> <p>North Sydney Council has, in so far, focused on providing additional floor space for commercial land uses, with limited opportunities identified for residential redevelopment.</p> <p>Investigations have been undertaken into the surrounding land use context which reveals that the areas within 800m walking distance of the North Sydney train station or Victoria Cross metro station is highly constrained and fragmented. As illustrated in Figure 21 below, land within this area that is capable for high density residential redevelopment is either constrained by:</p> <ul style="list-style-type: none"> • heritage affectations; • adjoins sensitive land uses; or • contains a number of strata titled allotments which are unlikely to be unlocked for redevelopment. <p>The subject site, being the amalgamation of four strata titled buildings (24 strata titles) comprises a substantial site area and represents a rare opportunity for residential redevelopment of this scale, in such a key strategic location.</p> <p>The site is well connected to existing and planned infrastructure, is located within walking distance to significant employment opportunities and educational establishments and can achieve a number of key directives outlined in <i>A Plan for Growing Sydney 2016</i> and the draft North District Plan.</p>

Criteria	Planning Proposal Response
	<p>Moreover, the site has been identified as an “opportunity site” within Council’s planning studies, which encouraged proponent lead Planning Proposals.</p> <p>In this regard, the proposed concept plan demonstrates a holistic approach to the redevelopment of the subject site and surrounding urban context and effectively illustrates how the proposed concept development would fit comfortably within the changing urban fabric.</p> <p>This is demonstrated within the 3D context massing and within the public domain masterplan.</p> <p>Finally, this Planning Proposal is accompanied by a number of specialist consultant reports which conclude that the subject site is suitable for the high density mixed use development and that the proposed building envelope has been adequately designed to promote view sharing, retain a compliant degree of solar access to surrounding residential properties, enable appropriate separation distances to support the redevelopment of the northern neighbour and provide a design that addresses heritage and transport issues.</p>
<p>Does the planning proposal have site specific merit with regard to:</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>The subject 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> <p>Preliminary investigations have been undertaken to identify the services required on the site to bring the proposed development concept to fruition.</p> <p>In this regard, the site is fully capable of being serviced by the appropriate infrastructure.</p>

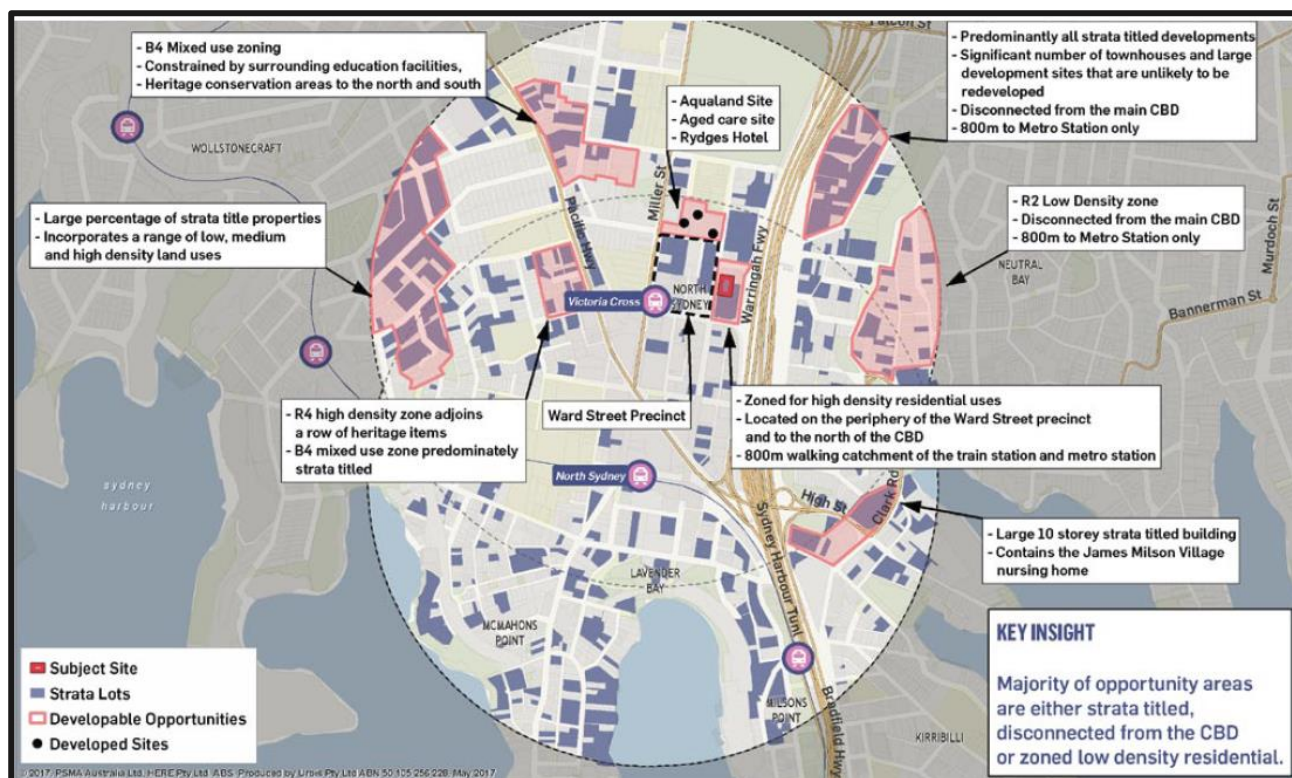


Figure 21: Opportunities and constraints map demonstrating that the site is suitable for the Planning Proposal

Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?

Yes. The Planning Proposal is consistent with the following local planning strategies:

North Sydney Residential Development Strategy 2009

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.

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 from 2016-2036 (refer to table 6).

It is considered that the RDS and the associated targets are outdated and do not appropriately reflect current data and population projects. This is evident within the RDS, with the NSW Government setting a housing target of 5,500 additional dwellings between 2004 – 2031, which equates to approximately 203 dwellings per annum.

Furthermore, the population forecasts modelled within the RDS utilises 2006 ABS data, forecasting a residential population of 65,000 in 2021. This is in comparison to current population projections which forecast a population of 76,721 by 2021 (forecast.id) resulting in a net difference in the population projections of 11,720 residents.

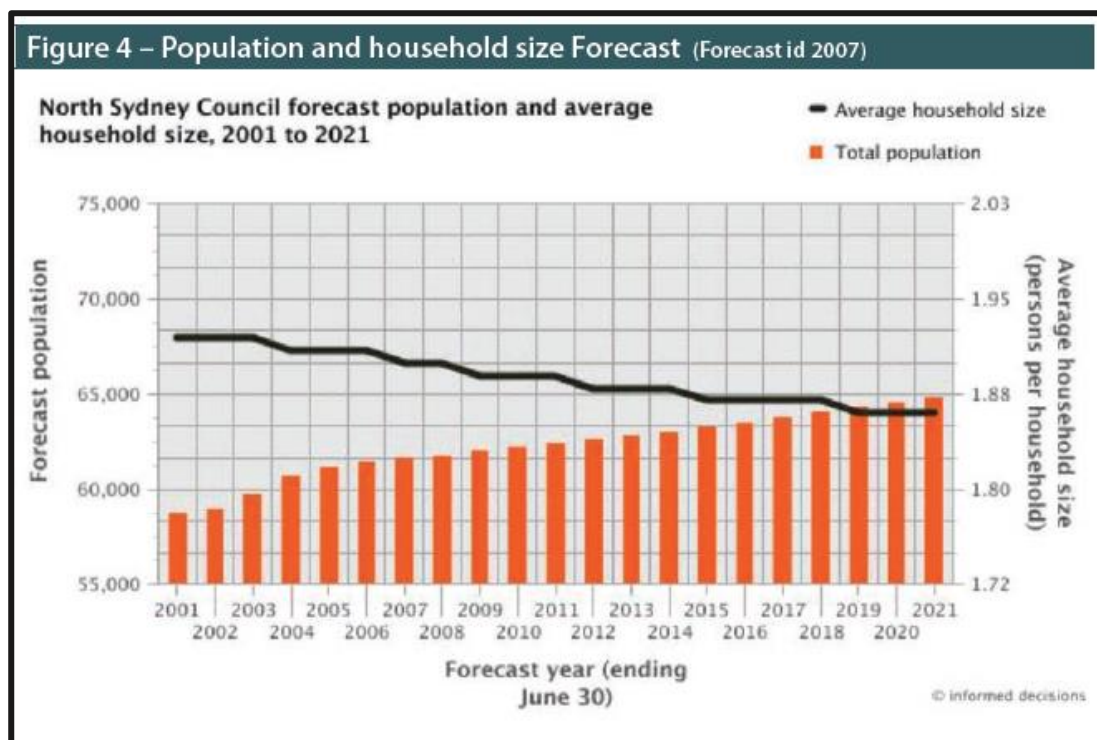


Figure 22: Population and household size forecast, as illustrated in the RDS

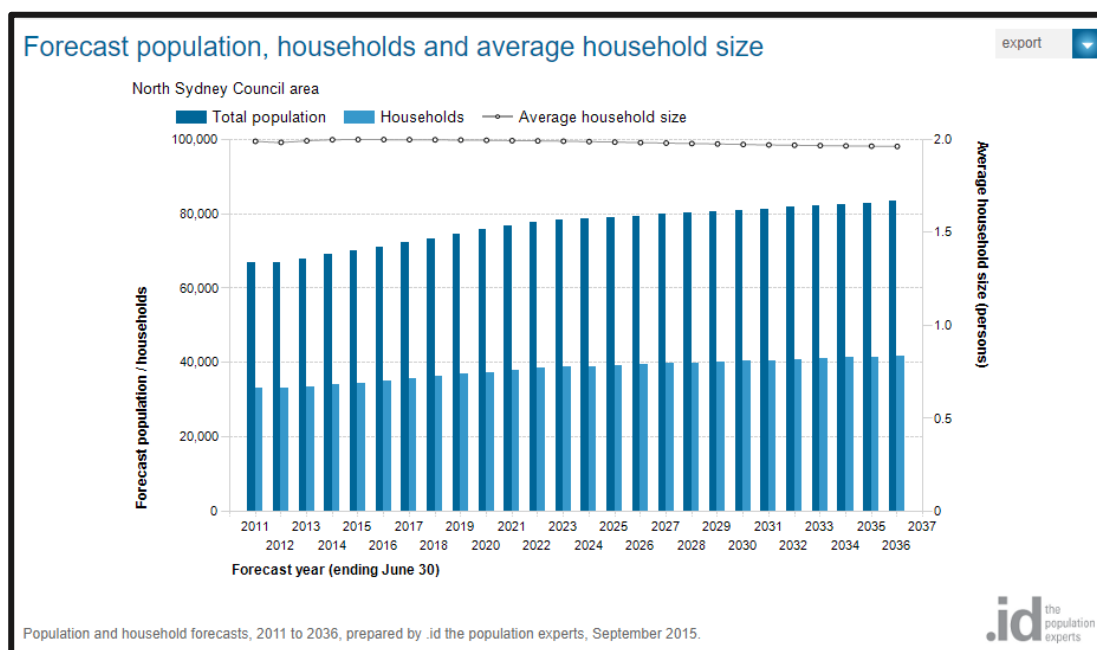


Figure 23: Population and household size forecast, as provided by forecast.id

The RDS states that the North Sydney LEP 2009 (formally adopted as the North Sydney LEP 2013) has an estimated capacity to accommodate an additional 6,199 dwellings within the existing LEP framework, by 2031.

In accordance with Figure 8 of the RDS, North Sydney has a planned capacity for an additional 70 dwellings within the R4 High Density Residential zone, for the period 2009-2031, equating to approximately 3 dwellings per annum.

Figure 8 – Location of Additional Dwelling Capacity (2009-2031)								
Planning Area	Existing LEP (NSLEP 2001)				Draft Comprehensive LEP (DLEP 2009)			
	Res B	Res C	Mixed Use	Total	Medium Density Res (R3)	High Density Res (R4)	Mixed Use (B4)	Total
North Sydney	4	70	1,936	2,010	4	70	2,023	2,097
St Leonards/ Crows Nest	44	51	1,483	1,578	44	51	1,358	1,453
Neutral Bay	79	272	509	860	79	272	509	860
North Cremorne	100	293	187	580	100	293	187	580
Cammeray	128	253	0	381	128	307	0	435
Lavender Bay/Milsons Pnt	70	56	200	326	70	56	200	326
Waverton /Wollstonecraft	60	177	85	322	60	177	85	322
Kirribilli	8	64	0	72	8	64	0	72
South Cremorne	28	26	0	54	28	26	0	54
Total	522	1,261	4,400	6,183	522	1,316	4,362	6,199

Figure 24: Location of additional dwelling capacity, as illustrated in the RDS

This Planning Proposal therefore provides Council with the opportunity for additional residential floor space on land that is relatively unconstrained and strategically located to accommodate for increased density, beyond that envisaged by the current planning controls.

