



NSLPP MEETING HELD ON 29/09/21

Attachments:

1. Planning Proposal
2. Planning Application Report

ADDRESS/WARD: 153 & 157 Walker Street, North Sydney (W)

PROPOSAL NO: 4/21

PROPOSAL: To amend North Sydney Local Environmental Plan 2013 by inserting a site specific clause to permit a 23m height bonus at 153 and 157 Walker Street, if the two properties are redeveloped under a single proposal and meet a number of criteria relating to setbacks delivery of a through-site link and sustainability outcomes.

OWNER: Armadello Pty Ltd; Pmartin Pty Ltd & Vmichael Pty Ltd; Roderick Holdings Pty Limited; Walker Street Pty Ltd; Atlac Property Holdings Pty Ltd; Terence Tecl Leong Chin & Suk Kim Chin; and 157 Walker St Pty Ltd.

APPLICANT: APP Corporation Pty Limited

AUTHOR: Ben Boyd, Executive Strategic Planner

DATE OF REPORT: 21 September 2021

DATE LODGED: 8 July 2021

EXECUTIVE SUMMARY

On 8 July 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 153 and 157 Walker Street, North Sydney. In particular, it seeks to insert a new local provision to NSLEP 2013 that would effectively result in a bonus height provision of 23m (RL 215 to RL 238) if the two sites are developed under a single development application and satisfies the following criteria:

- Does not result in additional overshadowing to land zoned *RE1 Public Recreation*;
- A nil setback to the northern boundary where the consent authority can be satisfied that the proposed development exhibits visual articulation to the northern façade;
- At least a 4m setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above;
- At least a 5m minimum setback at the ground level to the southern boundary with a 4m setback to the levels above;
- Provision of a publicly accessible through site link to the satisfaction of the consent authority; and
- The proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and waste generation.

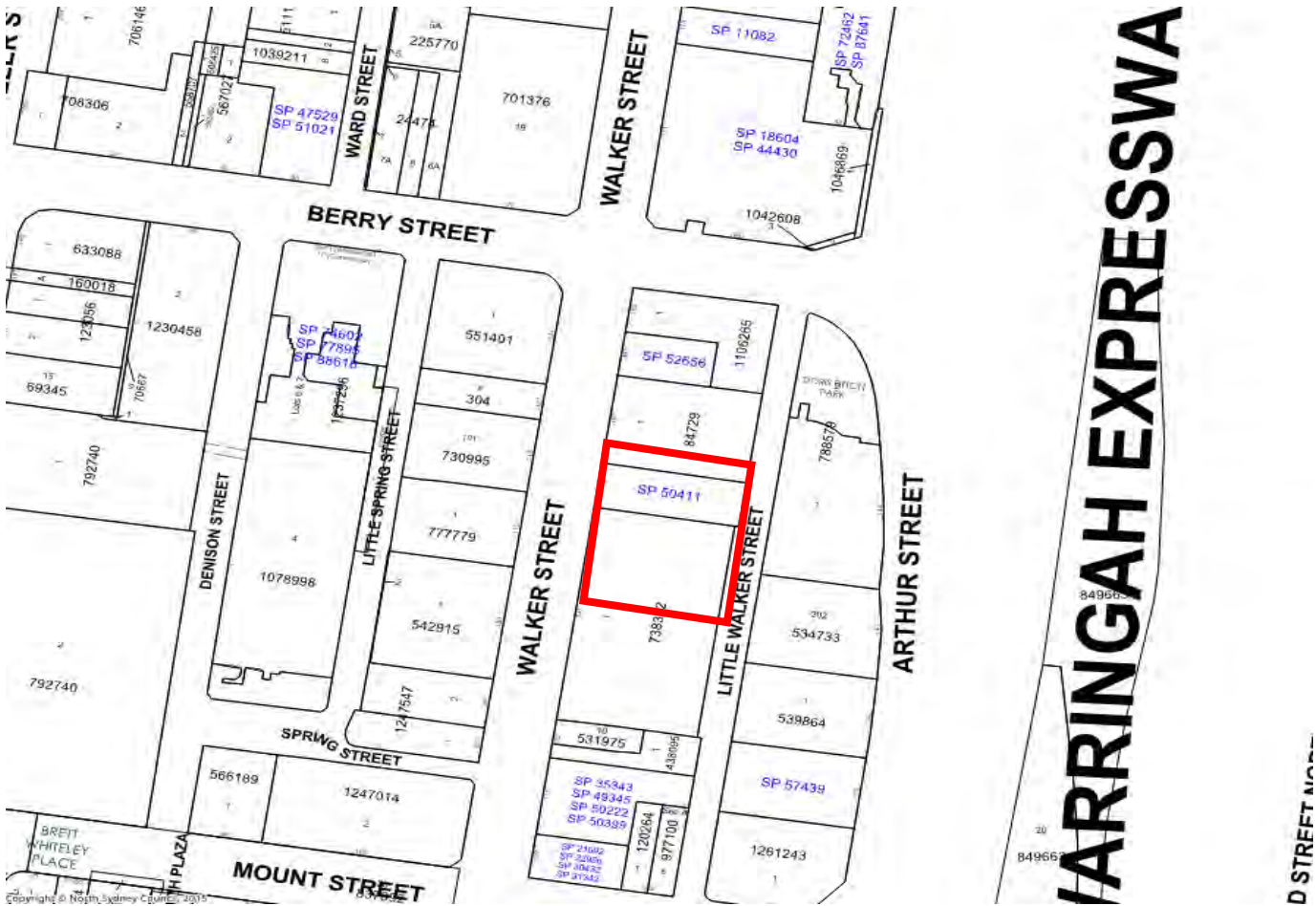
Having completed an assessment of the Planning Proposal, it is recommended that it not be supported to proceed to Gateway Determination for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of a number of recently adopted policies including the *North Sydney Local Strategic Planning Statement* (LSPS) and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality which is enshrined within the LSPS, particularly the *North Sydney CBD Public Domain Strategy* (PDS).
- The proposal is contrary to delivering on a number of key priorities of the North District Plan, namely:
 - Action 11 - as it will result in a negative impact to the amenity of the public domain of Little Walker Street and not positively contribute to the delivery of a comfortable human scale;
 - Action 19 – as it does not use a place-based approach to deliver great places due to its inconsistency with the PDS;
 - Action 36 – as the envisaged built form envelope will not focus on delivering on a human scale public realm or creating a vibrant, safe place or quality public realm.
- The proposed local clause is inconsistent with Section 9.1 Ministerial Direction 6.3 *Site Specific Provisions*.

- The proposal does not demonstrate site specific merit due to the following:
 - the expected reduction in sunlight and daylight access to Little Walker Street resulting from a nil above podium setback to Little Walker Street;
 - there is no substantive evidence that that a consolidated proposal can't be feasibly erected under the current controls;
- The proposal is inconsistent with the desired direction to quantify above podium setback and tower separation controls to improve daylight and solar access to the public domain and improve internal amenity to towers.

The applicant does not have the consent of the owners of 157 Walker Street and therefore an important planning principle regarding site amalgamation is not able to be complied with.

LOCATION MAP



DESCRIPTION OF PROPOSAL

Planning Proposal 4/21 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 153 and 157 Walker Street, North Sydney (the site). In particular, the Planning Proposal seeks to insert a new local provision to NSLEP 2013 that would effectively result in a bonus height provision of 23m (RL 215 to RL 238) if the two sites are developed under a single development application and satisfies the following criteria:

- Does not result in additional overshadowing to land zoned *RE1 Public Recreation*;
- A nil setback to the northern boundary where the consent authority can be satisfied that the proposed development exhibits visual articulation to the northern façade;
- A 4m minimum setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above;
- A 5m minimum setback at the ground level to the adjacent property to the south with a 4m setback to the levels above;
- Provision of a publicly accessible through site link to the satisfaction of the consent authority; and
- The proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and waste generation.

The key objectives of the Planning Proposal as described by the applicant are as follows:

The primary objective of the proposed amendment to NSLEP 2013 is to introduce a statutory mechanism that will allow for the orderly development of the properties as a consolidated development site. Such a mechanism will ensure that any site isolation of the property 153 Walker Street is avoided.

The Vision of this proposal ... is to “contribute a new aspirational, architecturally designed commercial tower in the North Sydney CBD which exhibits the highest standards in efficiency, environmental performance and living landscape features”.

Other objectives presented below underpin the delivery of this Vision:

- *To provide for the maximum floor space and building height to incentivise the orderly and consolidated redevelopment of the site in a manner that will not compromise the city skyline, built form character and overshadowing outcomes to open space.*
- *To contribute towards the achievement of design excellence, superior urban landscape outcomes and through-site connectivity for pedestrians.*
- *To create opportunities for new activated frontages to Walker Street and Little Walker Street which can be integrated with an accessible ground floor lobby.*
- *To contribute towards new premium / A-Grade commercial floor space towards the employment density targets in the North Sydney CBD.*

The intended outcome of this Planning Proposal is to amend NSLEP 2013 by introducing a new site specific clause to:

- *Enable the coordinated future planning and development of the amalgamated site.*
- *Increase the maximum height of building control on the site to RL 238 in the manner shown in the supporting concept reference design.*
- *Establish the following minimum setbacks:*
 - *Nil setback to the ground and 5-storey podium to Walker Street with a 5m tower setback provided above the podium*
 - *4m setback to the ground and podium levels to Little Walker Street with a nil setback to the tower levels above*
 - *Nil setback to the northern site boundary*
 - *5m setback to the southern site boundary at ground level and 4m setback to all levels above*



FIGURE 1: Proposed Development Concept

Table 1 outlines the applicant’s envisaged built form outcomes.

TABLE 1 – Concept Development Statistics	
Development Aspect	Detail
Building Height (Max)	RL 238 (43 storeys)
Podium Height	
– Walker Street	5 storey
– Little Walker Street	3 storey (reverse)

TABLE 1 – Concept Development Statistics	
Development Aspect	Detail
Setbacks	
– North	Nil
– East (Little Walker Street)	Podium 4m Tower Nil
– South	Podium 5m Tower 4m
– West (Walker Street)	Podium Nil Tower 5m
Total Commercial GFA	52,832sqm
Podium Floor Plate	1,450sqm (Approx.)
Commercial Tower Floor Plate	1,280sqm (Approx.)

PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the Department of Planning, Industry and Environment (DPIE) for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that Council’s General Manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

BACKGROUND

North Sydney Centre Capacity and Land Use Strategy

On 1 May 2017 Council adopted the *North Sydney Centre Capacity and Land Use Strategy*. The *Strategy* was informed by the findings of the draft *North Sydney Centre Capacity and Land Use Study*, which was prepared to explore opportunities for growth in order to improve the Centre’s employment capacity, its resilience and vibrancy as well as its investment attractiveness.

