



Report to General Manager

Attachments:

1. North District Planning Panel's Recommendation 20 February 2020

SUBJECT: Planning Proposal 3/19 – 173-179 Walker Street and 11-17 Hampden Street, North Sydney – Planning Proposal Authority

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The Planning Proposal seeks the following amendments to NSLEP 2013:

- Increase the maximum building height from 12m to RL133 (representing approximately 62-72m of additional height)
- Establish a minimum floor space ratio of 6.1:1
- Introduce a new special provision to establish controls for the site relating to overshadowing, community infrastructure and allowance for maximum height and FSR greater than the above associated with amalgamation of all lots within the site.

Council refused the Planning Proposal at its meeting on 26 August 2019. In response, the applicant lodged a request with the Department of Planning, Infrastructure and Environment on 2 September 2019 for a Rezoning Review.

On 12 February 2020, the Rezoning Review request was formally considered by the Sydney North Regional Planning Panel (SNRPP), which handed down its recommendation on 20 February 2020. The SNRPP recommended that the Planning Proposal should progress to Gateway Determination, subject to the following recommended conditions:

- *That prior to the making of any instrument, consideration be had of the outcome of Council's Civic Planning Study*
- *Prior to finalisation of the planning proposal, there be consultation with RMS regarding cumulative impact of traffic matters in the CBD and any implications for the western harbour tunnel portal from Berry Street*
- *The additional height sought with the "Special Provisions Clause" is acceptable but the additional FSR sought is undesirable. By retaining the FSR of 6.1:1 with the additional height to RL148 would allow flexibility to remove or modify the podium built form and allow for substantial breaks in the building in both Walker and Hampden Streets.; and*
- *The site specific DCP needs to be amended to address the following:*
 - *Reconsideration of the podium solution to a built form which better reflects the residential zoning, in a heritage precinct;*

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- *Hampden Street frontage needs to mirror the bulk and rhythm of heritage items incorporating more vertical proportions with physical breaks in the building form;*
 - *Open space to be reworked – focus on providing better open space adjacent Hampden Street to also improve transition of built forms; and*
 - *Physical breaks between the built form in Walker Street to allow for views through the site from existing RFBs in the vicinity as well as public views and streetscape views.*

In its correspondence of 20 February 2020, the SNRPP also sought Council's advice with regard to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing planning proposals through the plan making process, including ensuring the planning proposal is consistent with the gateway determination, the public exhibition process, consideration of submissions and the making of an amendment to Council's local environmental plan giving effect to the planning proposal.

Council has undertaken significant strategic work in the precinct but does not have a resolved position with respect to the strategic direction for its future development. Council is nearing completion of this work. This report recommends that the PPA role not be accepted as the completion of the wider planning study and the processing of the Proposal may represent conflicting positions and difficult to pursue with a reasonable level of integrity.

FINANCIAL IMPLICATIONS:

Should Council accept the role of PPA, the applicant of the Planning Proposal would be required to pay the Stage 2 Planning Proposal fees to cover the expenses of placing the Planning Proposal on public exhibition and the making of the plan. If Council does not accept the role of PPA, the applicant of the Planning Proposal would be required to pay a fee to the Department of Planning, Industry and Environment to cover the expenses of placing the Planning Proposal on public exhibition and the making of the plan.

RECOMMENDATION:

- 1. THAT** Council not accept the role of the Planning Proposal Authority for Planning Proposal 3/19 – 173-179 Walker Street and 11-17 Hampden Street, North Sydney.
 - 2. THAT** in not accepting the Planning Proposal Authority role, that Council advise the Department of Planning, Industry and Environment:
 - a.** that the recommendations of the Sydney North Regional Planning Panel form conditions to any Gateway Determination issued;
 - b.** that it consider the outcomes of Council's Civic Planning Study prior to the issue of Gateway Determination;
 - c.** that the terms of any draft Voluntary Planning Agreement or public benefit associated with the Planning Proposal be determined prior to the public exhibition of the Planning Proposal in conjunction with Council;
 - d.** that the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently;
 - e.** that Council retain the authority to amend North Sydney Development Control Plan 2013.
 - 3. THAT** Council advise the Sydney North Regional Planning Panel of its decision.
 - 4. THAT** should Council resolve to accept the role of Planning Proposal Authority, that upon receiving Gateway Determination, Council seek Stage 2 fees to progress the Planning Proposal prior to public exhibition.
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LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- Direction: 1. Our Living Environment
Outcome: 1.3 Quality urban greenspaces
1.4 Public open space and recreation facilities and services meet community needs
- Direction: 2. Our Built Infrastructure
Outcome: 2.1 Infrastructure and assets meet community needs
2.2 Vibrant centres, public domain, villages and streetscapes
2.4 Improved traffic and parking management
- Direction: 3. Our Future Planning
Outcome: 3.1 Prosperous and vibrant economy
3.4 North Sydney is distinctive with a sense of place and quality design
- Direction: 4. Our Social Vitality
Outcome: 4.4 North Sydney's history is preserved and recognised
- Direction: 5. Our Civic Leadership
Outcome: 5.1 Council leads the strategic direction of North Sydney
5.2 Council is well governed and customer focused