North Sydney CBD Capacity and Land Use Strategy

The aim of the North Sydney Centre Planning Review is to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component in Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore and becomes a more attractive, sustainable and vibrant place for residents, works and businesses.

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.

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:

- Identify residential development opportunities in the periphery;
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and
- 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.

The Strategy has been informed by a number of key pieces of work, including the North Sydney Commercial Centre Study (2015) – Urbis, North Sydney Centre Economic Study (2013) – Hill PDA, Special Areas Review by North Sydney Council, drawing upon the Public Domain Review by Place Partners and 3D modelling undertaken by SJB.

As a result of the aforementioned studies, North Sydney Council have received Gateway Determination for a Planning Proposal which incorporates and reflects the outcomes of the Strategy, resulting in new height controls within the centre, primarily based upon a 10am – 2pm restriction on additional overshadowing to residential land uses outside of the North Sydney Centre.



Figure 25: Proposed height of buildings map

This Planning Proposal has been prepared to align with the outcomes of the North Sydney CBD Capacity and Land Use Strategy and the draft Ward Street Precinct Masterplan to facilitate a holistic approach to the urban renewal of North Sydney, as illustrated below:

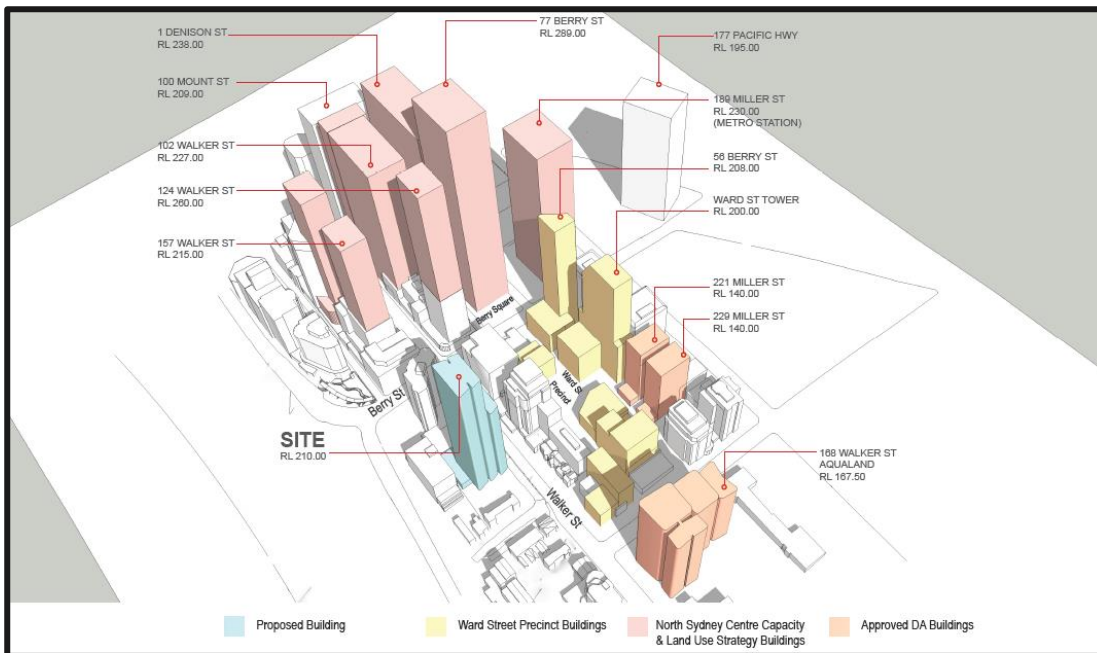


Figure 26: Proposed height in context with the surrounding context

Source: Kann Finch

As stated within the Capacity and Land Use Study, ‘any increases in development yield based upon the indicative future height control map will be subject to proponent-led planning proposal process. Such a process will seek to capture developer contributions or works in kind via a voluntary planning agreement.’

This Planning Proposal directly aligns with the strategic intent, planning outcomes and objectives sought within the North Sydney Capacity and Land Use Strategy.

Community Strategic Plan 2013-2023

The North Sydney Community Strategic Plan reflects the community’s aspirations for the future and affirms Councils priority to revitalise the North Sydney CBD from a purely commercial centre to a place for both business and entertainment.

The key directions of the strategic plan and how the Planning Proposal achieves these directives, is outlined in the table below:

Table 10 – Achieving the outcomes of the Strategic Plan

Outcome	Strategies	Planning Proposal
Direction 1: - Our Living Environment		
1.2 Quality urban greenspaces	<p>1.2.1 Maximise tree plantings to enhance canopy cover in developed areas</p> <p>1.2.2 Encourage community gardening</p> <p>1.2.3 Encourage rooftop and hard surface greening</p>	The concept proposal dedicates 1,710m ² or 73% of the site area to landscaping, including includes 17.5% deep soil planting. The sunken garden within the north eastern corner of the site creates the ideal space for a community garden.
1.5 Public open space, recreation facilities and services that meet community needs	1.5.1 Provide a range of recreational facilities and services for people of all ages and abilities	The concept proposal includes a new public park greater pedestrian connectivity with the wider public domain.

Outcome	Strategies	Planning Proposal
	1.5.2 Improve equity of access to open space and recreation facilities	
Direction 2: - Our Built Environment		
2.1 Infrastructure, assets and facilities that meet community needs	2.1.2 Expand capacity of existing community infrastructure	1,515m ² of GFA for community facilities
2.2 Improved mix of land use and quality development through design excellence	2.2.3 Encourage sustainable design in future development and refurbishment of existing buildings for better environmental performance 2.2.6 Ensure new residential development is well designed, for people with a disability or limited mobility, the elderly and is adaptable for use by different household types to encourage ageing in place	The high degree of compliance with SEPP65 principles in regard to solar access and ventilation demonstrates a reduce reliance on artificial heating and cooling means. The proposal would incorporate accessible accommodation.
2.5 Sustainable transport is encouraged		The Planning Proposal increases public transport patronages and reduces the reliance on private vehicular movement
2.7 Improved parking options and supply	2.7.1 Provide integrated and efficient parking options in residential and commercial areas 2.7.3 Manage off street parking in new developments through Development Control Plan (DCP)	The proposal incorporates 25 parking spaces in association with the community facilities use. In addition, 227 residential car parking spaces are provided, reducing the reliance for on street car parking and creating a more pleasant public domain within this section of Walker Street.
Direction 3: Economic Vitality		
3.1 Diverse, strong, sustainable and vibrant local economy	3.1.1 Expand opportunities for business particularly after hours and weekends through planning initiatives e.g. late night trading and small bars 3.1.2 Encourage a diverse mix of businesses 3.1.3 Expand employment growth capacity	The Planning Proposal will generate 43 new jobs. The increased residential population supports an 18 hour economy and contributes to the vitality and viability of local centres.

Outcome	Strategies	Planning Proposal
Direction 4: Social Vitality		
4.10 Improved affordable housing and accommodation	4.10.2 Increase housing diversity to meet a range of needs especially older people, people with disabilities and key workers	<p>Dedication of 5% of the GFA to affordable housing aligns with this policy outcome.</p> <p>The supply of housing is also considered to alleviate the pressure of housing affordability.</p> <p>Please refer to the accompanying Cultural Statement prepared by Avenor Pty Ltd (Appendix K).</p>

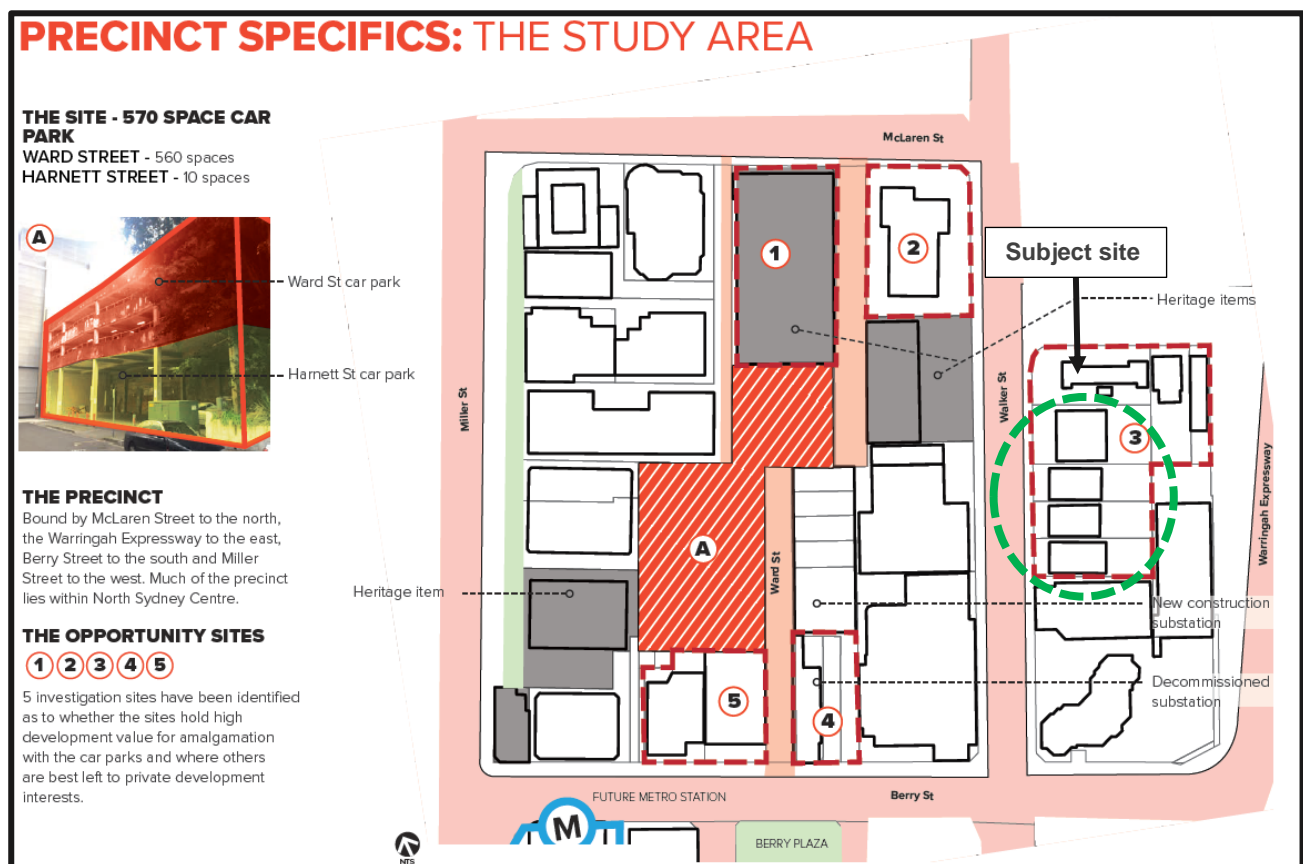
North Sydney Council Delivery Program 2013/14 – 2016/17

The directions of the North Sydney Council Delivery Program are consistent with those of the North Sydney Community Strategic Plan 2013-2023, which is the main Strategic document for the LGA.

As outlined in Table 10 above, this Planning Proposal delivers upon the actions and outcomes of the Community Strategic Plan.