The *North Sydney Centre Capacity and Land Use Study* (together with the final *Strategy* document) formed the final component of Council's comprehensive *North Sydney Centre Planning Review*, which took place over more than 6 years to address the changes and growth expected in the area as a result of the arrival of the new metro station and directions of the State government under the North District Plan.

The aim of the *North Sydney Centre Planning Review* was to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component 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, workers and businesses.

The *Capacity and Land Use Study* and final *Strategy* sought to:

- *Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;*
- *Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;*
- *Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;*
- *Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;*
- *Offset commercial floor space losses in the mixed use zone of the Centre;*
- *Identify residential development opportunities in the mixed use periphery; and*
- *Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.*

The *Strategy* investigated a number of options to meet the key desired outcomes for the Centre, in particular the ability to deliver capacity to accommodate an additional 11,600-15,000 jobs. It sought to achieve this additional capacity by increasing the maximum building height control to most commercially zoned land within the Core, whilst maintaining solar access to land zoned for residential and open space purposes outside of the Centre between 10am and 2pm.

The *Strategy* also investigated the removal of an existing outright restriction on achieving the maximum building height, where sites were less than 1,000sqm in area. The purpose of this was to provide increased flexibility over the former control, whilst still providing an incentive for landowners to consider site amalgamations to maximise development potential of their sites.

The adopted *Strategy* identified a number of recommendations to deliver on the intended aims and objectives, including the following:

1. *Apply new height controls to B3 Commercial Core sites in accordance with the future indicative height map at Section 3.2.5.*
2. *Consider planning proposals for sites within the B4 Mixed Use zone, based on the future indicative height map at Section 3.2.5.*

3. *Apply a new height variation control based on the maintenance of at least two hours of solar access to residential properties outside of the North Sydney CBD.*
4. *Remove the Elizabeth Plaza, Blue Street, and Tower Square special areas.*
5. *Apply special area status to the rear of 100 Pacific Highway.*
6. *Prohibit development for the purposes of serviced apartments within the B3 Commercial Core zone.*
7. *Amend NSDCP 2013 in accordance with the recommendations of this Strategy and the planning proposal to amend NSLEP 2013.*
8. *Ensure that adequate future provisions are made for a mechanism to capture value share from development within the B4 Mixed Use zone and within the Ward Street Precinct as defined by the Ward Street Masterplan 2017.*
9. *Amend NSLEP 2013 to remove clauses relating to railway infrastructure and limitations on future commercial floor space development.*
10. *Amend NSLEP 2013 to allow development on commercial sites less than 1000m². Impose a building height limit of 45m to such sites.*

Of particular relevance, the adopted Strategy identified a proposed increase to the maximum height controls applying to the subject sites from RL 155 to RL 215 (a 60m increase).

Also on 1 May 2017, Council resolved to support the progression of a planning proposal to Gateway Determination stage to give effect to the outcomes of the adopted Strategy. The planning proposal was finally given effect on 26 October 2018, following the publication of Amendment 23 to NSLEP 2013 on the NSW Legislation website.

As part of Amendment 23, the subject sites were both given a significant uplift in height with the maximum height requirement being increased from RL 155 to RL 215 (a 60m increase).

Pre lodgement

On 10 February 2020, the Applicant met with Council Staff through a formal Pre-Development Application meeting. The proposal involved the redevelopment of 153 and 157 Walker Street to construct a commercial building up to RL 245.

In response to the concept proposal presented, Council raised the following concerns:

- Council expects compliance with the recently gazetted height controls that provided for a significant increase in the allowable heights in this block (from RL 155 to RL 215). Minor variations under Clause 4.6 can be considered provided it is not additional floor space, comprises plant and/or architectural roof feature and relates to the slope of the site. Any variation must also satisfy Clause 6.3(3) of NSLEP 2013 with regard to shadow impacts. Council would require a planning proposal for additional storeys and GFA;
- Detailed shadow diagrams must be provided indicating any increase in shadowing to any residential or public recreational zones outside the CBD between 9am and 3pm from the March Equinox to the September Equinox (inclusive);
- The proposed 3m above podium setback to Walker Street is non-compliant with the weighed 5m above podium setback specified in the DCP and is not supported;

- A 3m side setback is envisaged in light of Council being in the process of drafting amendments to the DCP to include side setback controls for tower developments in the CBD to allow light to penetrate between buildings and to avoid a wall of tall buildings.
- Consideration should be given to providing opportunities for future retail activation along Little Walker Street consistent with Council's strategic vision for this area;
- Council's preference is that vehicular access, including loading dock access, (ingress and egress) is from Little Walker Street;

Council staff met with the applicant through a formal pre-Planning Proposal meeting held on 14 October 2020. The applicant primarily sought to increase the building height controls from RL 215 to RL 256.4 to enable a new commercial building over both sites with a tower and podium built form. Following the meeting, the applicant submitted a revised proposal (December 2020), upon which formal comment was sought. The revised concept proposal comprised:

- A commercial building up to RL 256.4m in height atop a podium form, including loading facilities, bicycle parking and end of trip facilities.
- A pedestrian link along the southern boundary of the site linking Walker Street to Little Walker Street.

In response to the revised concept proposal presented, Council raised the following concerns:

- Support will not be granted to overshadowing of land zoned RE1 outside the North Sydney Centre between 10am and 2pm, consistent with its adopted policy position;
- The size and location of the proposed through-site link is generally supported;
- Exploration of opportunities to improve the pedestrian experience along Little Walker Street is encouraged (e.g. a more generous setback);
- The podium height of 7 storeys to Walker Street is inconsistent with current DCP controls and is not supported in an emerging context;
- Non-compliance with the above podium setback to Walker and Little Walker Streets is not supported in an emerging context;
- A zero side setback to the north is not considered acceptable in light of outcomes sought in response to a Study that Council is undertaking to improve daylight access into the North Sydney Centre;
- The northern façade requires articulation on a zero setback.

In January 2021, the applicant further revised the scheme and presented it to Council for comment. The revised proposed scheme further reduced the height with the view to eliminating all overshadowing to public parks adjacent to Alfred Street North and Whaling Road. Council raised the following issues:

- If a nil northern setback is proposed:
 - it would need to be highly articulated providing an appearance of separation or relief from the adjoining building to the north
 - increased setbacks to the southern boundary

- Any additional height is not to overshadow sensitive areas to the east of the Freeway.
- The desire to approve any additional height is unlikely to be supported due to the controls only recently being amended.
- The built form expression to Walker and Little Walker Street needs to be revised to give greater expression to Walker Street rather than Little Walker Street.
- Consideration be given to setting an FSR, which provide additional clarity.
- The design of the through site link should be revised to make it more legible to the public and make it feel more like a public space.

The applicant has responded to the above concerns raised by Council at Section 2.1 of the Planning Proposal.

Current Planning Proposal

The Planning Proposal was lodged on 8 July 2021. The proposal as lodged, sought to accommodate a commercial building up to 43 storeys in height and accommodating 52,832sqm of commercial floorspace. In order to achieve the concept proposal, it sought to amend NSLEP 2013 by inserting a new local provision to NSLEP 2013 that would effectively result in granting a height bonus of 23m (RL 215 to RL 238) if the two sites are developed under a single development application and satisfies the following criteria:

- Does not result in additional overshadowing to land zoned *RE1 Public Recreation*;
- A nil setback to the northern boundary where the consent authority can be satisfied that the proposed development exhibits visual articulation to the northern façade;
- At least a 4m setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above;
- At least a 5m minimum setback at the ground level to the southern boundary with a 4m setback to the levels above;
- Provision of a publicly accessible through site link to the satisfaction of the consent authority; and
- The proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and waste generation.

DETAIL

1. Applicant

The applicant for the proposal is APP Corporation Pty Limited. The property is owned by seven (7) separate parties. All owners have granted consent for the lodgement of the Planning Proposal except for the owners of 157 Walker Street, who have explicitly objected to the lodgement of the Planning Proposal (refer to section 8 of this report).

2. Site Description

The subject site comprises two parcels of land located at 153 and 157 Walker Street, North Sydney. No 153 Walker Street is legally described as SP 50411, containing 16 lots and No 157 Walker Street is legally described as Lot 1 DP 84729.

The site is rectangular in shape covering an area of 1,928sqm, with a 45.5m frontage to Walker Street to the west, a 42.2m side boundary to 161 and 165 Walker Street to the north, a 45.9m frontage to Little Walker Street to the east and a 42.2m side boundary to No.141 Walker Street to the south.

The land generally falls in a south-easterly direction from its north-western corner down to the south-eastern corner of the site. There is total fall of 6.7m across the site from its north-western corner to its south-eastern corner. There is a 4.9m fall eastwards across the site's northern boundary, a 1.8m fall southwards along its eastern frontage to Little Walker Street, a 3.1m fall eastwards along its southern boundary and a 3.6m fall southwards along its western frontage to Walker Street.

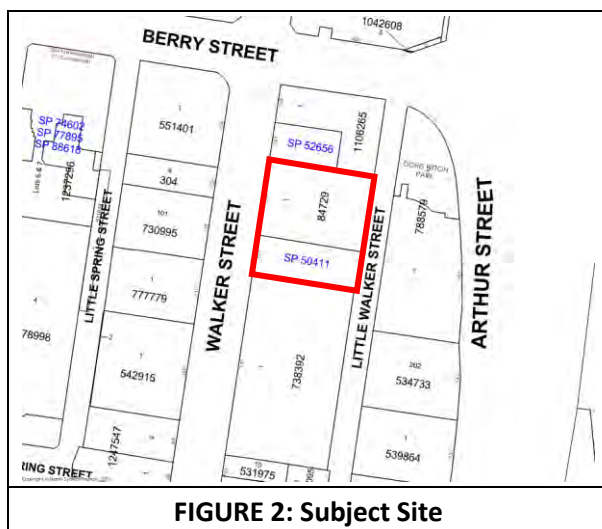


FIGURE 2: Subject Site



FIGURE 3: Aerial Photo

The site contains two commercial buildings. The building at 153 Walker Street comprises a 12-storey (50m tall) office tower with three basement levels, presenting as a 12-storey building to Walker Street and 13 storeys to Little Walker Street. The building is setback 6m from Walker Street, predominantly 5.8m from Little Walker Street, with the exception of its lowest level which is setback 3.5m and constructed to both its northern and southern boundaries. The building, which was constructed circa 1970, is of concrete slab floor and pre-cast concrete and glass veneer. The building has a gross floor area (GFA) of approximately 5,050sqm.

The building at 157 Walker Street comprises a 13-storey (56m tall) office tower with three basement levels, presenting as a 13-storey building to Walker Street and 15 storeys to Little Walker Street. The building is setback 6m from Walker Street, predominantly 12.2m from Little Walker Street, with the exception of its lowest carparking levels which are setback 4.6m and constructed to both its northern and southern boundaries. The building was built in the 1970s and is of concrete slab floor construction with pre-cast concrete and glass veneer (to east and west only) facades. A separated awning projects over the Walker Street road reserve. The building has a GFA of approximately 9,717sqm, comprising 750sqm of retail floorspace and 8,967sqm of office floor space. Business identification signage is attached to the northern and eastern facades of the plantroom. In addition, the basement levels of the building are being used as a commercial carpark by Wilson Parking.