BACKGROUND

1. Planning Proposal

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it relates to land located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The Planning Proposal seeks the following amendments to NSLEP 2013:

- Increase the maximum building height from 12m to RL133 (representing approximately 62-72m of additional height)
- Establish a minimum floor space ratio of 6.1:1
- Introduce a new special provision to establish controls for the site relating to overshadowing, community infrastructure and allowance for maximum height and FSR greater than the above associated with amalgamation of all lots within the site.

The Planning Proposal is not accompanied by a draft Voluntary Planning Agreement (VPA), however, a letter of offer to enter into a VPA is provided with the following contributions:

- Dedication of 5% of the residential yield to affordable housing in the accordance with Council's Affordable Housing Policy 2013; and
 - Monetary Contribution for the provision of community infrastructure at a rate of \$15,100 per net dwelling over land at 173-179 Walker Street.
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As is Council's general practice with regard to VPAs, the usual developer contributions (currently Section 94 Contributions) will continue to apply at the development application stage of the process, regardless of a negotiated VPA for the site.

The Planning Proposal is also accompanied by a site-specific Development Control Plan (DCP) that outlines controls relating to building envelope.

Council commissioned an independent assessment of the Planning Proposal to undertake an assessment of the Proposal. That assessment recommended that the proposal be refused and not proceed to Gateway determination. At its meeting on 26 August 2019, Council resolved to adopt this recommendation and subsequently refused the Planning Proposal.

2. Rezoning Review

On 2 September 2019, the applicant of the Planning Proposal lodged a request with the Department of Planning, Industry and Environment (DPIE) for a Rezoning Review, in response to Council's refusal. This is the second time that the proponent requested that Council's decision be reviewed. The (then) Joint Regional Planning Panel considered this matter in 2018 and recommended that it not proceed but noted its strategic significance and provided various matters to address prior to the matter being reconsidered.

The SNRPP considered the request for the Rezoning Review on 12 February 2020 and handed down its recommendation on 20 February 2020. It recommended that the Planning Proposal proceed to Gateway Determination. In doing so, it was recommended that any Gateway Determination issued should contain conditions addressing the following:

- *That prior to the making of any instrument, consideration be had of the outcome of Council's Civic Planning Study*
- *Prior to finalisation of the planning proposal, there be consultation with RMS regarding cumulative impact of traffic matters in the CBD and any implications for the western harbour tunnel portal from Berry Street*
- *The additional height sought with the "Special Provisions Clause" is acceptable but the additional FSR sought is undesirable. By retaining the FSR of 6.1:1 with the additional height to RL148 would allow flexibility to remove or modify the podium built form and allow for substantial breaks in the building in both Walker and Hampden Streets.; and*
- *The site specific DCP needs to be amended to address the following:*
 - *Reconsideration of the podium solution to a built form which better reflects the residential zoning, in a heritage precinct;*
 - *Hampden Street frontage needs to mirror the bulk and rhythm of heritage items incorporating more vertical proportions with physical breaks in the building form;*
 - *Open space to be reworked – focus on providing better open space adjacent Hampden Street to also improve transition of built forms; and*
 - *Physical breaks between the built form in Walker Street to allow for views through the site from existing RFBs in the vicinity as well as public views and streetscape views.*

A copy of the SNRPP's letter and recommendations form Attachment 1 to this report.

In addition, the SNRPP has requested that Council indicate whether it would like to assume the role of Planning Proposal Authority (PPA) for the ongoing processing of the Planning Proposal (i.e. to undertake the public exhibition and prepare the post exhibition report) within 42 days of its letter.

If Council accepts the PPA role, it will then have a further 42 days for the date of its acceptance within which to forward the Planning Proposal to the DPIE to obtain a Gateway Determination.