Draft Ward Street Precinct Masterplan

The draft Ward Street Precinct Masterplan was publicly exhibited between 26 January 2017 and 10 March 2017. As illustrated below, the subject site was identified within the Ward Street Precinct Masterplan as a potential future development site:



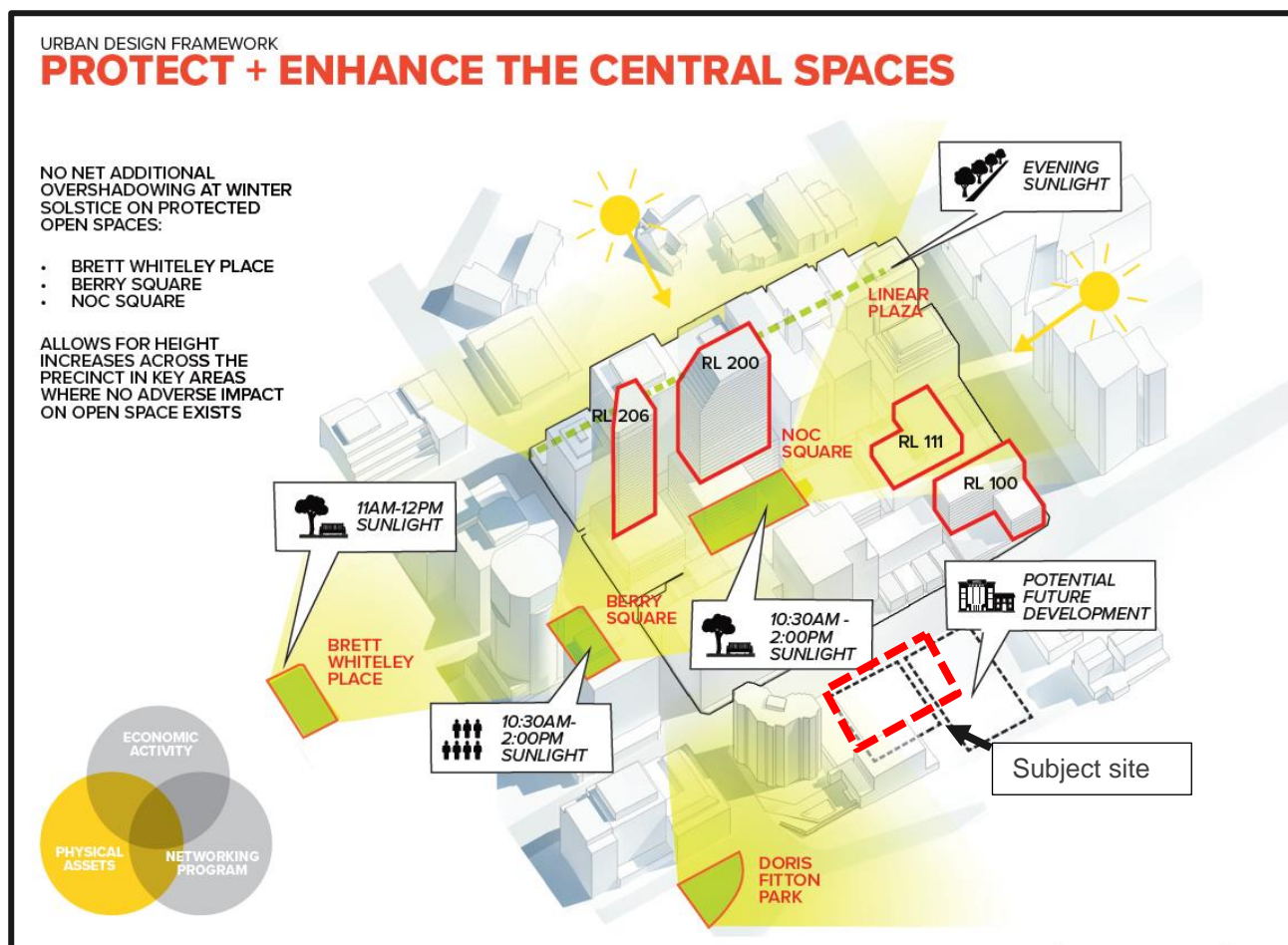


Figure 27: North of Centre (NOC) Precinct Plan

Following exhibition, Council received feedback from both the community and the Design Review Panel (DRP), which subsequently resulted in the east Walker Street Precinct being excised from the Masterplan so that it could be pursued separately through a proponent led Planning Proposal.

This Planning Proposal has been prepared in direct response to the draft Ward Street Precinct Masterplan and the initial positive feedback received from Council, as discussed within *Section 3. Background* of this report.

In this regard, the Planning Proposal delivers upon the vision of the Ward Street Precinct Masterplan and creates a vision for the east Walker Street Precinct that forms a nexus to Ward Street and the North Sydney CBD as a whole. This demonstrates best practice urban design principles and results in a holistic approach to the rejuvenation of North Sydney.

This has been achieved through the perpetuity of land to Council, including community facilities, the Walker Street public park and the potential for a pedestrian through site link.

The conceptual plans also include a potential building envelope for the northern portion of the east Walker Street Precinct, which demonstrates that those adjacent properties can be developed in their own right in the future. This is further discussed in *Section 9.3* of this report.

Overall, this Planning Proposal has the potential to deliver upon the vision of the site, as originally outlined within the draft Ward Street Masterplan. The proponent has thoroughly investigated the site constraints and created a building envelope that positively addresses the concerns raised by Council in regards to access, view sharing and overshadowing. These issues are discussed in *Section 9.4* of this report.

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

Yes. The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified in **Table 6**.

Table 11 – Consistently with SEPPs

Policy	Details
SEPP (State and Regional Development) 2011	Not relevant
SEPP (Sydney Drinking Water Catchment) 2011	Not relevant
SEPP (Urban Renewal) 2010	The concept proposal aligns with the objectives of SEPP (Urban Renewal) 2010 as it facilitates the orderly and economic redevelopment of an urban site that is accessible by public transport. Moreover, the Planning Proposal facilitates the delivery of the objectives of the relevant State and district planning policies, which seeks to increase densities within walking distance of existing and planned infrastructure, employment nodes and educational establishments.
SEPP (Affordable Rental Housing) 2009	Not relevant *Noting that the provision of affordable rental housing will be delivered under the <i>North Sydney Affordable Housing Strategy 2015</i> .
SEPP - (Western Sydney Parklands) 2009	Not relevant
SEPP (Exempt and Complying development codes) 2008	Not relevant
SEPP - (Rural Lands) 2008	Not relevant
SEPP - (Kosciuszko National Park—Alpine Resorts) 2007	Not relevant
SEPP (Infrastructure) 2007	<p>The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by, inter alia, identifying matters to be considered in the assessment of development adjacent to particular types of development.</p> <p>The proposed development is identified as traffic generating development to be referred to the Roads and Maritime Services in accordance with Schedule 3 of the SEPP.</p> <p>The Traffic and Parking Assessment undertaken by Arup (Appendix D) concludes that the road network is capable of accommodating for the level of traffic generated by the concept proposal, with minimal impact to the road network. This is based upon the assumption that 13% of residents will travel by car, with 87% of residents using alternative modes. This is consistent with the EIS for the Victoria Cross metro which states that 70% of trips within North Sydney are undertaken by non-car related modes of transport.</p>
SEPP - (Miscellaneous Consent Provisions) 2007	Not relevant

Policy	Details
SEPP (Mining, Petroleum production and extractive industries) 2007	Not relevant
SEPP - (Sydney Region Growth Centres) 2006	Not relevant
SEPP - (State Significant Precincts) 2005	Not relevant
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The proposed concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.</p>
SEPP (Housing for seniors or people with a disability) 2004	Not relevant
SEPP 71 – Coastal Protection	Not relevant
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The development concept has been designed to facilitate future detailed building design in accordance with SEPP 65 and the accompanying Apartment Design Guide (ADG). Based on the indicative apartment layout, the following is noted:</p> <p>The residential component consists of 284 apartments suited to a variety of lifestyles and residential needs. An indicative dwelling mix includes 1 bedroom (31%), 2 bedroom (59%) and 3 bedroom (10%) apartments.</p> <p>The residential floors have minimum ceiling heights to living/dining/bedrooms of 2.7 metres and 2.4 metres to non-habitable spaces. The floor to floor height is typically 3.1 metres.</p> <p>The concept building envelope has been skilfully designed through the provision of a single core with three (3) modules which outperforms the requirements for solar access (87%) and ventilation (75%).</p> <p>In addition, each of the apartments would have access to a secure private open space area such as a balcony or winter garden with minimum areas of 8-12m² based on apartment size. Most apartments are able to achieve greater private open space than the minimum prescribed by the ADG. Rooftop communal open space areas are located at the top of each of the modules providing for ample communal open space, in addition to the public park and landscaped pathway at the street interface.</p> <p>The concept design allows for a predominance of dual aspect apartments, with a maximum of 2 single aspect apartments per floor.</p>

Policy	Details
	Each apartment will access to a minimum of 6-10m ³ of private storage space via a combination of space within the apartment or secure storage cage within the basement levels.
SEPP 70 - Affordable Housing (Revised Schemes)	Not relevant
SEPP 64 – Advertising and Signage	Not relevant
SEPP 62 – Sustainable Aquiculture	Not relevant
SEPP 55 Remediation of Land	<p>Aargus have prepared a preliminary site investigation assessment involving site visit, review of site information and historical records. Council records have not identified that a site audit statement has been received with respect to the site, and thus is not declared to be significantly contaminated land, nor subject to management or ongoing maintenance orders nor subject of an approved voluntary management proposal.</p> <p>Based upon the preliminary assessment undertaken by Aargus, it is noted that there may be potential environmental concern arising from asbestos based building materials, metal degradation, importation of uncontrolled fill and potential pesticide use.</p> <p>The assessment concludes that, subject to a detailed site investigation (and upon remediation, if required) the site can be made suitable for the proposed land uses.</p>
SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not relevant
SEPP 50 – Canal estate development	Not relevant
SEPP 47 – Moore Park Showground	Not relevant
SEPP 44 - Koala Habitat Protection	Not relevant
SEPP 36 – Manufactured Home Estates	Not relevant
SEPP 21 – Caravan Parks	Not relevant
SEPP 33 – Hazardous and offensive development	Not relevant

Policy	Details
SEPP 30 – Intensive Agriculture	Not relevant
SEPP - (Kurnell Peninsula) 1989	Not relevant
SEPP 26 – Littoral Rainforests	Not relevant
SEPP (Penrith Lakes Scheme) 1989	Not relevant
SEPP 19 – Bushland in Urban Areas	Not relevant
SEPP 14 – Coastal Wetlands	Not relevant
SEPP (Exempt and Complying development codes) 2008	Not relevant
SEPP 1 – Development Standards	Not relevant

In addition, while not a State Environmental Planning Policy, we have considered; *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The provisions of the interim guideline will be considered in the assessment of the potential future acoustic impacts associated with the Warringah Highway. Suitable mitigation and management measures will be provided so that a satisfactory level of residential amenity can be achieved through the future detailed design phase associated with a development application involving residential use in proximity to the surrounding roads.

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)?

Yes. The Planning Proposal has been assessed against the applicable s117 Ministerial Directions and is consistent with each of the relevant matters, as outlined in **Table 12**.

Table 12 – Consistency of the Planning Proposal with the applicable s117 Ministerial Directions

Direction	Comment
1. Employment and Resources	
<p>1.1 Business and Industrial Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	<p>The subject site is located in the R4 High Density Residential zone and therefore this Direction is not applicable.</p> <p>Nonetheless, the proposal is consistent with this Direction as follows:</p> <p>The Planning Proposal facilitates the provision of increased residential densities adjacent to the identified commercial centre, protecting and retaining land zoned for employment purposes from residential encroachment. The intended development outcome incorporates community facilities and a neighbourhood shop which will create ongoing employment for 43 people and</p>

Direction	Comment
	provide an appropriate transition at the periphery of the commercial centre.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	The proposal satisfies the objectives of this Direction
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environmental Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	<p>The subject site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable.</p> <p>The concept proposal does not seek to alter the identified heritage wall dissecting Walker Street, and running parallel to the sites western frontage.</p>
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>The proposal will seek to broaden the range of housing provided in the LGA through accommodation of a mixed use development containing a range of residential apartment typologies, including a component of affordable rental accommodation. The subject site is well placed to accommodate high rise residential accommodation.</p> <p>The proposed mixed use development will make efficient use of existing and planned services and infrastructure and has the potential to accelerate housing supply surrounding the North Sydney CBD and assist in the achievement of infill housing targets. The proposed density will also assist in alleviating the pressure associated with the current housing shortage, will provide additional affordable rental accommodation in a highly sought after location and provides for significant residential opportunity within a centre that has limited future potential to supply growing demand.</p> <p>In this regard, the subject site is identified as one of a few large sites within walking distance to existing and planned</p>

Direction	Comment
	<p>transportation nodes, that is unconstrained by heritage affectations or extensive strata titling. The strategic placement of the site and relatively unconstrained nature demonstrates that the subject site is ideal for the proposed redevelopment.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the site and surrounding sites are already developed for urban purposes.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
<p>3.4 Integrating Land Use and Transport</p> <p>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>The proposal is consistent with the direction for the following reasons:</p> <p>The site supports the principle of integrating land use and transport.</p> <p>The subject site is located 50m north east of the North Sydney CBD, 200m north east of the planned Victoria Cross metro station and 600m north of the North Sydney train station. The site is extremely well located to make use of existing services and employment opportunities and will complement and support these existing uses. The increased density on the site also supports the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within the walker catchment of public transport nodes.</p> <p>The site's proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood.</p> <p>The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency. This is confirmed within the accompanying Traffic and Parking Assessment, which confirms that the development is estimated to generate only 23 vehicle trips during the AM peak hour and 12 vehicle trips during the PM peak hour.</p>
3.5 Development near licensed aerodromes	<p>Whilst the site is not located in close proximity to the Sydney Airport, it is affected by an Obstacle Limitation Surface (OLS) of 156m AHD (refer to Aeronautical Impact Assessment contained in Appendix L). The Planning Proposal seeks to introduce a new height limit on the site of RL210 which results in an exceedance of the OLS by approximately 54m, noting that it is still well below the PANS OPS sector.</p> <p>Accordingly, the provisions of clause (4) to the Direction applies.</p>

Direction	Comment
	The proposal is accompanied by an aeronautical assessment addressing the proposal with respect to the OLS and deemed that the proposal is appropriate. Nevertheless, the proposal will require referral as a 'controlled activity' to the Commonwealth Department of Infrastructure and Regional Development and Sydney Airport seeking permission to amend the building height controls on the subject site, at the development application stage.
3.6 Shooting ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The subject site is not affected by acid sulfate soils.
4.2 Mine subsidence and unstable land	Not applicable
4.3 Flood prone land	Not applicable
4.4 Planning for bushfire protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking water catchment	Not applicable
5.3 Farmland of state and regional significance on NSW far north coast	Not applicable
5.4 Commercial and retail development along the Pacific Highway, North Coast	Not applicable
5.5 -5.7	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction, as discussed within Question 3, <i>Section 9.2</i> .
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.