Three (3) vehicular access points are made via Little Walker Street, with on bi-directional access point to 153 Walker Street and two single-directional access points to 157 Walker Street, with the principal pedestrian access made via two separate points off Walker Street.

There are two significant trees growing within the front setback to 157 Walker Street which are approximately 20-25m in height and there are two small landscaped garden areas in the front setback to 153 Walker Street containing small shrubs.

3. Local Context

The subject site is located in the north-eastern portion of the commercial core of the North Sydney Centre, which is a major commercial centre in the Sydney Metropolitan area. The area is undergoing a significant transformation from typically 10-20 storey commercial buildings constructed between the 1960s and 1980s with contemporary office towers of up to 40 storeys in height currently having recently been constructed or under construction.

North Sydney Railway Station is located approximately 450m walk to the south, which provides regular services to the south to Sydney City CBD, and north to Chatswood, Macquarie Park and Hornsby. The main pedestrian access point to the future Victoria Cross Metro Station is located approximately 180m walk to the west of the site, at the intersection of Berry and Miller Streets. The Metro line will provide future services to the northwest of Sydney via Chatswood and the southwest of Sydney via the City and Bankstown.

Directly to the north of the subject site lie 159 and 161 Walker Street containing an 8 and a 7 storey commercial office building respectively, with ground level retail fronting Walker and Berry Streets. Both buildings are constructed to all boundaries for their entire heights. Further to the north, predominantly lie a mixture of 8-12 storey commercial buildings and mixed-use buildings fronting Walker Street and 3, 8 and a 21 storey residential flat buildings.

To the east of the subject site, on the opposite side of Little Walker Street, are a number of aging 11-14-storey commercial towers fronting Arthur Street. These buildings are typically built to all street frontages. Further to the west lies the Warringah Freeway, a significant national vehicular artery and beyond, that a mixture of aging low to medium scale residential development.

Directly to the south of the subject site is 141 Walker Street, containing a 25-storey office building, comprising a 2-storey retail podium and a 23 level office tower above. The podium is built to all boundaries for its entire height, whilst the tower is orientated at 45 degrees to the street alignment, occupying approximately 30% of the total site area and situated approximately 26m away from the subject site's southern boundary at its closest point. The building which was constructed in the mid 1980s, is a concrete framed building with a predominately glass curtain façade. Further to the south are a mixture of pre 1980s and post 2010 commercial towers ranging in height from 5 to 32 storeys, with retail fronting primary street frontages at the ground level.

To the west of the site, on the opposite side of Walker Street, are a number of aging 7-20 storey commercial towers, with ground level retail fronting Walker Street. These buildings are typically built to all street frontages. Further to the west predominantly lie mixture of aging and new commercial towers generally between 10 and 40 storeys in height.

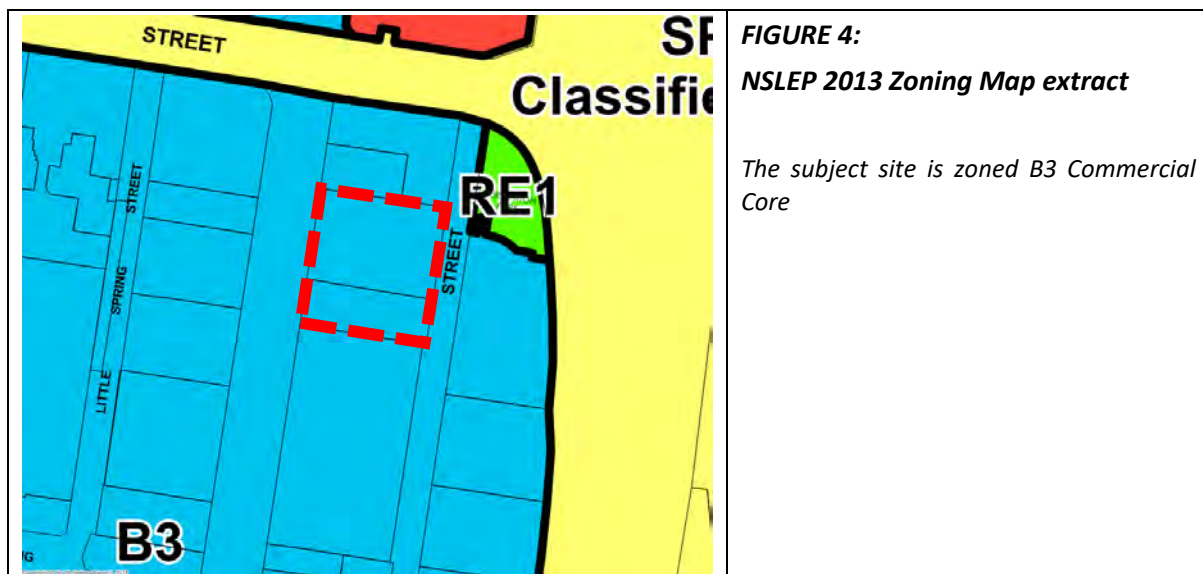
4. Current Planning Provisions

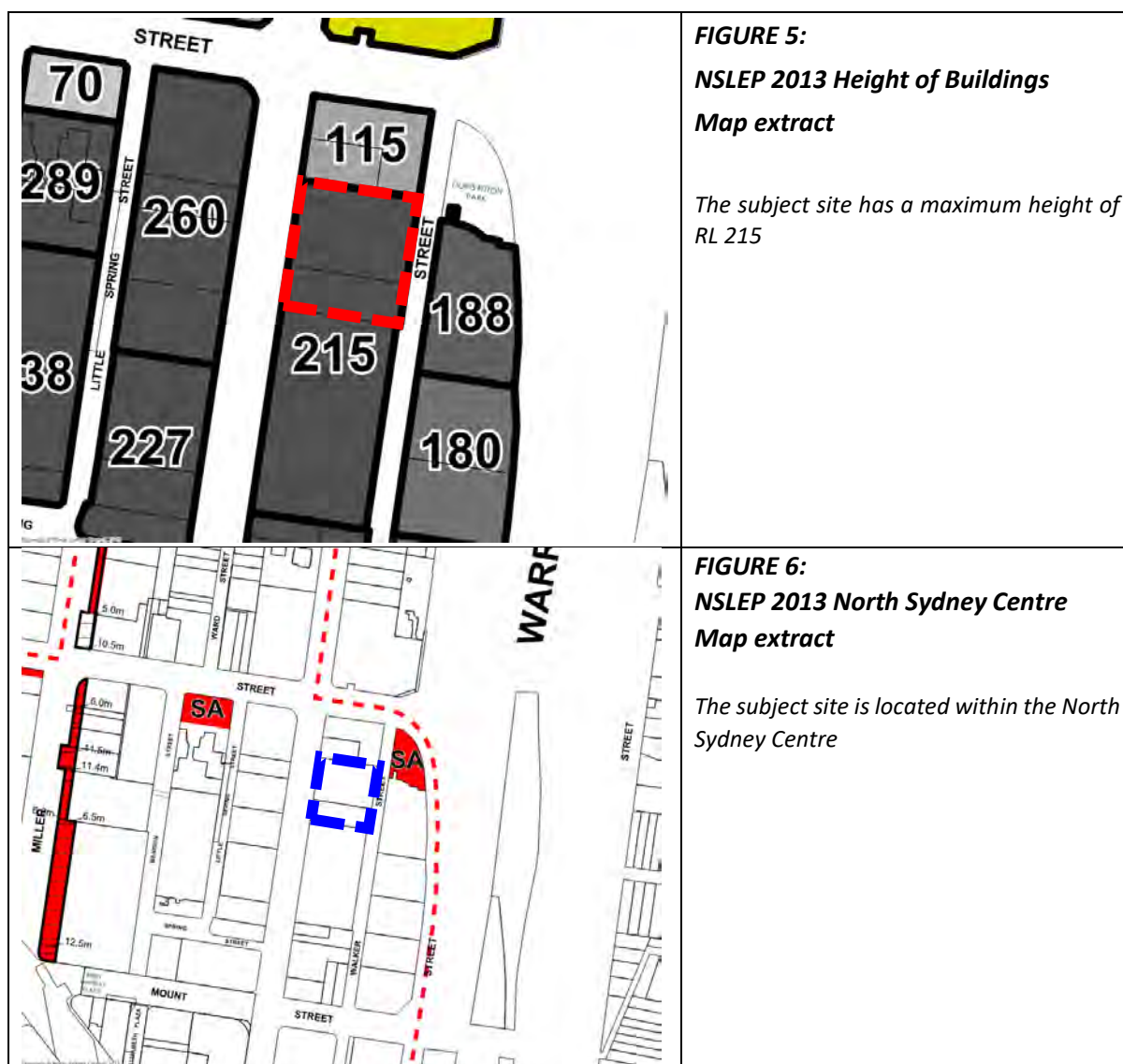
The following subsections identify the relevant planning instruments that apply to the subject site.

4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoned *B3 Commercial Core* (refer to Figure 4);
- A maximum building height of RL215m (refer to Figure 5); and
- Located within the North Sydney Centre (refer to Figure 6).





5. Proposed Instrument Amendment

The primary intent of the Planning Proposal as described in the “Description of Proposal” section of this report is proposed to be achieved by inserting the following local clause within Division 2 to Part 6 of NSLEP 2013:

Development at 153 and 157 Walker Street, North Sydney

- (1) *This clause applies to land at 153-157 Walker Street, North Sydney, being SP 50411 and Lot 1 DP 84729.*
- (2) *Despite any other provision of this Plan, the consent authority may grant consent to development that is consistent with provisions (a)-(e) where that development forms part of a single proposal over both properties under a Concept Development Application:*
 - (a) *A maximum height of buildings of RL 238 where the Application demonstrates no additional overshadowing by the development to land zoned RE1 Public Recreation.*

- (b) *A nil setback to the properties at 161 and 165 Walker Street where the consent authority is satisfied that the proposed development exhibits visual articulation to the northern aspect.*
- (c) *A 4m minimum setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above.*
- (d) *A 5m minimum setback at the ground level to the property 141 Walker Street with a 4m setback to the levels above. This setback must comprise of a publicly accessible through site link to the satisfaction of the consent authority.*
- (e) *The consent authority is to be satisfied that the proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and provide sufficient management and minimisation of waste.*

It is not proposed to amend any of the maps to NSLEP 2013.

ASSESSMENT

6. Planning Proposal Structure

The Planning Proposal has been prepared generally in accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPIE's 'A guide to preparing planning proposals' (December 2018). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

7. Justification of the Planning Proposal

7.1 Objectives of the Planning Proposal

The objectives and intended outcomes of the Planning Proposal and an explanation of the proposed amendments to NSLEP 2013 to achieve the objectives and intended outcomes are set out on pages 52 and 53 of the Planning Proposal.