This report seeks Council’s decision on whether it should accept or decline the role of PPA for the Planning Proposal.

CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal should proceed, community engagement will be undertaken in accordance with Council’s Community Engagement Protocol, the requirements of any Gateway Determination issued in relation to the Planning Proposal and the Environmental Planning and Assessment Regulations 2000.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none">• The proposal has the ability to increase traffic congestion.
Social	<ul style="list-style-type: none">• The proposal has the ability to take advantage of maximising public transport patronage, due to its proximity to a new Metro station.• The proposal has the potential to improve the vitality of the locality through increased activation of the public domain interface.• The proposal will place a substantial demand on local services and facilities, especially open space.• The proposal has the ability to have a negative impact upon the adjoining heritage conservation area and individual heritage items.
Economic	<ul style="list-style-type: none">• The potential to identify a greater diversity of employment/commercial floor space in close proximity to the CBD and a new Metro, may be a missed opportunity of this proposal.
Governance	<ul style="list-style-type: none">• No anticipated impacts.

DETAIL

1. Determination of the PPA Role

Following the issue of a Gateway Determination, the PPA is responsible for progressing a Planning Proposal through the next stages of the plan making process. This includes finalisation of planning proposals, consulting with the community and relevant agencies, considering submissions, finalising assessment of the proposal and, should the plan progress to the final stage, request the making of the plan (being amendments to NSLEP 2013). The Gateway Determination merely enables a planning proposal to progress to public exhibition.

There are a number of advantages and disadvantages to accepting/declining the role of PPA that should be considered by Council. These are addressed in the following subsections.

2. Options

2.1. Council Accepts the PPA Role

2.1.1. Control of the Plan Making Process

If Council resolves to accept the role of PPA, Council would have administrative control of the plan making process, including public exhibition, post exhibition report and finalisation of the amendment to the relevant LEP. This is reflective of Council's present role but in reality and as outlined further below, this tends to largely be an administrative role to fulfill the intentions and objectives of the Gateway Determination as the final decision rests with the DPIE.

2.1.2. Quality of the Planning Proposal

A PPA must be satisfied with the content of a Planning Proposal and the quality of the information provided in support of the proposal. In addition, it must ensure that the information provided is accurate, current and sufficient for issuing a Gateway Determination. If Council resolves to accept the role of PPA, it would have greater control over the content and quality of information provided in the Planning Proposal prior to it being placed on public exhibition.

The assessment of the Planning Proposal prepared by Ingham Planning on behalf of Council identified a number of deficiencies with the information submitted and inadequate justifications to support the progression of the Planning Proposal. This position was somewhat reflected in the NSLPP's recommendation to address various additional design issues. This position was supported by Council in general terms.

Should Council be perceived to be preventing the progression of the Planning Proposal, the DPIE has the power to remove the PPA role from Council and reallocate the role to an alternate body.

2.1.3. Community Concerns

Council has a much broader understanding of its community's concerns and is able to better articulate those concerns and in turn, address them with respect to the potential impacts arising from the Planning Proposal.

2.1.4. Influencing Final Outcomes

In considering the assessment of submissions made and recommendations of the post-exhibition report, Council as the PPA would still have the ability to resolve that the Planning Proposal not proceed.

Notwithstanding Council's ability to resolve that a planning proposal should not proceed, the Minister for Planning or their delegate can vary or overturn Council's decision in the making of the plan. In the past 5 years, this occurred when the Planning Proposals for 144-154 Pacific

Highway and 18 Berry Street, North Sydney and 11 Cowdroy Avenue, Cammeray were considered following Rezoning Reviews as Council did not support their progression.

2.1.5. Local Planning – Preparation of Civic Planning Study

Council has undertaken significant strategic planning work with respect to the precinct. The *Civic Planning Study* was commenced in 2019 and is part of the NSW Government's Accelerated LEP Grant. Community consultation was undertaken in late 2019 and a final draft for exhibition is expected to be completed in the next several months. From Council's perspective, this will provide the strategic direction for the future development of the precinct, particularly in relation to the operation of the Metro station at Victoria Cross.

Council acknowledges the significance of the site and its strategic location. Council is being responsible by planning and coordinating the growth of this site and the wider precinct in the context of the *North District Plan* and its own strategic planning documents, including the *Local Strategic Planning Statement* and doing so, in a consultative manner through the preparation of *Civic Planning Study*. For this reason, it is both surprising and disappointing that the Panel has chosen to effectively ignore that wider, more holistic and consultative planning study as an instrument to guide development. The Metro development will no doubt be a “game changer” but will not be operational until 2024. It will presumably be in operation for many decades to come following this. The Panel's reluctance to await the outcome of a holistic and imminent planning study which has been the subject of community consultation, is contrary to the directions being advocated strongly by the Greater Sydney Commission for strategic led planning to guide the growth of Sydney.