Direction	Comment
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the <i>NSLEP 2013</i> .
7. Metropolitan Planning	
Direction 7.1 Implementation of A Plan for Growing Sydney (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	The planning proposal is consistent with the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i> . This is further discussed in <i>Section 9.2</i>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable

9.3. SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

No. The subject site is fully developed for urban purposes and comprises little vegetation. There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Yes. The site is free from any major constraints with the likely environment effects associated with the future development commensurate of any dense urban environment. These impacts have been suitably managed and can be further migrated within the detailed development stage.

The follow summary identifies the key potential impacts and how they are managed:

Building Height

The Planning Proposal seeks to impose a maximum building height on the site of RL210 which equates to approximately 156m. This comprises of three (3) modules, with the Walker Street module being 32 storeys in height with an approximate RL of 164 and a height of 110m. The building extends to a height of RL210 at the eastern edge, where the site significantly falls away from the street edge.

The proposed building height has been formulated based upon the following key aspects:

1. A comparison of current and emerging building heights within strategic centres;
2. The local context – existing and planned desired future characters;
3. Limitation of unrestricted developable land;
4. The capacity of the site to accommodate the density; and
5. External amenity impacts

The following sections discuss the height in relation to each of these aspects.

1. Strategic Centre comparison:

North Sydney is identified as Sydney's 3rd largest CBD, sitting behind Sydney CBD and Parramatta CBD. A Plan for Growing Sydney identifies the site is being located within a Strategic Centre as well as being a key component in Sydney's global economic arc.

The sites location highlights the importance and overall function of North Sydney, on a macro scale. Accordingly, the heights and densities of North Sydney CBD and the residential periphery should reflect the strategic importance of the CBD.

A comparative analysis of the subject site in relation to North Sydney and nearby St Leonards and other strategic centres along the metro line has been undertaken, which illustrates:

- That the proposed height is comparable to that of surrounding strategic centres;
- The proposed height is aligned to a 'Strategic Centre' precinct with acceptable relationships between indicative built form envelopes.
- That the scale of the building height when compared with proposed heights in St Leonards and North Sydney CBD is comparable. St Leonards will, in the near future, have building heights greater than what is proposed and North Sydney is a higher order centre in terms of its hierarchy in Metropolitan Strategy. Thus, from a scale comparison perspective, it is in keeping with the scale of existing and planned development in Sydney and North Sydney CBDs; and
- That the visual context of the site ensures that the high rise tower is consistent with the surrounding built context and is similar in scale and height to developments at Millers Point, North Sydney and with City of Sydney.

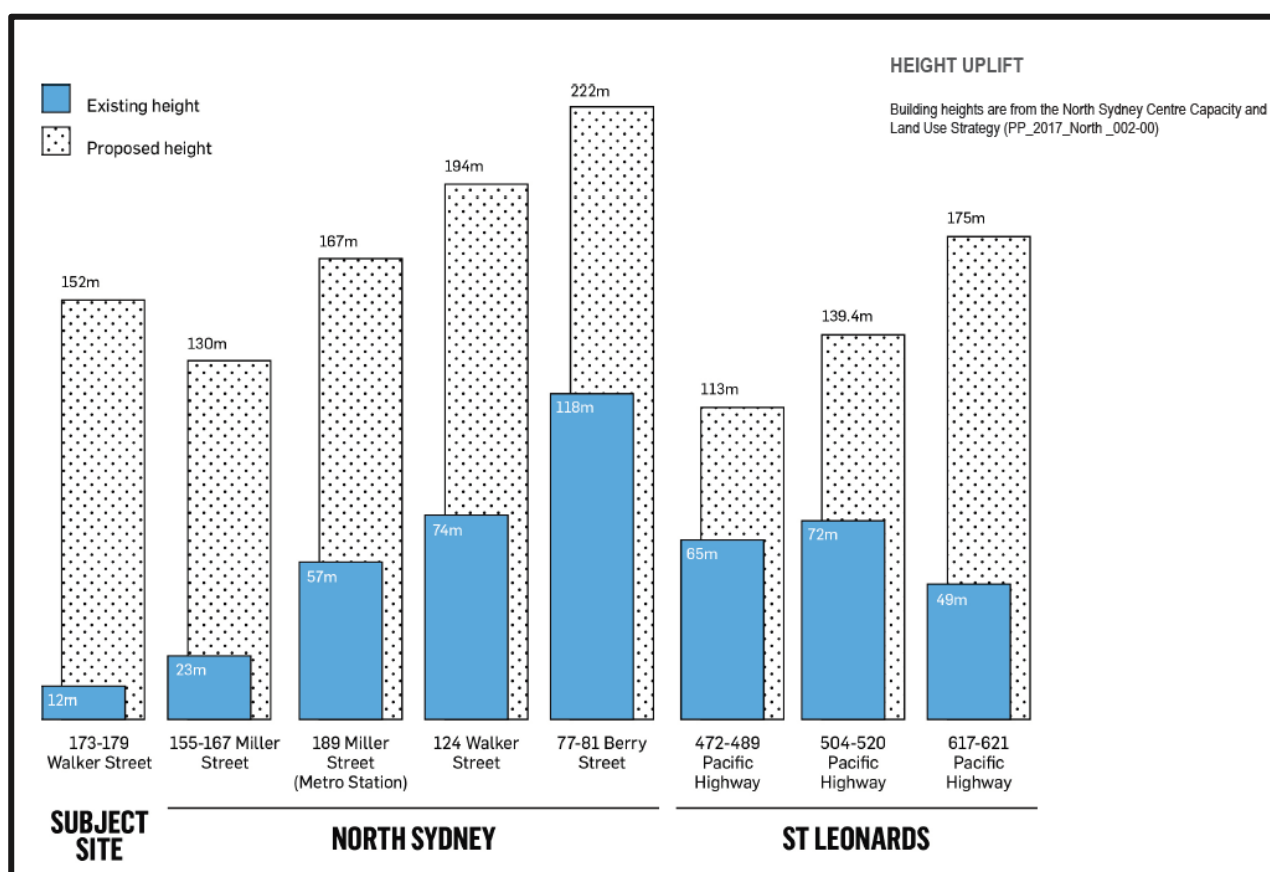


Figure 28: Proposed height in comparison to surrounding strategic centres

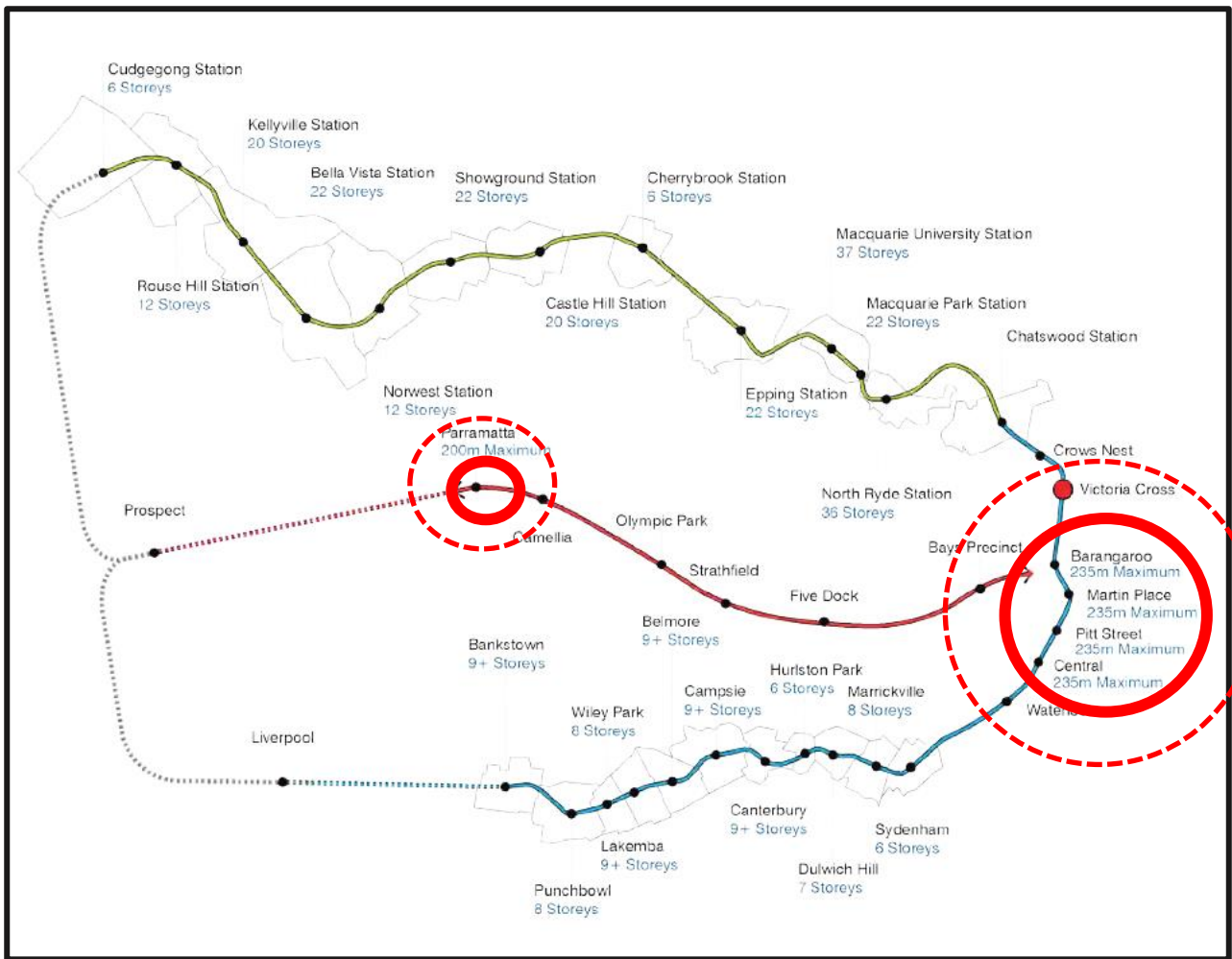


Figure 29: Proposed height in relation to other strategic centres on the metro line

2. The local context:

North Sydney is currently undergoing a transformation, with a number of tall building forms recently constructed or approved on surrounding sites. Furthermore, the recent Gateway Determination of the North Sydney Centre Planning Proposal and the indicative building envelopes outlined within the draft Ward Street Precinct Masterplan confirm that the surrounding land will continue to transformation over the coming years.

- As illustrated within the 3D massing images prepared by Kann Finch and provided below, the proposed building envelope is:
- compliments the future new building height profile in the CBD and respectively sits within a stepped building profile;
- consistent and compatible with the future desired character of the North Sydney CBD and Ward Street Precinct, which comprises a range of tower style commercial and mixed use developments of equal or greater height;
- able to maximises government infrastructure to its full potential; and
- capable of servicing existing and planned employment generating commercial uses for the precinct.