On balance, the proposed amendments to NSLEP 2013 do not achieve the objectives and intended outcomes of the Planning Proposal as outlined in TABLE 1.

TABLE 1: Analysis of objectives and intended outcomes	
Objectives and Intended Outcomes	Comment
<p>1. <i>To provide for the maximum floor space and building height to incentivise the orderly and consolidated redevelopment of the site in a manner that will not compromise the city skyline, built form character and overshadowing outcomes to open space;</i></p>	<p>☒ This objective is overstated. Both sites were given a 60m height increase in October 2018 which provides significant incentive to redevelop. Neither site was built to its maximum height under the former controls (RL 155). Whilst it is acknowledged that the height of a building would be restricted to 45m on 153 Walker Street, it would be difficult for either site to provide premium A-grade floorplates if developed in isolation. Therefore given the spare development capacity, it leads to a more natural requirement to pursue a consolidated development, without the need to resort to provide any additional incentives.</p>
<p>2. <i>To contribute towards the achievement of design excellence, superior urban landscape outcomes and through-site connectivity for pedestrians;</i></p>	<p>☒ This objective is overstated. The proposal does not incorporate any new provisions requiring any future development on the site to achieve design excellence.</p> <p>There is no guarantee that a superior urban landscape outcome could be achieved based on the proposed controls alone. In particular, the concept proposal appears to be generally absent of any significant soft landscaping, which is effectively limited to narrow planter beds on three roof terraces.</p> <p>Whilst it is recognised that the proposal seeks to incorporate a publicly accessible through site link, it is compromised in terms of amenity and inadvertently compromises the redevelopment potential of the site due to its small site area.</p>
<p>3. <i>To create opportunities for new activated frontages to Walker Street and Little Walker Street which can be integrated with an accessible ground floor lobby;</i></p>	<p>☒ This objective is overstated. The proposed controls will not result in improved activation of any of the site’s street frontages or improved accessibility. This would be expected of any development proposed on the site in accordance with Council’s existing controls under its LEP and DCP.</p>
<p>4. <i>To contribute towards new premium / A-Grade commercial floor space towards the employment density targets in the North Sydney CBD;</i></p>	<p>☒ This objective is overstated. Neither site on their own is capable of accommodating a premium A-Grade floorplate in accordance with current and proposed built form controls. This could only be achieved through consolidation of the two sites. Further, additional height is not required to deliver a floorplate of suitable size, which is effectively constrained by site area and setbacks.</p>

7.2 Alternative Options

The applicant suggests that the Planning Proposal is the only means of achieving the objectives or intended outcomes. Whilst consideration was given to the implementation of a Floor Space Ratio (FSR) control as an alternative to that presented, it was dismissed by the applicant for the following reasons:

- *Application of an FSR standard would set a maximum achievable gross floor area for the future building. The current design, whilst advanced for the purposes of a Planning Proposal, is not a detailed scheme and has not yet confirmed an exact maximum achievable GFA due to outstanding efficiencies which will be resolved in the DA level design plans (i.e. the placement and final design of cores, corridors, basements, emergency access points, ground floor back-of-house areas and the like). To this end, it is considered unreasonable to impose a maximum FSR as part of this Planning Proposal as it would unnecessarily restrict the total achievable GFA which is yet to be resolved.*
- *The site-specific clause is considered a more appropriate approach to achieving the intended design excellence, height transition, street activation, sustainability and amenity outcomes outlined in this report. The clause provides a level of detail which helps establish the maximum building envelope and transitional height plane which is important for maintaining solar access to public open space and providing the setbacks which underpin the design intent of the concept.*
- *Inserting a maximum FSR standard in isolation of the specific height, setbacks, podium form, street activation, sustainability and waste provisions will not guarantee the intended outcomes of the Planning Proposal. More importantly for Council's DA planners, the site-specific clause provides a more robust means of testing the future DA design as opposed to a blanket FSR standard which will not guarantee the important amenity, solar access, activation and public benefits detailed in the Planning Proposal.*
- *No other site in the North Sydney CBD is subject to a maximum FSR standard. Planning approaches for site redevelopment in the CBD has been driven by maximum heights and height planes which help guarantee certain solar access outcomes to surrounding open space and establishes a visual hierarchy for towers in the CBD skyline. The site-specific control maintains the previous approaches for sites in the CBD by imposing height and demonstration of solar access to open space as part of a future DA. Application of an FSR standard would therefore be inconsistent with the recently established regime for sites under LEP Amendment No. 23.*

Despite a maximum FSR not applying to other land within the North Sydney Centre, Council has used this control in the past elsewhere in the LGA in conjunction with other built form controls, such as setbacks contained within NSDCP 2013. FSR controls have typically been applied in response to spot rezonings to ensure that the intensity of development is generally restricted to the extent of any concept proposal accompanying a planning proposal and prevents any unintended additional amenity impacts. Such controls have generally been applied after site specific modelling and preliminary design processes have been undertaken by the applicant in consultation with Council. This provides a level of certainty regarding future outcomes with the confidence that site specific modelling and analysis have been carried out. Progression of the Planning Proposal as suggested also has the potential to undermine Council's DCP podium height and setback controls more generally.

Whilst it is recognised that an accurate GFA cannot be established for a concept proposal as the design has yet to be fully realised, it is commonly accepted that 80% of a commercial building's permissible built form envelope represents a reasonable formula to determine a building's GFA. Accordingly, nothing prevents the establishment of a maximum FSR for a site with some reasonable level of certainty. An FSR control would also provide a greater level of certainty over what could be anticipated on a site without any potential for height creep".

NSLEP 2013 does not currently incorporate any setback requirements to any land. The proposal would therefore set a precedent and is inconsistent with Ministerial Direction 6.3 – *Site Specific Provisions* (refer to section 7.4.3.2 of this report).

No consideration has been given as to why a development application could not be submitted for a consolidated proposal under the current LEP and DCP controls. The applicant claims that it is not financially viable to redevelop the sites individually. However, no consideration has been given to whether a consolidated development over the two sites based on the current controls is viable. Furthermore, there is no evidence provided to demonstrate the financial viability of all options available.

As such, alternative approaches to achieve the intended outcomes of the Planning Proposal have not been adequately considered.

However, should it be determined that the Planning Proposal proceed, it is recommended that a maximum FSR requirement be imposed, with any relevant setback controls to be incorporated into NSDCP 2013.

7.3 The Need for the Planning Proposal

The Planning Proposal states that its need has risen in response to the following planning priorities contained within the North Sydney Local Strategic Planning Statement (LSPS):

P1 Grow a stronger, more globally competitive North Sydney CBD:

Provide opportunities for commercial office and employment growth while improving user and public domain amenity to support an attractive, vibrant and globally competitive North Sydney CBD with an 18-hour economy and greater range of after-hour activities.

S3 Reduce greenhouse gas emissions, energy, water and waste

Develop buildings and places that will contribute to net-zero emissions by 2050 to mitigate climate change, reduce waste generation, energy and water usage.

The planning controls relating to the subject site were recently changed in October 2018 to give effect to the desired outcomes of the *North Sydney Centre Capacity and Landuse Strategy*, which is directly referred to within the planning priorities of the LSPS (Priority P1.1). Neither site has been redeveloped to take advantage of this significant uplift which was only implemented less than 3 years ago. It is therefore questioned why additional capacity is required, in light of recent changes to the development capacity of the subject sites.

The key motivation behind the submission of the Planning Proposal is to maximise the redevelopment potential of 153 Walker Street, as its site area currently prevents it from being developed to the maximum height limit applying to the site.

Despite a maximum height limit of RL 215 (approximately 153-160m due to the slope of the land) applying to 153 Walker Street, Clause 6.3 to NSLEP 2013, prevents the attainment of this height limit where a site is less than 1,000sqm. In particular, the clause restricts a building's height on sites less than 1,000sqm to a maximum of 45m. No such restriction applies to 157 Walker Street, as its site area is greater than 1,000sqm.

The applicant suggests that the current controls do not promote amalgamation of sites and will result in 153 Walker Street being left isolated, with no development potential.

Nothing currently prevents the two sites from being amalgamated under the current controls. However as demonstrated elsewhere in this report, the applicant has not adequately demonstrated why the sites can't be amalgamated and redeveloped together. In particular, the applicant has provided no evidence regarding negotiations to try and amalgamate the two sites to deliver a new building. This is odd, given that the Planning Proposal makes reference to negotiations to amalgamate with 141 Walker Street to the south and was suggested not possible because of deed restrictions on title. Importantly, even though this proposal seeks to increase height for the sites to be amalgamated, owner's consent representing both allotments, have not been able to be secured. This is critical and contrary to fundamental planning principles regarding site amalgamation.

Prior to Amendment No.23 to NSLEP 2013 coming into force, Clause 6.3(2)(c) of NSLEP 2013 prevented development consent from being granted on sites that were less than 1,000sqm in area. The purpose of the clause was to encourage the consolidation of sites to provide high grade commercial floor space and to ensure that the scale and massing of buildings provides for pedestrian comfort in relation to solar access, human scale, weather protection and visual dominance.

The *North Sydney Centre Capacity and Land Use Study* concluded that, on balance, the ability for smaller commercial sites to redevelop is considered desirable, and that the market will ultimately deliver the building and floor plate sizes demanded by it. Accordingly, NSLEP 2013 was amended to allow development on commercial sites less than 1,000sqm, but where such redevelopment is restricted to 45m in height. The purpose of imposing the height limit to smaller sites was to ensure that built form and massing of such buildings do not negatively impact on the amenity of the public realm, and that amalgamation continues to be encouraged.

Despite, the existing building at 153 Walker Street currently exceeding the 45m height control, it would not be unreasonable to allow the redevelopment of the site to its existing height and to allow the built form to expand into the permissible built envelope as it relates to above and below podium setbacks. Accordingly, there is a level of spare development capacity on the site. No evidence has been provided to determine if this is achievable.

7.4 Strategic Assessment

7.4.1 Regional / District Plans

7.4.1.1 Greater Sydney Region Plan

In March 2018, the State Government released *A metropolis of three cities – Greater Sydney Region Plan* (Regional Plan). It provides a 40-year vision of Sydney to be a city where people will live within 30 minutes of jobs, education and health facilities, services and great places. The Regional Plan seeks to provide an additional 725,000 homes and 817,000 new jobs by 2036. No targets are set for any of the Districts, of which the North Sydney LGA is part of the North District. District Plans, consistent with the Regional Plan were released at the same time as the Regional Plan. North Sydney is identified as part of a Metropolitan Centre (Harbour CBD – Incorporating North Sydney CBD) which is also identified as part of an Economic Corridor under the Regional Plan.