The NRPP's recommended conditions on the Gateway determination suggests that prior to the making of any instrument, consideration merely be had of the outcome of Council's Civic Planning Study. The problem with this approach is that it is likely that the process of the Planning Proposal, will be further progressed than the finalisation of Council's planning study. As a result, any fundamental changes to the Planning Proposal, as it nears finalisation, will be strongly resisted by all parties. Indeed, this highlights the need to issue a Gateway Determination after the adoption of the planning study in order for the broad and strategic and consultative work, guide the detailed and site specific Planning Proposal. This approach has been strongly advocated by the Greater Sydney Commission instead of considering proposals on a site-by-site basis which has now become the norm since the introduction of the rezoning review process in 2012.

2.1.6. Fees

If Council resolves to accept the role of PPA, Stage 2 fees to progress the Planning Proposal to public exhibition will need to be paid to Council prior to any public exhibition of the Planning Proposal.

2.2. Council Declines the PPA Role

If Council resolves not to accept the role of PPA, the DPIE may appoint an alternate PPA to prepare the Planning Proposal and undertake the next stages of the plan making process including exhibition, post exhibition report and finalisation of the amendment to the relevant

LEP. An alternate PPA may include the SNRPP, the Planning Secretary of DPIE or any other person or body authorised under the Environmental Planning and Assessment Regulations 2000. The applicant will be required to pay the DPIE a fee to fulfil its role as PPA.

By not accepting the role of PPA, it is likely that the role will be allocated to the SNRPP. The SNRPP has been nominated as the PPA in all instances where a council has resolved not to accept the role.

Despite not having control of the plan making process or control over the quality of the information provided in the Planning Proposal, Council will still be provided the opportunity to lodge a submission when the Planning Proposal is publicly exhibited. This will be in a similar way to Council addressing Development Applications that are determined by the SNRPP.

Given Council's role in preparing the *Civic Precinct Planning Study*, which may recommend different outcomes for the subject site, it may be very difficult for Council to balance the ongoing finalisation of that study and the administration of the Planning Proposal with any level of integrity.

Furthermore, Council's ability to appropriately negotiate and address any relevant Voluntary Planning Agreement outcomes or to satisfactorily resolve any Development Control Plan issues will be challenging. It may be simpler, should Council wish to pursue it, to negotiate a VPA outcome if Council is not tied to the process of the Planning Proposal. Perceptions may arise where VPA offers/negotiations may be made in exchange for height/density, if Council has a hand in controlling the planning proposal process, notwithstanding the final decision will be made by others.

2.3. Previous Offers to Accept the PPA Role

Council has previously considered the question of accepting the role of PPA in relation two Planning Proposals as follows:

- 18 Berry Street and 144-154 Pacific Highway, North Sydney (Amendment No.8 to NSLEP 2013)
- 11 Cowdroy Street, Cammeray (Amendment No.21 to NSLEP 2013).

The question arose in response to the Independent Planning Commission's (re: Amendment No.8) and SNRPP's (re: Amendment No.21) recommendation to progress the planning proposals contrary to Council's resolution not to support the progression of the Planning Proposals.

Council subsequently resolved to accept the role of PPA in each of these instances, to ensure that it maintained control of the plan making process for local matters. Given the complexity with respect previously resolved positions in relation the subject lands, the ability to accept the PPA role is less straight forward in this case.

3. Gateway Determination

The SNRPP does not have the authority to issue a Gateway Determination, only the Minister for Planning or their delegate has the authority to do so. The SNRPP can only recommend if a

planning proposal should proceed to Gateway Determination following the consideration of a Rezoning Review request. Therefore, nothing prevents Council from writing to the DPIE requesting that the Minister for Planning or their delegate to not issue a Gateway Determination for the Planning Proposal.

Whilst Council has put similar requests to the DPIE in the past, there is no record of the Minister or their delegate not issuing a Gateway Determination contrary to the recommendations of a Regional Planning Panel.

It should be noted that any resolution to request the Minister not to issue a Gateway Determination, does not obviate Council's need to advise the SNRPP of whether it would like to accept the role of PPA or not.