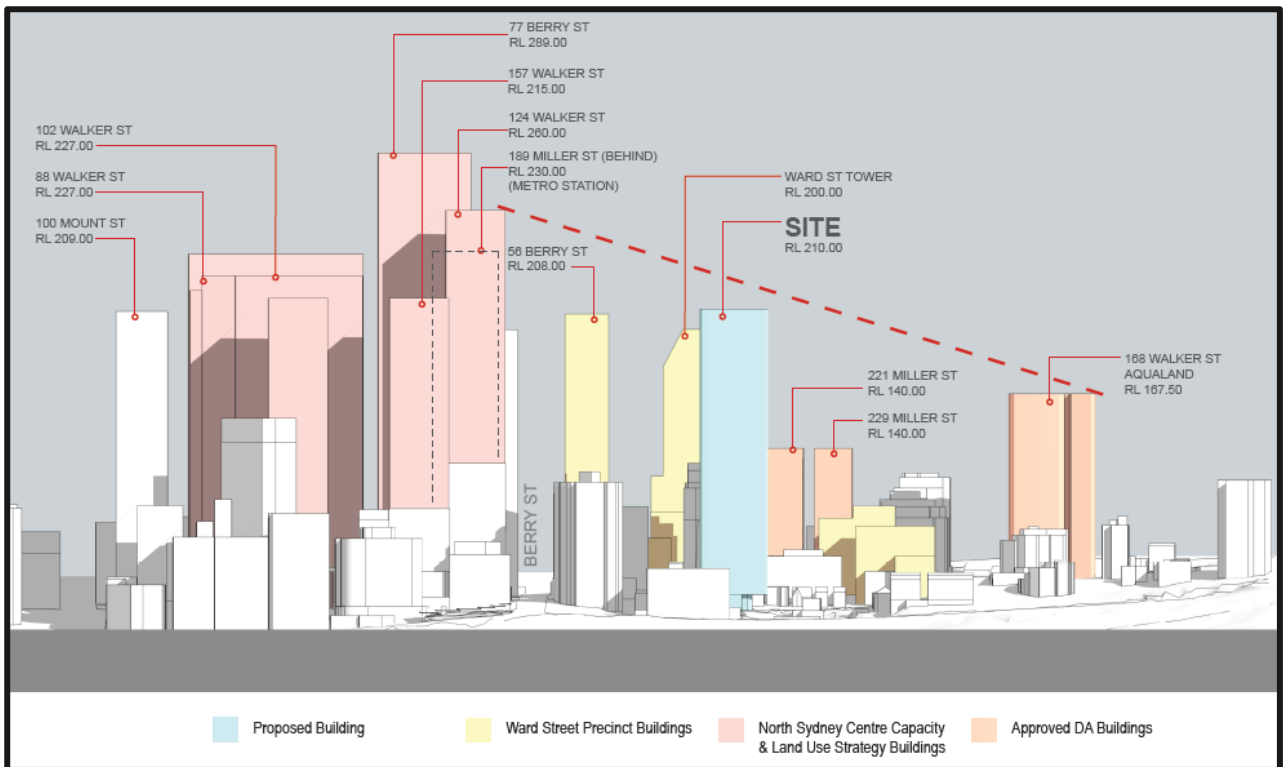


Figure 30: Building envelope in comparison to Ward Street and North Sydney CBD

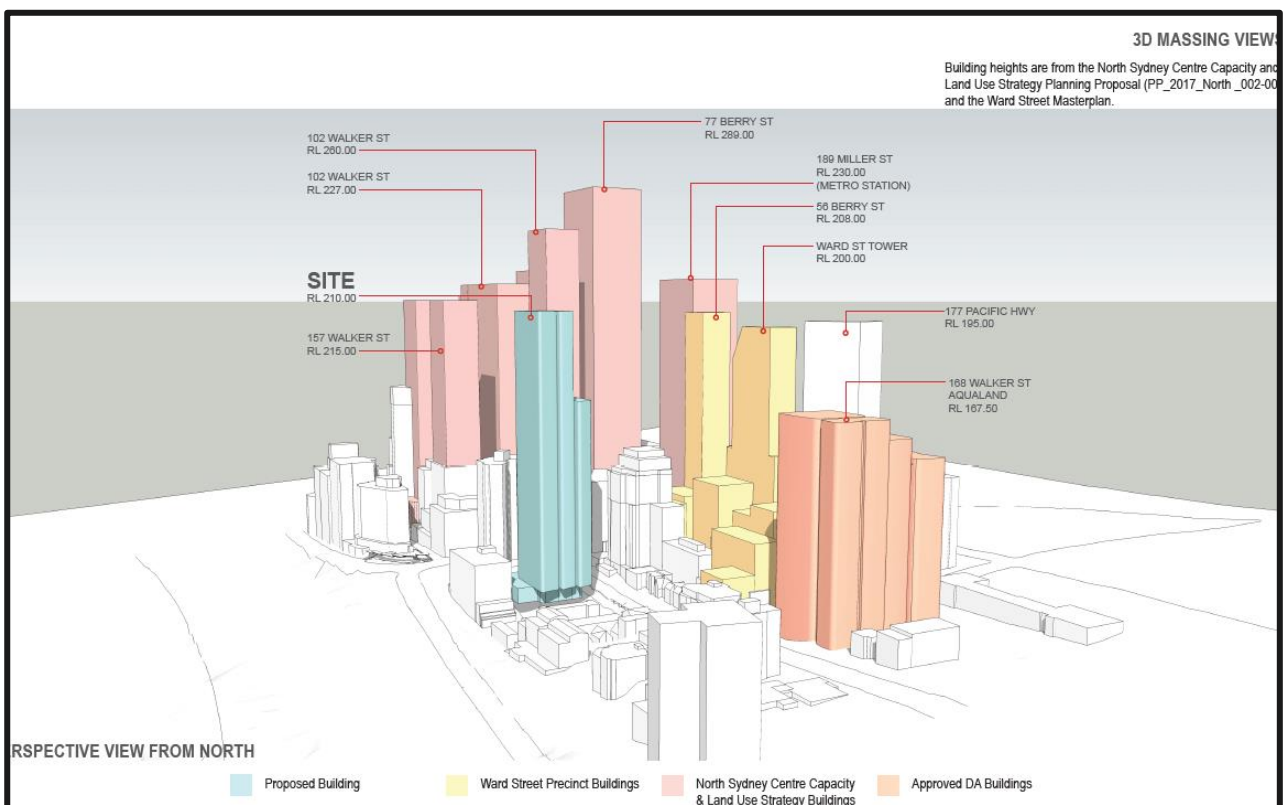


Figure 31: Perspective view of building envelope from the north

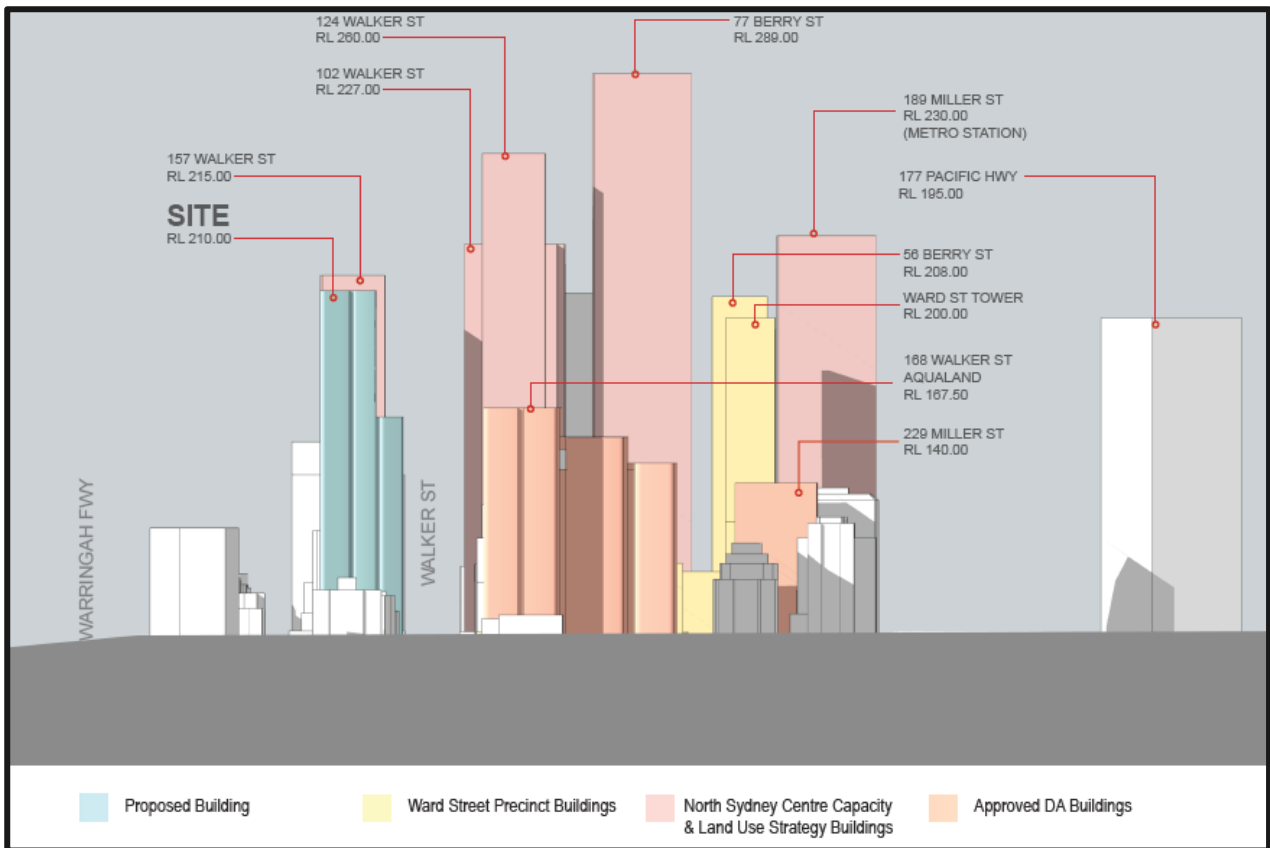


Figure 32: Proposed building envelope in relation to the surrounding context

3. Limitation of unrestricted developable land

It is reiterated that this Planning Proposal will enable a future development outcome that is capable of delivering 10.4% of the housing supply target for 2021-2026 within 200m of the Victoria Cross Metro, which is vital to the attainment and sustainability for an 18 hour economy. This is due to:

- the fragmented and constrained nature of North Sydney;
- the desire to retain a strong economic core;
- the dissection of the suburb by the Freeway, segregating predominate residential uses from the commercial core;
- limited opportunities for growth due to heritage items and heritage conservation areas;
- large number of educational establishments or special land uses which would be incompatible adjacent to high density residential developments; and
- the predominance of strata titled allotments.

The subject site therefore presents an ideal opportunity to capitalise on the infrastructure that is being invested into the local economy. This infrastructure is dependant on high density transit orientated development outcomes that enables the infrastructure to be utilised to the level anticipated.

4. Capacity of site to accommodate the density

The site is capable of accommodating the proposed density as demonstrated by:

- a built form that is compliant 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);
- the limited traffic and parking impacts, with only 13% of residents expected to utilise private vehicle as a mode of transport during peak hour;

- The proposed height and slender floor plate results in the ability to offset a significant portion of the land to community facilities and public open space, which would be unattainable with a dual tower scheme, such as that indicated by the draft Ward Street Precinct Masterplan; and
- The density on the site results in the ability to provide significant community benefits unrivalled to other private developments with the Ward Street Precinct.

5. External amenity impacts

The site has been identified as a key opportunity site, with the Planning Proposal demonstrating that the proposed height is well suited to the site for the following reasons:

- The amalgamated site creates a large site area, with the proposed building envelope accounting for 39% of the site area, which is further reduced to 27% at the upper levels;
- The slender nature of the built form results in limited additional overshadowing to residential properties, effectively confined to Century Plaza (southern neighbour), which is considered to comply with the relevant ADG criterion;
- The parts of the view composition blocked do not include iconic items or large proportion of scenic or highly valued views as defined in *Tenacity*;
- To the extent that there is view loss, it would not be directly associated to the overall height of the built form;
- The setbacks incorporated into the tower podium ensure minimum overshadowing to identified heritage dwellings along the western side of Walker Street;
- View corridors to heritage items are not impeded or blocked by the proposed built form;
- The impacts arising from the upper half of the building form (beyond the scale of neighbouring properties) would not create additional adverse privacy or overshadowing impacts beyond what is accepted as reasonable for urban areas, as outlined in the relevant ADG design criteria; and
- There are only limited overshadowing impacts to residential properties, which would continue to be capable of complying with the relevant ADG Criteria (Overshadowing Analysis – Appendix C).

Based upon the above strategic, local and external considerations, it is considered that the proposed height, being a maximum of RL210 and involving heights of 32 -47 storeys is appropriate given the sites role as Sydney's third largest CBD, its strategic positioning and prominent role within the global economic arc.

The heights and densities are equal to, if not less than that which is planned for nearby strategic centres, noting that this Planning Proposal is intended to be delivered within the 5 -10 year term. In accordance with the State Government initiative, we must plan for the future context, not the present.

Visual Presentation

Visual impact remains an important consideration and can be appropriately managed through design with particular consideration being given to the well-scaled and proportioned street edge design. In this regard, the concept design proposes a two storey recessed element to the street frontages to promote a human scale which contributes to the activity at street level. The strongly articulated base and range of active uses will provide a seamless integration with the surrounding public domain.