The Directions, Objectives and Strategies identified in the Regional Plan which are relevant to the Planning Proposal are as follows:

Direction 1: A city supported by infrastructure

Objective 4 Infrastructure use is optimised

Strategy 4.1 Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities

Direction 2: A city for people

Objective 7: Communities are healthy, resilient and socially connected

Strategy 7.1: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:

- providing walkable places at a human scale with active street life
- prioritising opportunities for people to walk, cycle and use public transport

Direction 4: A city of great places

Objective 12: Great places that bring people together

Strategy 12.1: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:

- prioritising a people-friendly public realm and open spaces as a central organising design principle
- recognising and balancing the dual function of streets as places for people and movement
- providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres
- integrating social infrastructure to support social connections and provide a community hub
- recognising and celebrating the character of a place and its people

Strategy 12.2: In Collaboration Areas, Priority Precincts and planning for centres:

- investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking
- ensure parking availability takes into account the level of access by public transport
- consider the capacity for places to change and evolve, and accommodate diverse activities over time
- incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations.

Direction 5: A well connected city

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

Strategy 14.1: Integrated land use and transport plans to deliver the 30-minute city

Strategy 14.3: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.

Objective 15: The Eastern, GOP and Western Economic Corridor are better connected and more competitive

Direction 6: Jobs and skills for the city

Objective 18: Harbour CBD is stronger and more competitive

Strategy 18.1: Prioritise:

- *public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city*
- *infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre*
- *infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD.*

Strategy 18.2: *Develop and implement land use and infrastructure plans which strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:*

- *further growing an internationally competitive commercial sector to support an innovation economy*
- *providing residential development without compromising commercial development*
- *providing a wide range of cultural, entertainment, arts and leisure activities*
- *providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts.*

Objective 22: *Investment and business activity in centres*

Strategy 22.1: *Provide access to jobs, goods and services in centres by:*

- *attracting significant investment and business activity in strategic centres to provide jobs growth*
- *diversifying the range of activities in all centres*
- *creating vibrant, safe places and a quality public realm*
- *focusing on a human-scale public realm and locally accessible open space*
- *balancing the efficient movement of people and goods with supporting the liveability of places on the road network*
- *improving the walkability within and to centres*
- *completing and improving a safe and connected cycling network to and within centres*
- *improving public transport services to all strategic centres*
- *conserving and interpreting heritage significance*
- *designing parking that can be adapted to future uses*
- *providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts*
- *creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.*

Direction 7: *A city in its landscape*

Objective 31: *Public open space is accessible, protected and enhanced*

Strategy 31.1: *Maximise the use of existing open space and protect, enhance and expand public open space by:*

- *requiring large urban renewal initiatives to demonstrate how the quantity of, or access to high quality and diverse local open space is maintained or improved*
- *providing walking and cycling links for transport as well as leisure and recreational trips.*

Direction 8: *An efficient city*

Objective 33: *A low-carbon city contributes to net-zero emission by 2050 and mitigates climate change*

Strategy 33.1: *Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050 especially through the establishment of low-carbon precincts in Priority Growth Areas, Priority Precincts and Collaboration Areas.*

Direction 9: *A resilient city*

Objective 38: *Heatwaves and extreme heat are managed*

Strategy 38.1: *Mitigate the urban heat island effect and reduce vulnerability to extreme heat.*

The Planning Proposal is considered to be generally consistent with the above Directions, Objectives, Strategies and Actions of the Regional Plan, in so far that it will provide development opportunities to increase employment accommodation in a Metropolitan Centre in proximity of high frequency public transport, without adversely impacting upon the provision of active street frontages. The proposed through site link will also assist in the delivery of a more walkable and permeable Centre.

However, the Planning Proposal is also contrary to Strategies 7.1, 12.1 and 22.1 of the Regional Plan, as the proposal:

- will not contribute to prioritising a people-friendly public realm as a central organising design principle nor comfortable human scale, due the excessive bulk presenting to Little Walker Street above the podium level.
- will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight in what is already a narrow street.

7.4.1.2 North District Plan

In March 2018, the NSW Government released the North District Plan (NDP). The North Sydney LGA is located within the North District along with the other LGAs of Hornsby, Ku-ring-gai, Ryde, Hunter Hill, Lane Cove, Willoughby, Mosman and Northern Beaches. The NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney portion of the Harbour CBD; and
- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA;

an additional 25,950 dwellings by 2021 for the North District;
and
an additional 92,000 dwellings by 2036 for the North District.

Priorities, objectives and actions identified in the NDP which are relevant to the Planning Proposal are as follows:

Planning Priority N1: *Planning for a city supported by infrastructure*

Objective 4: *Infrastructure use is optimised*

Action 2: *Sequence growth across the three cities to promote north-south and east-west connections.*

Action 3: *Align forecast growth with infrastructure*

Action 6: *Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities*

Planning Priority N4: *Fostering healthy, creative, culturally rich and socially connected communities*

Objective 7: *Communities are healthy, resilient and socially connected.*

Objective 9: *Greater Sydney celebrates the arts and supports creative industries and innovation*

Action 11: *Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:*

- a. *providing walkable places at a human scale with active street life*
- b. *prioritising opportunities for people to walk, cycle and use public transport*

Planning Priority N6: *Creating and renewing great places and local centres, and respecting the District's heritage*

Objective 12: *Great places that bring people together.*

Objective 13: *Environmental heritage is identified, conserved and enhanced.*

Action 19: *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

- a. *prioritising a people-friendly public realm and open spaces as a central organising design principle*
- b. *recognising and balancing the dual function of streets as places for people and movement*
- c. *providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*

- d. integrating social infrastructure to support social connections and provide a community hub*
- e. recognising and celebrating the character of a place and its people*

Action 22: *Use place-based planning to support the role of centres as a focus for connected neighbourhoods.*

Planning Priority N7: *Growing a stronger and more competitive Harbour CBD.*

Objective 18: *Harbour CBD is stronger and more competitive*

Action 24: *Grow economic development in the North Sydney CBD to:*

- a. maximise the land use opportunities provided by the new station*
- b. grow jobs in the centre and maintain a commercial core*
- c. strengthen North Sydney's reputation as an education centre, to grow jobs and add diversity*
- d. expand after hours' activities*
- e. encourage growth in business tourism as a conference location that takes advantage of North Sydney's identity as a business hub, its location, access and views*
- f. provide a variety of high quality civic and public spaces befitting a globally-oriented CBD, which can be utilised for a range of cultural and entertainment activities*
- g. improve amenity by reducing the impact of vehicle movements on pedestrians*
- h. create capacity to achieve job targets by reviewing the current planning controls.*

Action 25: *Prioritise:*

- a. infrastructure investments particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre*

Planning Priority N8: *Eastern Economic Corridor is better connected and more competitive.*

Objective 15: *The Eastern, GPOP and Western economic corridor are better connected and more competitive*

Planning Priority N10: *Growing investment, business, opportunities and jobs in strategic centres*

Objective 22: *Investment and business activity in centres.*

- Action 36:** *Provide access to jobs, goods and services by:*
- a. attracting significant investment and business activity in strategic centres providing jobs growth*
 - b. diversifying the range of activities in all centres*
 - c. creating vibrant, safe places and quality public realm*
 - d. focusing on a human-scale public realm and locally accessible open space*
 - e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network*
 - f. improving the walkability within and to the centre*
 - g. completing and improving a safe and connected cycling network to and within the centre.*
 - h. improving public transport services to all strategic centres*
 - i. conserving and interpreting heritage significance*
 - j. designing parking that can be adapted to future uses*
 - k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts*

Action 38: *Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional retail floor space.*

Action 39: *Encourage opportunities for new smart work hubs.*

Action 40: *Review the current planning controls and create capacity to achieve the job targets for each of the District's strategic centres*

Planning Priority N12: *Delivering integrated land use and transport planning and a 30-minute city*

Objective 14: *A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.*

Action 50: *Integrate land use and transport plans to deliver the 30-minute city.*

Action 52: *Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.*

Action 53: *Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public values and use of Sydney Metro City & Southwest, as well as other city-shaping projects.*

Planning Priority N20 - *Delivering high quality open space*

Objective 31 *Public open space is accessible, protected and enhanced.*

- Action 73** *Maximise the use of existing open space and protect, enhance and expand public open space by:*
- a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow*
 - b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space*
 - c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved*
 - d. planning new neighbourhoods with a sufficient quantity and quality of new open space*
 - e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses*
 - f. delivering, or complementing the Greater Sydney Green Grid*
 - g. providing walking and cycling links for transport as well as leisure and recreational trips.*

Planning Priority N21 - *Reducing carbon emissions and managing energy, water and waste efficiently*

Objective 33 *A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.*

Planning Priority N22 - *Adapting to the impacts of urban and natural hazards and climate change*

Objective 36: *People and places adapt to climate change and future shocks and stresses*

Objective 37: *Exposure to natural and urban hazards is reduced*

Objective 38: *Heatwaves and extreme heat are managed*

Action 80: *Support initiatives that respond to the impacts of climate change.*

Action 81: *Avoid locating new urban development in areas exposed to natural and urban hazard and consider options to limit the intensification of development in existing urban areas most exposed to hazards.*

Action 82: *Mitigate the urban heat island effect and reduce vulnerability to extreme heat.*

The Planning Proposal is considered to be generally consistent with the above Priorities and Actions of the NDP, in so far that it will:

- Provide an opportunity to increase employment floorspace within a Strategic Centre;
- Capitalise on existing infrastructure to promote a “30 minute city”;
- Facilitating future improved pedestrian connectivity across the locality through the provision of a through site link.

However, the Planning Proposal is also contrary to Actions 11, 19 and 36 of the NDP, in so far that it will:

- not deliver a great place, through the proposal’s lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk presenting to Little Walker Street above the podium level; and
- will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight in what is already a narrow lane.

7.4.2 Local Strategic Plans

7.4.2.1 North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) was adopted by Council on 25 November 2019, and subsequently assured by the Greater Sydney Commission (GSC) on 20 March 2020.

One of the key roles of the LSPS is to draw together, in one document, the priorities and actions for future land use planning, and present an overall land use vision for the North Sydney LGA for the next 20 years. The LSPS is required to be consistent with the Regional Plan and North District Plan, and provide a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

The LSPS must be considered as part of the LEP making process (planning proposals) and forms part of the strategic merit test for a Gateway Determination.