4. Proposed Amendment to North Sydney Development Control Plan (NSDCP) 2013

The Planning Proposal is accompanied by a draft amendment to NSDCP 2013. It is noted that SNRPP recommended that the proposed draft amendment to NSDCP 2013 submitted with the Planning Proposal should be further amended to address a number of additional considerations.

Amendments to development control plans are typically processed by councils. It is unclear at this point as to whether Council would still take carriage of the associated DCP amendment. However, the Minister for Planning or their delegate has the ability under the Environmental Planning and Assessment Act, 1979 (EP&A Act) to implement the proposed amendment to NSDCP 2013. Council should seek further clarification as to who the responsible authority for the draft DCP amendment will be.

To add clarity and transparency, any associated DCP amendments should be placed on public exhibition concurrently with the Planning Proposal.

5. Rezoning Review Requirements

Should Council resolve to accept the role of PPA, Council would then be required to prepare and submit for Gateway Determination, a Planning Proposal within 42 days of accepting the role of PPA.

In doing so, Council would forward the Planning Proposal as submitted to Council to the DPIE. Whilst this version of the Planning Proposal would be inconsistent with the recommendations of the SNRPP, the Minister for Planning or their delegate has the ability to include conditions on the Gateway Determination. Therefore, should Council accept the PPA role, that it include in its response a recommendation that the issues raised by the SNRPP be incorporated as conditions on the Gateway Determination.

This would require the applicant to revise the Planning Proposal prior to public exhibition. The PPA would still be responsible for ensuring the information provided in the Planning Proposal is accurate, current and compliant with the Gateway Determination.

6. Conclusion

Council has been asked by the SNRPP if it would like to accept or decline the role of PPA for progressing Planning Proposal Planning Proposal 3/19 – 173-179 Walker Street and 11-17 Hampden Street, North Sydney through the plan making process following its consideration of a request for a Rezoning Review.

There are advantages and disadvantages to accepting the role.

It is clear, however, that the SNRPP has expressed an unambiguous view (for the second time) that the proposal to significantly increase height within the precinct is strategically supported and reasonable, notwithstanding Council's previous formal position on the matter which was reinforced by an independent review of the Proposal. Council's previous experiences in undertaking the PPA role when its position was contradicted by the SNRPP (previously the JRPP), ended on both occasions with the SNRPP's position prevailing.

This report recommends that on balance, Council should reject the role of PPA in this instance. This is premised on the fact that Council staff are currently proceeding to have the *Civic Precinct Planning Study* finalised for public exhibition. It may be that this study, being the preferred vehicle to introduce change holistically and in a consultative manner, identifies a different type or intensity of development for the subject site. This would place staff dealing with the process of dealing with the Proposal for the subject site in an invidious position that may undermine the integrity of the preparation and finalisation of the Planning Study, particularly when placed on public exhibition.

Council has undertaken significant strategic work here but does not have a resolved position with respect to the strategic direction of the Precinct.

It may also be simpler to negotiate a VPA outcome if Council is not tied to the process of the Planning Proposal where perceptions may arise that VPA offers may be made in exchange for height/density.

The SNRPP has recommended that a site specific DCP be amended as part of its recommended conditions on the Gateway Determination. If Council is of a view that the PPA role should be undertaken by others, given the SNRPP's expressed recommendation, then it is also recommended that that PPA require that collaboration occur with Council to satisfy these conditions.

Further clarification is required as to who the responsible authority for progressing the DCP will be and that there would be benefit in the same authority being responsible for both the Planning Proposal and DCP amendment.


**REZONING REVIEW
RECORD OF DECISION
SYDNEY NORTH PLANNING PANEL**

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

REZONING REVIEW

2019SNH042 – North Sydney - RR_2019_NORTH_005_00 at 173-179 Walker St & 11-17 Hampden St, North Sydney (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

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

PANEL CONSIDERATION AND DECISION

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

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

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

The decision was unanimous.

REASONS FOR THE DECISION

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

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


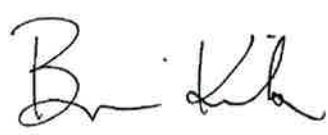

Council and the Panel accept that the current proposal has responded to the issues raised in the prior planning proposal, albeit further detail is required as to certain matters and is a site which has capacity and should be the subject of controls to allow greater density. Council's concern was that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

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

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

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

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

PANEL MEMBERS	
 Sue Francis (Chair)	 Brian Kirk
 Kevin Alker	

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