The proposed façade design incorporates the following principles to further mitigate the visual impact of the proposed built form when viewed in its locality:

- Three separate modules connected by a single core, with curved edges and indentations to soften the building edge;
- Vertical shift which supports a mid rise built form along the Walker Street frontage;
- Sub terrain levels comprising landscaping and community facilities which provides for visual interest and appropriately responds to the site characteristics

The proposed materials and finishes will be further developed to respond to the surrounding environment which include a combination of contemporary and tactile materials as part of a future DA. The proposal responds to the contemporary setting and incorporates fine grain at the pedestrian level. Materials are

proposed based on scale, life expectancy, durability, future desired character of the whole area and appropriateness to their particular location. The glazed facades of the tower will be distinctly different than existing predominantly rendered masonry and glazed buildings within the North Sydney skyline, which is a positive design solution to add diversity in architectural expression of towers.

In summary, the proposed built form presents a well-considered design outcome that appropriately responds to the key site characteristics, resulting in a building envelope that is compatible with the existing and desired future context of the emerging North Sydney skyline.

East Walker Street Precinct amalgamation

The proponent has investigated options into the amalgamation of the subject site with the northern Hampden Street properties and the provision of two built forms of approximately 20-30 storeys. Such outcome is consistent with the building envelopes outlined within the draft Ward Street Precinct Masterplan. The East Walker Street Precinct amalgamation schematics is provided below:

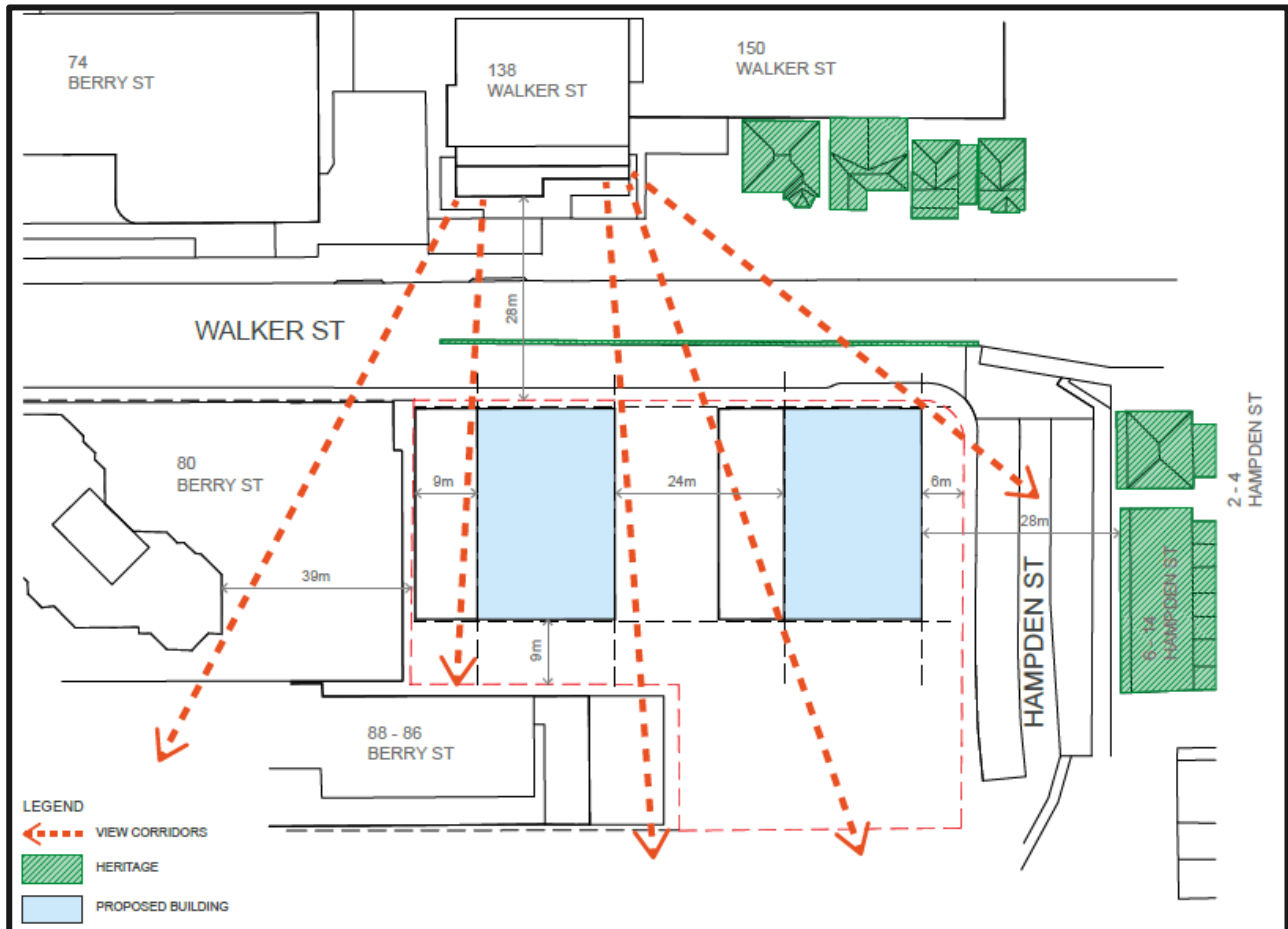


Figure 33: Figure 34: Amalgamation of the site with Hampden Street properties, as per draft Ward Street Precinct Masterplan

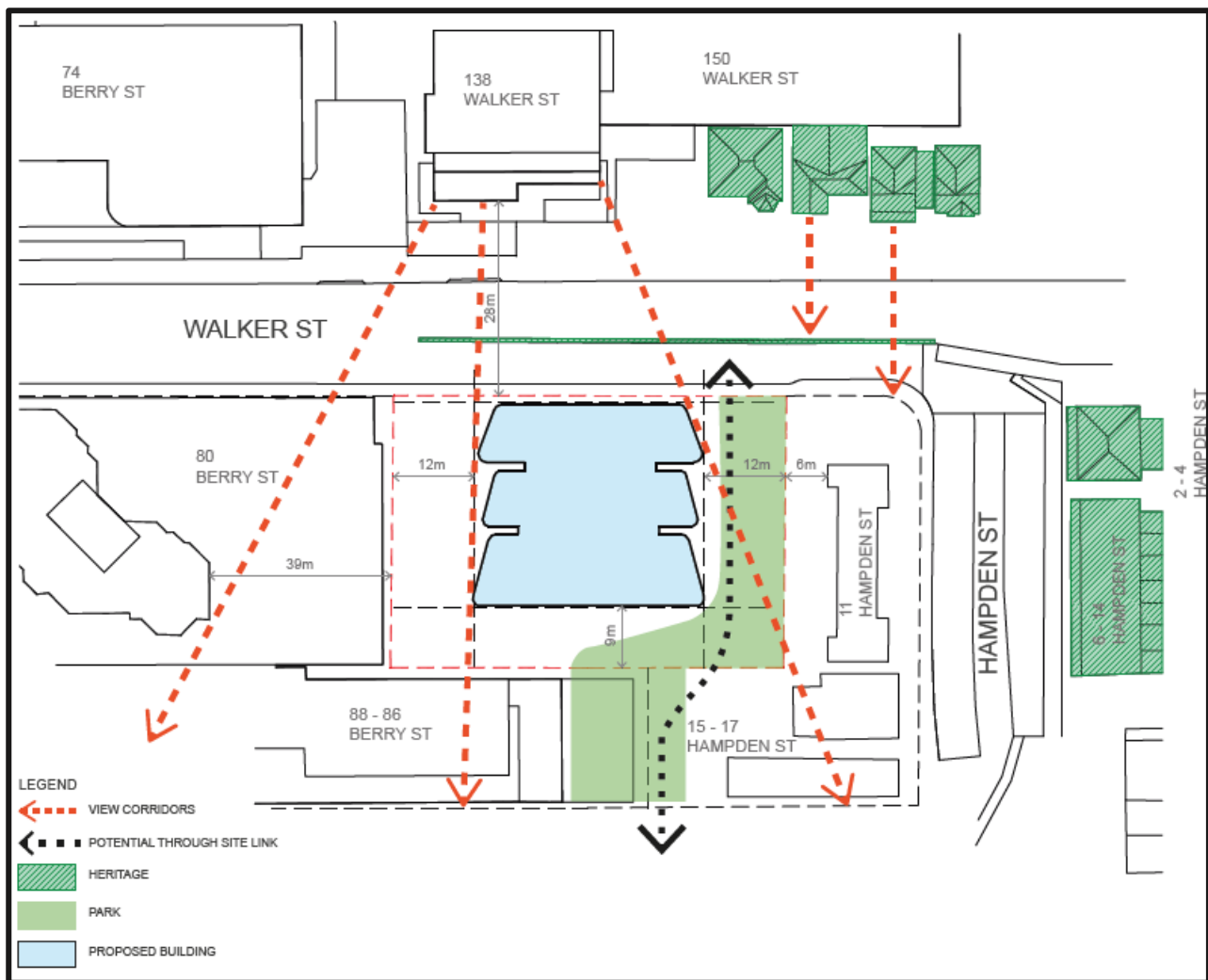


Figure 35: Amalgamation of the site with Hampden Street properties, as per draft Ward Street Precinct Masterplan

Based upon the above and the investigations undertaken by a range of specialist consultants, it was revealed that a single slender tower as opposed to two tower forms is overwhelmingly the optimal redevelopment outcome for the following reasons:

- Provides the most equitable view sharing outcome;
- Avoids the effect of 'tower crowding' and retains substantial view corridors between tower buildings;
- Limits the cumulative impact of overshadowing of multiple towers;
- Maximises the solar access to the tower apartments to optimise residential amenity;
- Allows for the creation of a desirable urban form setting around the planned public square at the intersection of Walker St (east) and Hampton Street; and
- Ensures a sympathetic redevelopment relationship between the future redevelopment of properties on the southern side of Hampden Street and the heritage items to the north.

Potential Massing for 11-17 Hampden Street

To ensure a holistic planning approach is achieved, the proposed concept development has investigated potential massing options for the properties to the north, at 11-17 Hampden Street. These properties form the last remaining undeveloped lots within the east Walker Street Precinct. It is noted that during the preliminary stages, the developer attempted to procure these allotments however an agreement was unsuccessful.

The proposed concept has therefore been designed with significant regard to the redevelopment of these sites and it is considered that the conceptual building envelope design reflects the desired outcome, as

envisaged by the draft Ward Street Precinct Masterplan. The concept proposal for 11-17 Hampden Street includes:

- A four storey built form on the corner of Hampden Street and Walker Street;
- A 10 storey built form within the north eastern corner; and
- Basement parking, with vehicular access obtained within the north eastern corner of the Hampden Street.

The proposed conceptual building envelope for these properties has been designed with regard to the surrounding context and site constraints. This includes:

- Ensuring a positive relationship and an appropriate transition is maintained to the heritage items on the northern side of Hampden Street, adjacent to this allotment;
- Promotion of view sharing by retaining the existing height limit within the north western corner, noting that this location results in significant adverse view affections and has the strongest relationship to the heritage properties to the north;
- ADG compliant separation distances;
- ADG compliant room dimensions, private open space, ventilation and solar access;
- Communal open space, landscaping and deep soil planting
- Parking; and
- A profitable yield

This potential massing for 11-17 Hampden Street has determined the most appropriate redevelopment outcome for the Hampden Street. and demonstrates that the proposed concept results in a superior outcome, in comparison to the building envelopes indicated in the draft Ward Street Precinct Masterplan.

The proposed building envelope produces an indicative yield of 50 dwellings, with an appropriate mix of 1 and 2 bedroom apartments.

The accompanying conceptual building envelopes further demonstrate that 11-17 Hampden Street would not be isolated by the redevelopment of the subject site and any future development would form a sustainable and orderly extension of the subject site, with the indicative concept on the site supporting a desirable urban renewal outcome for this east Walker Street block.

Views and Vistas

Council acknowledges that the transformation of the area will likely result in view affectations as a consequence of the evolving urban context. In this regard, the concept design has been prepared with direct input from specialist view loss consultants to limit the extent of view loss and promote view sharing.

A view analysis was undertaken based upon block montages and drone photography taken from a number of key private places surrounding the subject site. This includes various locations within the Belvedere (138 Walker Street), the heritage buildings at 150 Walker Street, Century Plaza (169 Walker Street), and Aqualand (168 Walker Street).

As illustrated within the montages views contained within the View Impact Assessment Report (Appendix F), the predominant views that will be affected are of suburban development, vegetation and distant land forms and do not include any icon or highly valued scenic items, as defined in Tenacity.