Of relevance to consideration of the subject Planning Proposal, the LSPS incorporates the outcomes of the *North Sydney Centre Land Use and Capacity Strategy* and *North Sydney CBD Public Domain Strategy* into the strategic planning framework and directly links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan. The LSPS includes the following relevant planning priorities:

Planning Priority L3 - *Create great places that recognise & preserve north Sydney's distinct local character & heritage*

Action L3.1 – *Continue to incorporate placemaking principles in the planning and engagement activities of North Sydney Council's various departments responsible for the design and management of public spaces, in accordance with Council's Placemaking Policy (ongoing)*

Action L3.2 – *Continue to prepare and implement precinct-based planning studies to ensure the delivery of growth and development is balanced and well-managed, and has a strong focus on placemaking and community benefit. This includes:*

- *undertake/implement the North Sydney CBD Public Domain Strategy – Stage 2 (short term) ...*

Planning Priority P1 – *Grow a stronger, more globally competitive North Sydney CBD*

Action P1.1 – *Continue to implement the North Sydney CBD Capacity and Land Use Strategy (2017), in collaboration with the DPIE, industry stakeholders and the community to:*

- *increase commercial floorspace capacity and employment growth for the North Sydney CBD;*
- *deliver high quality commercial floorspace that caters to the needs of existing and emerging industries;*
- *restrict residential development to the mixed-use periphery to preserve a critical mass of employment in the North Sydney CBD;*
- *encourage a diverse mix of entertainment, recreation, retail and commercial uses that contribute to the North Sydney CBD's diversity, amenity and commercial sustainability; and*
- *ensure high-quality design that responds to context and enhances the amenity of the North Sydney CBD. (short -long term)*

Action P1.3 – *Implement the North Sydney CBD Public Domain Strategy, North Sydney CBD Laneways and Ward Street Precinct Masterplan to ensure the delivery of high-quality, safe and attractive public spaces and provide for a greater range of activities to facilitate a more engaging and vibrant CBD. (short – medium term)*

Action P1.4 – *Ensure the night-time economy's diversity and ability to grow by refining planning controls to enable a range of entertainment, recreational, cultural and retail options in appropriate locations and allow for the contemporary requirements of late night retail trading and small bars to activate the North Sydney CBD's streets and public spaces. (short - medium term)*

- Planning Priority P6** - *Walkable centres and a connected and sustainable North Sydney*
- Planning Priority S1** – *Protect and enhance North Sydney’s natural environment and biodiversity*
- Action S1.3** – *Investigate opportunities to implement Water Sensitive Urban Design (WSUD) on public and private land to reduce stormwater runoff and water pollution and improve the health of waterways. (medium term)*
- Planning Priority S3** - *Reduce greenhouse gas emissions, energy, water and waste*
- Action S3.1** – *Continue to review/implement the North Sydney Council Greenhouse Action and Water Management Plan, to drive further improvements in commercial and residential building performance and establish a pathway to achieving net zero greenhouse gas emissions across both the community and Council’s assets and operations by 2050 in line with the North District Plan. (ongoing)*
- Planning Priority S4** – *Increase North Sydney’s resilience against natural and urban hazards*
- Action S4.1** – *Consider vulnerability to heat within future Council programs and planning controls to minimise urban heating. (ongoing)*

The Planning Proposal is generally consistent with the delivery of the relevant identified Planning Priorities and Actions of the LSPS. However, it is also inconsistent with Actions L3.1, L3.2 and P1.3 by adversely impacting the public domain due to its excessive bulk to Little Walker Street which is also contrary to the outcomes of the PDS.

7.4.2.2 North Sydney Centre Land Use and Capacity Strategy

The Planning Proposal seeks to rely on the *North Sydney Centre Land Use and Capacity Strategy* to justify the proposed increase in height.

Despite being generally consistent with the overshadowing principles in relation to establishing height controls, the current LEP controls already provide sufficient capacity to meet the relevant employment targets for North Sydney.

7.4.2.3 North Sydney CBD Public Domain Strategy

The *North Sydney CBD Public Domain Strategy* (PDS) resulted from the *North Sydney Centre Review* which took place over more than 6 years to address the changes and growth expected in the area as a result of the arrival of the new metro station and directions of the State government under the NDP.

The PDS addresses the acute lack of public space in the CBD and identifies a suite of potential new open spaces and stronger pedestrian networks across the CBD.

The PDS has been prepared in two stages. Stage 1 was a vision and ideas phase that was endorsed by Council on 27 May 2019, following extensive community consultation. Stage 2 establishes a vision for the centre’s public domain that prioritises pedestrian amenity over through-traffic, identifies a suite of short to long term projects and puts in place an implementation framework for delivery. Stage 2 was endorsed by Council on 28 September 2020, also following extensive community consultation.

The adopted PDS:

- Outlines a vision and a series of goals for the CBD;
- Recognises necessary access improvements that prioritise walking, public transport and cycling, and moves regional traffic away from the centre;
- Establishes a strong pedestrian corridor from North Sydney station to St Leonards Park and a series of east-west laneway connections;
- Identifies opportunities for new and upgraded public space; and
- Outlines the process and funding arrangements to deliver the projects.

The PDS identifies the subject site as being located within the *East Walker Urban Block* and seeks to prioritise the pedestrianisation of Little Walker Street, being identified as an “inner block space” and will ultimately provide an important future north-south pedestrian route. It also identifies a desire to improve east-west pedestrian connections from Miller Street through to Little Walker Street between Berry and Mount Streets. The PDS envisages that the through site link to be created between Walker and Little Walker Street will be a natural extension to the current existing through site link to the west of Walker Street connecting through to the Victoria Cross Metro Station.

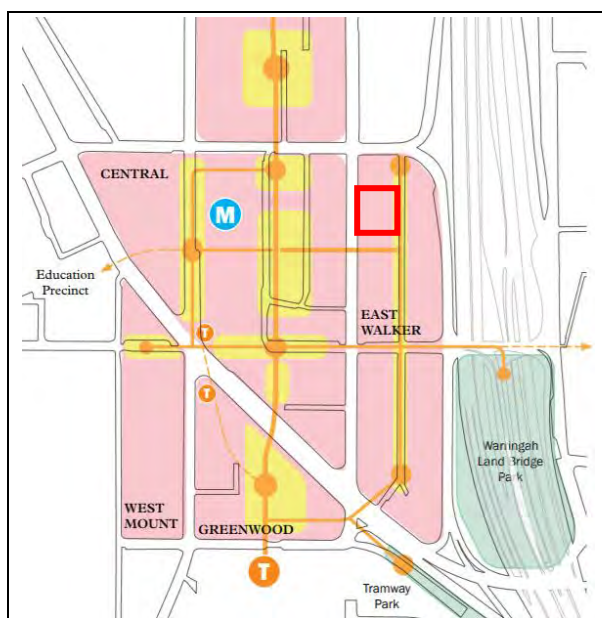


FIGURE 7: Extract of the Structure Plan

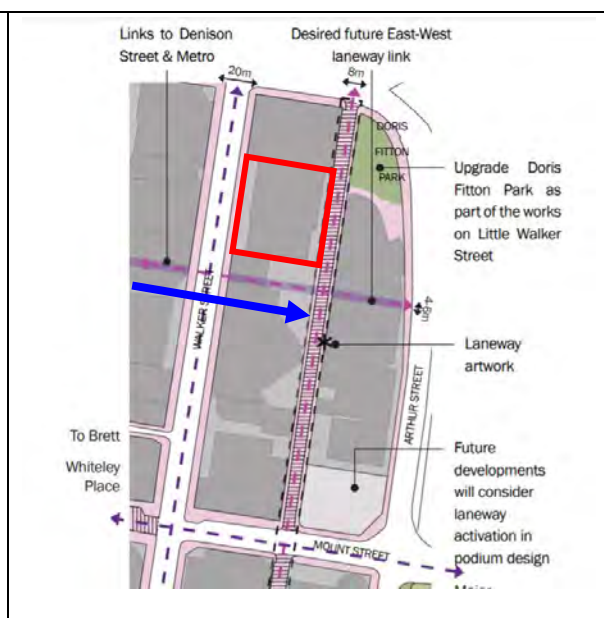


FIGURE 8: Extract of the Detailed Plan for Little Walker Street

The thick blue arrow shows the actual alignment of the existing link to the west, suggesting that link should be further to the south.

To ensure maximum legibility of the pedestrian environment, any new such link should ultimately be provided through 141 Walker Street, which lies to the south of the subject site. Moving the connection point to the north by approximately 25m reduces the legibility of this link and does not maximise permeability through the existing street grid.

The PDS also identifies the importance of creating public spaces focused around sunlight access and protecting existing solar access. The proposed reversed podium form to Little Walker Street prevents this objective from being met and has also been raised by both Council's Urban Design and Development Assessment officers as being an issue.

Part D of the PDS outlines Council's goals for the public domain. With respect to built form outcomes, it recommends:

- Use of rectilinear building shapes to reinforce the underlying grid pattern;
- New development should maintain or reinstate the existing street wall up to appropriate contextual heights or up to a maximum podium height of five storeys;
- Avoiding incorporation of setbacks that create additional footpath space, colonnades, plazas or pocket parks unless identified in the PDS or where clear public benefit can be demonstrated;
- Building to the boundary at the ground level to maximise activation of street frontages and minimise potential safety concerns and ambiguity over what constitutes the public domain;
- Existing ground floor setbacks and breaks in the street wall should be repaired as sites are upgraded or redeveloped;
- Council's setback and podium controls help to moderate and minimise adverse effects on adjacent streets and public spaces;
- Overshadowing and wind impacts to public spaces and footpaths is to be considered in the building design;
- Vertical and horizontal articulation is to be incorporated to help to present the internal activities of a building, break up the mass of a building and create a human scale that connects and grounds the building to its streetscape;
- Where located on corners, buildings should address both street frontages with appropriate facades that relate to the scale, width and hierarchy of the streets; and
- New buildings should avoid large expanses of singular unarticulated materials, excessive amounts of highly reflected glass and large areas of anodised aluminium panels.

Council's Urban Designer has advised that that the concept proposal is generally inconsistent with these built form outcomes in so far that the proposal:

- Does not build to the street boundary minimising continuous activation opportunities;
- Does not provide an appropriate setback to Little Walker Street at the ground level, creating potential safety concerns; and
- Provides poor vertical articulation.

Whilst many of these issues could be addressed at the development application stage, it does not remove the unacceptability of proposed built form envelope which is to be mandated within the LEP, with little opportunity for delivering flexible outcomes.

7.4.2.4 Draft Amendment to North Sydney Development Control Plan 2013 – Commercial Tower Setback and Separation Controls

On 28 June 2021, Council considered a review of its built form controls for commercial development in the North Sydney Centre in light of the need to manage issues arising from recent increases to building height controls within the Centre and to address Strategy 5 to the *North Sydney Centre Land Use and Capacity Study*. These issues include a lack of guidance and certainty with regard to building setbacks and tower separation that could result in continuous, uninterrupted walls of tall commercial towers that reduce daylight and sky views from the street and within the towers.

The review recommended the following amendments be made to North Sydney Development Control Plan (NSDCP) 2013 to address these issues and provide increased certainty and clarity to the existing controls:

- 6m minimum above podium whole of tower side setbacks to the boundary for sites over 1,000sqm
- Tower facades above podium should not exceed 55m in length
- No portion of a commercial tower should be located within 3m of the podium façade. Above podium weighted setback controls will continue to apply.
- Commercial towers on the same site require a minimum building separation of 12m
- Commercial towers on lots with adjoining rear boundaries (i.e. without street frontage) require a minimum 6m above podium rear setback
- Visually interesting treatment to party walls.