As detailed within the accompanying View Impact Report prepared by Richard Lamb and Associates (Appendix F) the proposed building envelope is considered appropriate on the following grounds:

- ***The extent of the view loss is not directly related to the overall height of the built form, with view loss affectations associated with lower levels;***
- *A limited number of views from some high level apartments located opposite the site on Walker Street would be affected by the proposed development.*
- *The parts of the view composition blocked do not include iconic items or a large proportion of scenic or highly valued views as defined in Tenacity;*

- In all views access represented by block-model photomontages, iconic views that include parts of the Sydney Harbour Bridge or the Sydney Opera House will not be blocked by the proposed development and will **remain unaffected by the proposed development**.
- Icons present in views to the south-east will remain available in the view and will be unaffected by the proposed development;
- A small part of a wider view to the east to Sydney Harbour will be potentially blocked in some views from centrally located high level apartments at in the Belvedere; and
- The additional height sought by the planning proposal blocks only areas of open sky.



Figure 36: Proposed building envelope as viewed from the Aqualand site at 168 Walker Street, illustrating the most severe affectation

Overshadowing

An assessment of the potential shadow impacts of the concept has been undertaken within the Concept Design Report at **Appendix A** (undertaken by Kann Finch) and is further supported by an independent analysis undertaken by Steven King (Appendix C). Some overshadowing of future residential properties is expected, however these impacts are mitigated by the slenderness of the tower, the separation from other towers and the vertical shift within the Walker Street module, which limits this portion of the built form to approximately RL163.5 / 32 storeys.

Further, the building has been skilfully designed and placed to reduce the extent of overshadowing, with the proposed building envelope demonstrating that the neighbouring properties can retain at least 2 hours of solar access on June 21, noting that a compliant degree of solar access is retained to the east, west and southern residential neighbours during the 10am-2pm period. This reiterates the appropriateness of the built form on the site and is in accordance with the strategy and recommendation of the North Sydney CBD Capacity and Land Use Strategy, which has enabled height uplift based upon such the retainment of solar access during this period.

Doris Fitton Park

The concept proposal results in minor additional overshadowing to Doris Fitton Park during 12:15pm-12:45pm mid-winter, as illustrated below:

SUMMARY OF SOLAR ACCESS TO EXISTING AND PROPOSED PARKS

	DORIS FITTON PARK		WALKER STREET PROPOSED PARK
TIME	EXISTING SOLAR ACCESS TO PARK	REDUCTION OF SOLAR ACCESS TO PARK	PROPOSED SOLAR ACCESS TO NEW PARK - UPPER TERRACE
9.00AM	630 SQM (86%)*	NIL	420 SQM (82%)
10.00AM	600 SQM (82%)*	NIL	480 SQM (94%)
11.00AM	586 SQM (80%)*	NIL	510 SQM (99%)
12.00PM	105 SQM (14%)	NIL	513 SQM (100%)
12.15PM	120 SQM (16%)	27 SQM (3%)	513 SQM (100%)
12.30PM	78 SQM (10%)	78 SQM (10%)	416 SQM (81%)
12.45PM	42 SQM (6%)	42 SQM (6%)	242 SQM (44%)
1.00PM	0 SQM (0%)	NIL	175 SQM (34%)

* Note: Does not factor shadows cast by existing vegetation

Figure 37: Doris Fitton Park solar access analysis

As illustrated in Figure 38 below, Doris Fitton Park is identified as a 'Special Area.' Pursuant to Clause 6.3(2)(a) of the *NSLEP 2013*, development must not be granted for the erection of a building which would result in a net increase in overshadowing between 12pm-2pm on land to which this Division applies that is identified as "Special Area."

Clause 6.2 of the *NSLEP 2013*, states that this Division applies to the North Sydney Centre, therefore the given the sites location on the periphery of North Sydney CBD, this Division is not applicable. Notwithstanding this, we have provided an assessment of the proposal on this aspect.



Figure 38: North Sydney Centre Special Areas

Whilst Doris Fitton Park is identified as a special character area, the park has a relatively low level of usage due to the park's poor connection to high activity areas and poor visibility from the street.

The highest rating for the park is in relation to its contribute to the garden character of North Sydney, with frequency of use being the lowest rating criteria, with users primarily being workers using the park during smoke breaks. Fundamentally, the retention of the park is considered to be based upon its visual contribution within the wider North Sydney area as opposed to providing residents and workers with a high quality and aesthetically pleasing public open space.

The proposed overshadowing to Doris Fitton Park is considered to be offset by the provision of the proposed Walker Street Park which has excellent levels of solar access, is well contained and easily accessible, is co-located to a range of compatible land uses (i.e. neighbourhood shop) and has greater levels of acoustic amenity.

It is therefore considered that the shadows generated by the proposal will not adversely dwell on any significant open space, heritage item or public facilities. While the amenity of future residential properties is recognised to be an important consideration this must be balanced with the need to enable North Sydney to grow and the recognition of the context of development – an established and densely populated urban area.

Further to the above, it is noted that North Sydney Council is supporting for some level of overshadowing to Special Areas through the current Planning Proposal for the CBD, namely Berry Square, providing that shadow impacts are fast moving. Furthermore, Council's report on the Ward Street Precinct Masterplan states that *"the proposed development suggests a means through which the site can be pursued for development as sensitively as possible while contributing to increased residential housing in North Sydney in proximity to the Metro Station."*

Page 15 of Council's Report (dated 15 December 2016) further states that *"the shadow impact inevitably cast upon Berry Square is considered reasonable in its CBD context. Importantly, the impact occurs to a net community gain, as the form contributes to the facilitating a much needed new public square."*

Fundamentally, whilst the proposed height will result in a minor degree of additional overshadowing between 12:15pm-12:45pm, the public benefits associated with the proposal and provision of a new public park with a high degree of solar access and a greater level of activity, far outweighs the requirement to retain solar access to Doris Fitton park at the current rate. The proposal is considered to result in significant public benefit and the restriction of such development on the site due to the requirement to retain solar access to an portion of land that provides for a visual contribution (i.e. is not actively used to a high degree) is considered ill warranted. This is further supported by the accompanying solar access report, which states that *"in order to eliminate the relatively small additional overshadowing on Doris Fitton Park, a 40% reduction in the proposed built form would be required, which demonstrates a clear disproportionate limitation on the development potential of the site, to deal with the relatively small overshadowing impact."*

Public Domain Interface

The concept proposal and associated VPA facilitates the provision of the Walker Street Public Park, a landscaped pedestrian future through site link and community facility uses which will be serviced by a neighbourhood shop. The intent of the neighbourhood shop is to incorporate a café or the like into the site which will provide appropriate services to the community and residential needs.

The vision is for this space to be publicly accessible and linking to the linear green pedestrian corridor that connects with the envisaged harbour view walk, along the eastern periphery of the urban block, as illustrated below:



Figure 39: Perspective demonstrating positive relationship at a streetscape level

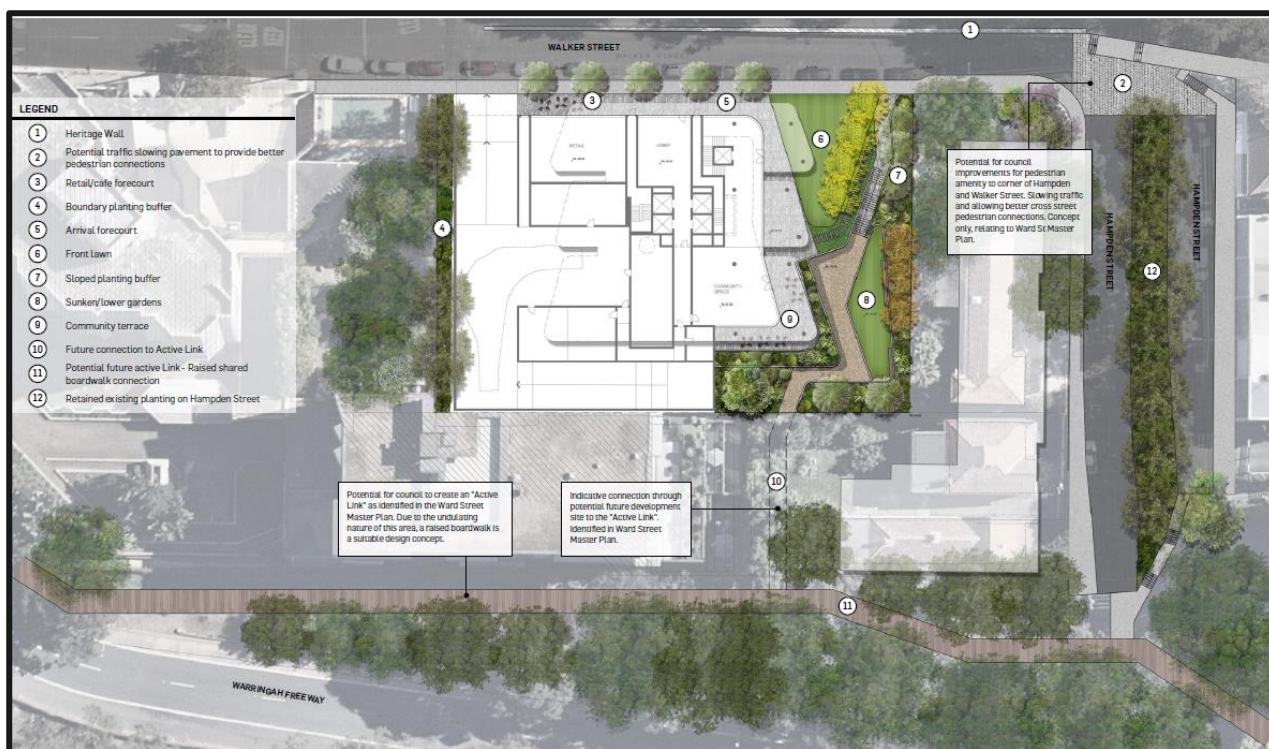


Figure 40: Landscape concept plan for East Walker Street Precinct

Heritage

As previously discussed, the subject site is not listed as a heritage item under the *NSLEP 2013*, nor is it located within a heritage conservation area. The subject site is however located within proximity to a number of heritage items, including the stone retaining wall dissecting Walker Street, which runs parallel to the western boundary. Other heritage items include a group of late nineteenth century houses at 144-158 Walker Street to the north west of the subject site and a row of terrace houses on the northern side of Hampden Street, at 2-14 Hampden Street.

The Planning Proposal is accompanied by a Heritage Impact Statement prepared by Weir Phillips Heritage (Appendix E) which provides a detailed assessment of the proposed impacts on the surrounding heritage items.

The report states the degree of separation between the subject site and surrounding heritage items is sufficient to ensure that the proposal would have no direct impact on the lot boundary curtilage of these items; no significant view corridors to/from the heritage items would be blocked, beyond that which currently exists; and the proposed design has established a landscaped curtilage surrounding the heritage item, which acts as a buffer.

The report also notes that Council has accepted that the wider setting of these heritage items will change over time, with the proposed concept design consistent with the redevelopment of the wider locality.

The heritage report concludes to state that the associated impacts are acceptable.

As outlined in the in Kann Finch Design Report, a master plan concept has been prepared the covers the properties on the opposite side of Hampden Street. This concept is in our view provides an appropriate balance, achieving with an appropriate transition between the proposed tower and the heritage item, whilst indicating potential for a residential density uplift on the neighbouring site, should the landholdings on the southern side of Hampden Street be amalgamated.

Traffic Impacts

ARUP have prepared a Traffic and Transport Assessment which accompanies the Planning Proposal submission at Appendix D. The assessment describes the existing local traffic context, including access and the potential traffic implications of the proposed concept. The report addresses the following matters:

- Generation of pedestrian and car trips
- Public transport accessibility

- Car parking arrangements
- Pedestrian and bicycle access
- Green initiatives

The key findings of ARUP are summarised as:

- A total of 252 off-street parking bays are provided, which includes 227 residential and 25 spaces for use by the patrons of the community facilities. This is significantly less than the maximum parking permitted on the site, in accordance with the *North Sydney DCP 2013* parking rates.
- Based upon the site accessibility and residential density, it is anticipated that the proposed concept development would only generate 23 vehicle trips during the AM peak hour and 12 vehicles trips during the PM peak hour. This equates to less than 1 vehicle every 3 minutes during the peak period.
- The development is located within 200m of the planned Victoria Cross Metro, regular buses servicing Miller Street and within 600m of the North Sydney train station, thus the development is expected to not generate large volumes of vehicular movement;
- 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;
- The traffic analysis confirms that no more than 1 vehicle would be queuing along Walker Street at any one time, with adequate room for northbound and southbound vehicles to pass, unconstructively; and
- Secure bicycle parking is to be provided as a component of the proposed development.

Residential Amenity

The Concept Design has been developed to achieve, if not outperform, the amenity criterion contained within State Environmental Planning Policy 65 and the accompanying Apartment Design Guide (ADG).

An analysis of the indicative apartment design has been undertaken by Kann Finch (Appendix A) and has been peer reviewed by AE Design Partnership (Appendix H). This analysis confirms that the concept development is capable of achieving an acceptable level of internal amenity for future residents with regard to solar access, natural ventilation, privacy, apartment size and layout and private open space. Based on the indicative apartment layout, the following is noted:

- The residential component consists of 284 apartments with a range of unit typologies to suite a variety of lifestyles. The indicative dwelling mix includes 1 bedroom (31%), 2 bedroom (59%) and 3 bedroom (10%) apartments.
- The residential floors have minimum ceiling heights to living/dining/bedrooms of 2.7 metres and 2.4 metres to non-habitable spaces. The floor to floor height is typically 3.1 metres.
- Each apartment has access to a secure private open space such as a balcony or winter garden with minimum areas of 8-12m² based upon apartment size. Most apartments are able to achieve greater private open space than the minimum prescribed by the ADG. A communal open space areas can be provided within the rooftop of each of the three (3) modules, providing for ample communal open space for use by the residents.
- A maximum of 2 single orientated apartments per floor
- A minimum of 2 hours direct sunlight between 9:00am & 3:00pm in mid-winter will be enjoyed by more than 87% of the apartments. Similarly, more than 75% of apartments will be naturally cross ventilated. These numbers outperform those prescribed by the ADG, demonstrating the high level of amenity that can be achieved by the skilful nature of the design.
- Each apartment has access to a minimum of 6-10m³ of private storage space via a combination of space within the apartment or secure storage cage within the basement levels.

Further, the building separation distances indicated within the concept proposal respond to the requirements of SEPP65 and the ADG as they relate to habitable rooms facing habitable rooms in anticipation that the site to the north would similarly be redeveloped for a more intensive residential use. Achievement of the required separation distances are illustrated on the concept architectural plans.

The proposed building envelope is not considered to result in exacerbated privacy impacts, beyond that expected of a high density environment.

Wind

A Wind Tunnel Study has been undertaken by Windtech Consultants to provide an assessment of the impact of the mixed-use development on the amenity of the wind environment in and around the site, and is included at Appendix M.

The proposed development was modelled in the wind tunnel with the surrounding approved buildings and without any proposed plantings and without the effect of any forms of wind ameliorating devices such as screens, balustrades, awnings which are not already shown in the architectural drawings (as a worst case scenario) to assess the acceptability of the pedestrian level wind environment to inform the detailed design of these areas.

Externally, the findings from the study confirm that the *“proposed development will have minimal impact on the wind conditions in Hampden Street...and along Walker Street.”*

Internally, Windtech *‘recommend that wintergardens are considered for all balconies to mitigate wind impacts and improve residential amenity. The effectiveness of this wind mitigation strategy will have to be confirmed through wind tunnel testing during future stages of the development application.’*

The findings of the report do however recommend strategic planting to be placed along the eastern and southern perimeter of the Level 1 terrace due to the potential for prevailing north-easterly and southerly winds. Such outcomes can be readily adopted.

Acoustic Environment

The site is affected by road noise associated with the Warringah Highway. Mitigation measures will be required to address noise as residential uses are proposed. These will be addressed through the Development Application stage.

Summary

Overall, it is considered that the site will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site for high density mixed use development. This proposed outcome can be accommodated on the subject site without resulting in adverse impacts on the future development potential of the neighbouring site to the north, being the only remaining undeveloped site within the east Walker Street block.

In this regard, the community benefits and supply of employment and housing generated by the Planning Proposal significantly outweighs any perceived external environmental impacts.

Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The key issues to be balanced in weighing the social and economic impacts of the proposal are considered to be:

The potential **economic impacts** associated with the increased density on the subject site are addressed as follows:

- As stated within the Economic Impact Assessment Report prepared by HillPDA (**Appendix J**), the Planning Proposal will result in increased economic benefits, during and post construction. This includes, based upon an estimated construction cost of \$156.4 million:
 - a total of 1,452 jobs directly and indirectly during construction and 43 jobs post construction;
 - \$198.2 million of activity in production induced effects;
 - Total economic activity of \$502.4 million;
 - \$1.3 million in retail goods and services within North Sydney during construction and \$5.2 million annually post construction; and
 - \$92 million in Government revenue including development contributions, stamp duty and GST.
- The Planning Proposal supports the State government's current direction of increasing density and broadening land uses in proximity to public transport infrastructure. Accordingly, the Planning Proposal

achieves the right balance of maintaining a strong employment focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits that North Sydney offers. The provision of residential accommodation on the fringe of the commercial core will not dilute the goal of employment growth in North Sydney CBD and will reduce the pressure associated with commercial rezoning.

- The existing buildings within the site are nearing the end of their economic life. Optimising the potential to redevelop the site will assist State Government and Council to deliver the targets set out in *A Plan for Growing Sydney* but also, importantly will ensure that new housing and employment opportunities can be delivered with greater certainty.
- Further, the increased residential density on the site strengthens and supports the primary role of the North Sydney CBD and relieves the pressure from commercial core rezoning.
- Redevelopment of the subject site will accommodate an additional 502 residents, approximately. The increased residential population on the site will contribute to an 18 hour economy and will support the economic viability of the North Sydney CBD and Ward Street precinct.

The proposal will have positive **social impacts** on the local community and the wider LGA, as follows:

- The Planning Proposal will help to alleviate the housing affordability gap and will provide a range of apartment typologies that are suited to the demographics of the LGA. Of the 284 new dwellings, 5% of the housing stock will be dedicated to affordable rental housing. These statistics will assist the Local government in achieving the dwelling targets set by the State government.
- Establishment of the Walker Street public park, comprising 865m² of landscaped open space on the periphery of the commercial centre. This is a highly desirable outcome and forms a nexus to the 1,515m² of GFA dedicated to community facilities.
- Ability to open up the site and create a vibrant, active urban renewal opportunity with permeable and accessible public domain network which demonstrates diversity, inclusion and best practice urban design principles.
- A comprehensive audit of existing facilities within the locality and the capacity of these facilities to accommodate increased demand associated with the development of the site will be undertaken to identify any gaps in the availability of social infrastructure.

9.3.1. Section D – State and Commonwealth Interests

Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Yes. The site 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.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

Briefing discussions have been held with the Department of Planning and Environment and the Office of the Minister for Planning to introduce the proposal. Further formal engagement is expected following gateway determination.

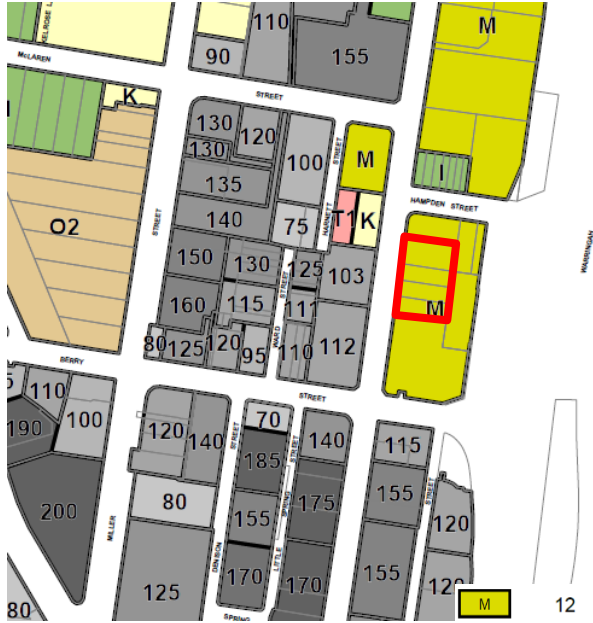
10. PART 4 – MAPPING

The Planning Proposal seeks to amend the following *NSLEP 2013* Maps:

- Height of Buildings Map Sheet HOB_002A
- Floor Space Ratio Map FSR_002A

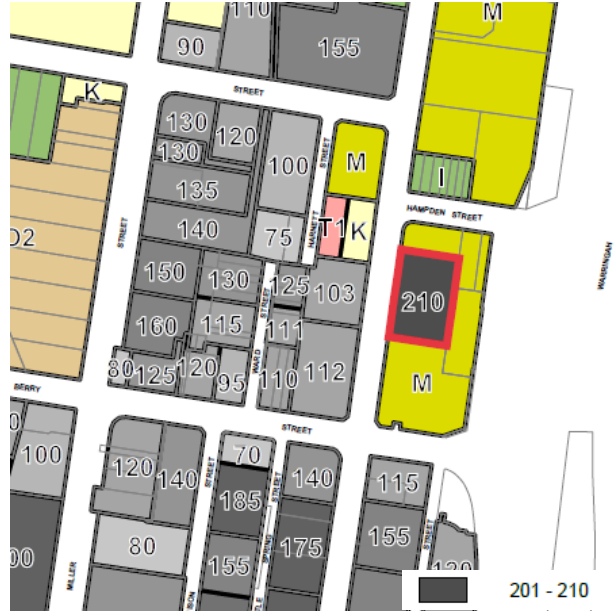
The proposed amendments to the LEP maps are provided below:

Figure 41 – LEP Mapping amendments



Picture 1 – Existing height

Source: *NSLEP 2013*



Picture 2 – Proposed height

Source: *Urbis*



Picture 3 – Existing FSR

Source: *NSLEP 2013*



Picture 4 – Proposed FSR

Source: *Urbis*

11. PART 5 – COMMUNITY CONSULTATION

11.1. PUBLIC CONSULTATION

Clause 57 of the Environmental Planning and Assessment Act 1979 requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Infrastructure guidelines “*A Guide to Preparing Local Environmental Plans.*”

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the North Sydney Council website.
- Written correspondence to adjoining and surrounding landowners.

In terms of consultation with Council, the proponent has had several meetings with Council staff prior to the lodgement of this Planning Proposal. The proponent has taken on board Council’s feedback and undertaken numerous specialist studies to achieve a high density development that positively responds to the surrounding urban context.

12. PART 6 – PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided at **Table 13**.

Table 13 – Indicative Project timeline

Stage	Timeframe and/or Date
Consideration by Council	Oct 2017 – Jan 2018
Planning Proposal referred to DPE for Gateway Determination	Feb 2018
Gateway Determination by DPE	Mid 2018
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DPE to finalise the LEP	Late 2018
Gazettal of LEP Amendment	Late 2018 / Early 2019

13. CONCLUSION

This Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to allow for high density mixed use development at 173-179 Walker Street, North Sydney. The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “A Guide to Preparing Local Environmental Plans” and “A Guide to Preparing Planning Proposals.” It sets out the justification for the proposed LEP amendments applicable to the subject site to allow for a high density mixed use development.

The Concept Design accompanying the Planning Proposal has been informed by a detailed site analysis. As a result, it is considered that the proposed amendments to the *NSLEP 2013* will achieve an appropriate development outcome for the following reasons:

- **From a local context perspective:** The Planning Proposal 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. Importantly, the Planning Proposal provides for additional housing stock adjacent to a centre, which has limited future potential to supply growing demand.
- **From a strategic policy perspective:** The proposal will positively contribute to the State planning strategic goals which seeks to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- **From a net community benefit perspective:** The proposal will deliver a range of benefits for the community, including:
 - The proposal will generate the potential for 43 ongoing jobs once operational. Additional 1,452 direct and indirect jobs would be created during construction period, with an annual expenditure of \$2.7 million to the local economy.
 - The proposal will enable approximately 284 new dwellings to be accommodated which will increase housing choice and diversity within a designated centre and in close proximity to public transport infrastructure.
 - The proposal includes an offer to enter into a VPA which will result in a range of high quality, unique spaces within the development that will be dedicated for community facility uses. This space will be provided within the lower ground floor, ground floor and first floor and includes lower ground spaces, mezzanine levels and landscape podiums.
 - The concept design includes the establishment of the Walker Street public park, located in the north west corner of the site. This will be joined by a landscaped pedestrian pathway along the northern boundary which is envisaged to provide a future through site link to the Council initiated Harbour View Promenade along the eastern edge of the Walker Street urban block.
 - The concept proposal provides for a nexus to the Ward Street Precinct and the North Sydney CBD and presents a desirable option to transform the precinct’s eastern edge, creating a holistic approach to the rejuvenation and urban renewal of the North Sydney City Centre. The proposal will significantly strengthen the North Sydney’s image as a highly desirable place to live, work and play.
- **From an environmental perspective:** The provision of a mix of uses on the site with good accessibility to services and public transport will achieve environmental benefits by encouraging more trips within and outside of the centre without cars.

Overall, it is considered that the proposal will result in significant public benefits facilitating the development of a high quality mixed use development. This Planning Proposal supports the State government’s current direction of increasing density in major centres with good access to public transport and facilities.

The Planning Proposal achieves the right balance of maintaining a strong community focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity criteria that North Sydney has on offer. In considering the tangible community and economic benefits of the proposal, it is respectfully requested that the Council resolve to forward this planning proposal to the Department of Planning and Environment for LEP Gateway determination.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



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