Council subsequently endorsed these proposed amendments for the purposes of public exhibition. The draft amendments were placed on public exhibition from 19 July to 30 August 2021. Council has yet to consider a post exhibition report in relation to this matter. Whilst a formal position has yet to be attained in relation to these draft amendments, the objectives of these controls are an important consideration.

Council's Urban Designer has considered the Planning Proposal in relation to these draft amendments and noted that the proposal is generally inconsistent with these proposed controls. Of particular concern, is the lack of above podium setback to Little Walker Street which provides an overbearing form to this narrow street (approximately 9-10m wide) and adversely impact on access to daylight and sunlight at the ground level, which would be contrary to PDS's desire to turn Little Walker Street into a pedestrian environment.

The proposal would also not comply with the proposed above podium side setback controls of 6m. Despite height restrictions on the site to the north, providing a 6m tower setback along the northern boundary would safeguard development potential for this neighbouring site, allowing potential views to the south and better access to

natural light. A side setback would also ensure that in the future, should development occur on the site to the north, there would be breaks between development to allow sky views and daylight into the street for pedestrians.

The draft DCP amendment also includes a maximum horizontal dimension for towers of 55m. If a side setback is not applied to the northern boundary of the subject site, there is a chance the proposal and any existing/future development at 165 Walker Street exceeding this length by up to 11 metres.

7.4.3 Section 9.1 Ministerial Directions

Section 9.1 of the *Environmental Planning and Assessment Act 1979* enables the Minister for Planning to issue directions regarding the content of planning proposals. There are a number of Section 9.1 Directions that require certain matters to be addressed if they are affected by a planning proposal. Each planning proposal must identify which Section 9.1 Directions are relevant to the proposal and demonstrate how they are consistent with that Direction.

The following Directions are relevant to the Planning Proposal:

- 1.1 Business and Industrial Zones;
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Regulated Airports and Defence Airfields
- 5.10 Implementation of Regional Plans; and
- 6.3 Site Specific Provisions

The Planning Proposal is considered to be generally consistent with the relevant Section 9.1 Directions, with the exception of *Directions 3.5 – Development Near Regulated Airports and Defence Airfields* and *6.3 – Site Specific Provisions*. The inconsistencies with these Directions are discussed below.

7.4.3.1 Direction 3.5 – Development Near Regulated Airports and Defence Airfields

This Direction applies when a relevant planning authority prepares a Planning Proposal that that will create, alter or remove a zone or a provision relating to land near a regulated airport or a defence airfield. In particular, subclause (5) to this Direction states:

- (5) *In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:*
- (a) *consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;*
 - (b) *for land affected by the prescribed airspace (as defined in Regulation 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.*
 - (c) *not allow development types that are incompatible with the current and future operation of that airport.*

- (d) *obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Environmental Planning and Assessment Act 1979.*

Despite not being located in close proximity to Sydney Airport (a core regulated airport), the subject site is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal seeks to introduce new maximum building height of RL 238 (238AHD) on the subject site, which exceeds the OLS by 82m. It is also considered that any activities associated with the construction of the concept proposal would further encroach above the OLS on a temporary basis.

The Planning Proposal addressed the Direction as follows:

Whilst the site is not located 'near' an airport it is subject to the Outer Horizontal Surface – Obstacle Limitation Surface (OLS) of Sydney Airport of 156m AHD.

A Preliminary Aeronautical Impact Assessment has been prepared by Avlaw Consulting, dated 11 May 2021 (refer Appendix I). The Assessment notes the following with respect to the potential impacts of the proposed scheme:

- The Outer Horizontal Surface of the OLS for Sydney Airport will be penetrated permanently by the building structure and temporarily by construction crane(s) meaning both will require controlled activity approval (as part of a future DA).*
- The maximum potential envelope of the proposed development is below and clear of the Radar Terrain Clearance Chart (RTCC) surface by 90.28m.*
- The proposed development is not restricted by airspace protected under Guideline H of the National Airports Safeguarding Framework (NASF) for Strategic Helicopter Landing sites.*
- The proposed permanent structure and temporary crane activities are below the RTCC surface of 335m AHD and will not adversely affect the safety, efficiency or regularity of aircraft operations at Sydney Airport.*

Based on the assessment undertaken by Avlaw Consulting it is considered that the Planning Proposal is consistent with the objectives of Direction 3.5.

Additionally, the site is not subject to aircraft noise impacts and accordingly, no further assessment is required in this regard.

The Planning Proposal has not been referred to the Commonwealth Department of Infrastructure and Regional Development, nor the Sydney Airport Corporation for their comment and permission in accordance with subclauses (5)(a) and (d) of the Direction.

Notwithstanding, referral can still be undertaken and permission obtained as a requirement of any future Gateway Determination consistent with the requirements of the Direction.

Clause 6.15 to NSLEP 2013 relates to the protection of airspace operations and flags the requirement to obtain approval for any “controlled activities” that proposal to exceed the OLS. Accordingly, NSLEP already addresses the objectives of the Direction in part.

Of further note, the Commonwealth Department of Infrastructure and Regional Development approved an increase to the maximum building height control over the 156 OLS threshold to over forty sites within the North Sydney Centre up to a maximum of RL 289 as part of Amendment 23 to NSLEP 2013. As there are several other sites in close proximity to the subject site which could have a building approved greater than the proposed height limit, this should not be an obstruction to gaining approval to this aspect of the Planning Proposal at a later stage.

7.4.3.2 Direction 6.3 - Site Specific Provisions

The objective of this Direction is “to discourage unnecessarily restrictive site specific planning controls”. The Direction requires:

- (4) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
 - (a) *allow that land use to be carried out in the zone the land is situated on, or*
 - (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The Planning Proposal seeks to impose setback controls within the LEP to define the building envelope for the subject site. This approach is inconsistent with the approach adopted by Council in the establishment of built form envelopes under the LEP. The Planning Proposal states in response to this Direction:

The Planning Proposal is consistent with the objective and provisions of Direction 6.3. The site-specific clause is the only mechanism that can be utilised to ensure the orderly consolidated future development of the land in the manner described in this Planning Proposal. Without the clause, there is no avenue to incentivise consolidation of the properties 153 and 157 Walker Street for the purposes of a viable joint redevelopment. The clause is required to incentivise amalgamation and avoid site isolation of 153 Walker Street but also to ensure the highest and best development outcome is achieved that can be accommodated in line with strategic plans, policies and previous studies.

The site-specific clause does not rezone the land and the predominant commercial land use is preserved under the Planning Proposal. Amendments are sought to the building height, podium height and setback provisions to ensure development occurs generally in accordance with the reference design. The clause does not refer to the reference design, rather it explicitly [SIC] details the parameters to be followed by Applicants for future proposals.

The clause includes provisions for setbacks on the site. Whilst these types of provisions are typically included in DCPs, their inclusion in this instance is vital to:

- Protect a minimum floor plate size to achieve a premium / A-Grade commercial office standard and to attract premium tenants.*
- Ensure flexible and efficient floor plates are delivered as part of a future development on the site.*
- Ensuring the urban design outcomes and public benefits detailed in this report and demonstrated in the supporting reference design.*
- Protecting and supporting the future viable redevelopment of the properties adjoining the site to the north at 161-165 Walker Street as detailed earlier in Section 4 of this report*

As indicated earlier, the Planning Proposal suggests that the incorporation of a FSR control for the site is not appropriate due to a final design not having been developed. However, this position is not supported as an FSR control could be established consistent with best planning practices and site-specific modelling conducted in the preparation of the Planning Proposal can inform appropriate DCP controls providing increased clarity and certainty for the developers of the site and wider community.

7.4.4 State Environmental Planning Policies

The submitted documentation (refer to Attachment 1) has adequately demonstrated the proposal's consistency with the relevant State Environmental Planning Policies.

7.4.5 Environmental Impacts

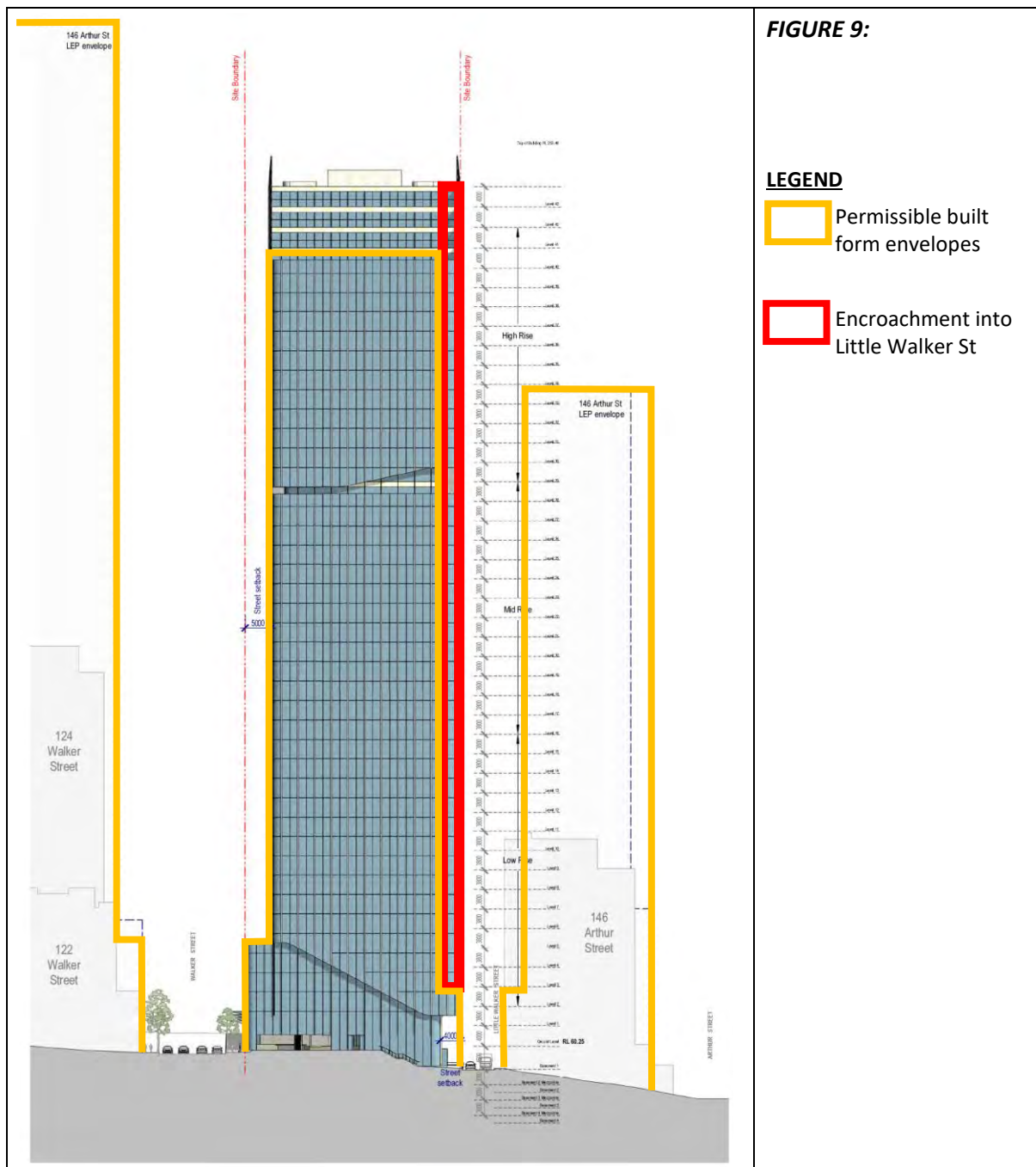
7.4.5.1 Natural Environment

The subject site is located within a highly established urban area of the North Sydney CBD. There are no known critical habitats, threatened species, populations or ecological communities that will be adversely impacted as a result of the proposal.

Despite the Sites currently containing soft landscaping along its Walker Street frontage, the Planning Proposal makes numerous references to delivering a “superior landscaped urban environment”. However, the concept proposal does not deliver on this reality. The most that the proposal indicates that it would deliver on is the provision of a narrow planter bed along the southern edge of the three (3) highest floors. This is tokenistic at best and does little to soften the built form or adequately contribute to increasing biodiversity. More opportunities could be provided to replace all terraces with landscape beds and to provide across more levels of the building, such that the greening becomes vertical. There is also a distinct lack of landscaping at the lower and ground levels that would positively contribute to a human scale, contrary to what is alluded to in the Planning Proposal.

7.4.5.2 Access to Daylight and Sunlight

The concept proposal has been modelled to ensure that there are no overshadowing impacts to the area of public open space to the west off the Warringah Freeway off Whaling Road and Alfred Street North. In particular, it will not result in any increase in overshadowing of this space between 10 and 2pm, consistent with the *North Sydney Centre Land Use and Capacity Strategy*.



However, the concept proposal's built form envelope would adversely impact on the ability for Little Water Street to obtain adequate access to daylight and sunlight. Little Walker Street is only 8.7m wide at its narrowest point and 10m at its widest. By providing no setback to the Little Walker Street frontage for the majority of the building's height (up to 181m), it will contribute to the enclosure of the airspace above the Street and contribute to creating a claustrophobic narrow canyon refer to Figure 9.

Part of the applicant's justification for the nil setback to Little Walker Street relates to a contextual analysis of other buildings in the locality. Unfortunately, many of the buildings selected for comparison, are proposed and not approved (i.e. 110 Walker Street and 159-161 Walker Street), or do not comply with Council's current built form controls as they were approved well before the current controls were imposed or were approved under the former Part 3A (i.e. 100 Mount Street and 1 Denison Street), and State Significant Development (i.e. 179-187 Miller Street) regimes which ignored Council's controls. In response to these poor design outcomes, Council has sought to clarify and reinforce commercial tower built form controls to ensure improved amenity to the public domain and the pedestrians using that public domain (refer to section 7.4.2.4) is achieved.

7.4.5.3 Built Form Outcomes

The proposal was referred internally to Council's specialist Urban Design and Development Assessment officers for comment. Both these areas raised significant issues in relation to the proposal's built form in relation to its local context.

The proposed plant rooms add 15m to the overall height of the concept proposal. No justification has been provided for the height of the top plant room. It is suggested that a plant room spread across a larger, single storey could reduce the overall tower height, in addition to regularising the built form and be more consistent with the outcomes envisaged under the PDS.

The proposed additional height results in a 123m height difference to the maximum height permissible on the building to the north at 165 Walker Street. The applicant suggests that the significant difference (over 100m) in permissible height provides a good transition towards the lower scale development located to the north, as it breaks up these two volumes. However, Council's Urban Designer has advised that this abrupt and significant change in height could make the proposal appear overscale when viewed from the north. This is due to the maximum heights of buildings further to the north of 165 Walker Street being similar in height to that at 165 Walker Street and that this height difference is further emphasised by the proposed sloped tower top that increases in height towards the northern boundary. A visual impact assessment that includes views from the north should be undertaken to justify the additional height proposed.

The concept proposal's detailing to the northern elevation comprises an uninterrupted glazed façade built to the boundary. This form further emphasises the height difference and does not provide any contextual response to this change in height. The PDS promotes vertical articulation in tall towers as a way to break up the mass of a building and contribute to the character of a street, and should be further investigated beyond just rounded corners to the tower and glazing.

The 4m ground level setback to Little Walker Street with reverse podium is not supported. This aspect of the proposal results in a poor design outcome for the following reasons:

- *Half of the street frontage is services/utilities and a vehicle driveway, providing no activation*
- *There is no suggestion of activation at the ground level through the retail space, which is large and extends deep into the building. Connection between the retail space and the external space is hindered by two large columns that prevent continuous activation of the facade*
- *The corner retail tenancy is taken up by a large stairwell and large column, preventing any activation of this space*
- *The setback creates an indented area with a primarily inactive façade, which could create CPTED issues, especially at night*
- *The setback breaks up the rhythm of Little Walker Street, which is largely built to the boundary*
- *The tower which overhangs the space three storeys above is too high to provide proper pedestrian cover in lieu of an awning*

The 4m above podium setback to Little Walker Street has not been adequately justified on urban design grounds and should not be considered a positive contribution to the public realm, simply because it “creates more space”. Whilst it is recognised that an increased setback would be beneficial in creating an improved and widened pedestrian footpath, the extent of the setback is excessive. A more appropriate response would be to continue the alignment of 141 Walker Street to the south.

The proposed nil tower setback to Little Walker Street is not an appropriate contextual response to the narrow street, where development is predominately built to the boundary and set back above podium. Such a tall tower built to the boundary would reduce sky views and daylight along the laneway and appear overscale at ground level, resulting in a poor relationship with the laneway. A 3 storey podium built to the boundary with a 4m tower setback will provide a stronger contextual response, provide better amenity for the street and align with NSDCP 20132013 and Council’s adopted PDS.

Furthermore, on such a narrow street such as Little Walker, a podium built to the boundary with a tower set back above, would allow for greater façade activation along the laneway, reducing the possibility of creating unused, dark spaces that could create safety issues.

The typical tower floorplate is quite large and deep, and at certain points, an occupant may be up to 18-30m from a window or source of natural light. These deep floorplates could have an impact on occupant amenity. Applying the recommended tower setbacks to the Little Walker Street frontage and to the northern and southern boundaries in accordance with Council’s existing and future controls will reduce these distances and allow for better penetration of natural light improving the amenity for occupants.

The 4m tower setback to 141 Walker Street to the south allows the proposed 5m wide pedestrian through-site link at ground floor to be almost completely open to the sky which is generally supported. However, the tower setback should be increased to 6m to 141 Walker Street in order to comply with the draft DCP amendment and maximise the opportunity to break up building bulk and access to daylight.

The concept design shows the tower built up to the northern boundary, articulated through curved corners and glazed lift shafts. The glazed façade is shown in elevation starting from podium level (5 storeys) to the top of the tower. While there are development restrictions on 165 Walker Street to the north due to overshadowing implications to Doris Fitton Park, they are still permitted to build to RL 115. Any glazed façade built to boundary will impact on the development potential of this site and is not supported.

The rounded corners of the façade should not be considered adequate visual articulation, as it is still in essence a very tall, blank façade minus the glazing element. Further investigation into vertical articulation for this façade should be explored.

A 6m side setback to the northern boundary would allow the glazed façade while safeguarding the development potential of 165 Walker Street. It would also improve the height transition between the two sites.

The detailing to the northern façade is also not supported. It should not rely on glazing elements when built to the boundary as it will impact the development potential of 165 Walker Street to the north. Rounded corners of the façade do not alone create a visually interesting treatment that will break down the height and scale of the wall.

7.4.5.4 Wind Impacts

Both Council's Urban Designer and Development Assessment staff have identified that insufficient information has been provided to justify the Planning Proposal's impacts in relation to wind, particularly upon Little Walker Street.

Section 2.3.3 of the North Sydney DCP 2013 requires a wind impact report where a building exceeds 33m in height and specifies that development should not result in wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.

The Planning Proposal acknowledges that:

Given the height of the concept reference design and orientation of the development site it is inevitable that wind tunnel impacts will be incurred along the site frontages. Detailed design elements informed by a future wind tunnel analysis will need to form part of any future development application. Design measures to mitigate wind impacts may include:

- *Introduction of dense vegetation across the lower levels and pedestrian through-site link;*
- *Installation of screening in the form of external louvres or angled panels to obstruct / control the flow of breezes to the through-site link;*
- *Use of other angular building features at the lower level to protect pedestrians from prevailing winds; and*
- *Installation of strategically placed awnings.*

Whilst these measures have not been detailed at this early stage, they are able to be accommodated within the final design and will not affect the changes sought under this Planning Proposal.

Whilst such issues may be able to be addressed at the DA stage, no analysis has been provided to demonstrate that the reverse podium to Little Walker Street and a nil setback to the site's northern boundary will result in a superior outcome with respect to wind impacts in accordance with Council's requirements. Accordingly, more analysis is required in this instance before Council can support the progression of the Planning Proposal. Consideration should also be given to what type of impacts would result if similar reverse podium setbacks are provided to more sections of Little Walker Street.

7.4.5.5 Transport, Traffic and Parking

The Planning Proposal is accompanied by a Traffic and Parking Study which concludes that the concept proposal is likely to have a negligible impact on the surrounding road network and performance of key intersections in the locality. This is largely achieved by the proposal providing less on-site parking spaces than the current situation.

The Planning Proposal was referred to Council's Strategic Transport Planner and Traffic Engineer for comment. They did not object to the overall progression of the Planning Proposal, but raised the issues:

Travel Plan

Whilst supportive of the approaches taken to minimise traffic generation and uptake of more sustainable modes of transport, a future DA should be accompanied by a Travel Plan which provides a commitment to deliver the desired outcomes as outlined in the Traffic and Parking Study.

Vehicular Access

Whilst a reduction in the number of vehicular access points to the site is supported, it is unclear as to whether the future driveway is able to accommodate the largest size of truck servicing the development without interfering with the traffic and existing on-street parking on little Walker Street. Should the proposal proceed, a swept path analysis should be provided.

Council's PDS seeks to make Little Walker Street a shared pedestrian environment. The design of any future driveway access must not interfere with the delivery of this proposed shared zone.

Cycling

The concept proposal does not recognise the slightly different locational/design requirements of worker and visitor cycle parking. Whilst the Type 2 lockable compounds shown on the Lower Ground and Basement Levels 1 and 2 are satisfactory for workers, they do not provide the required level of accessibility/flexibility for visitors that cycle to the site. Consideration should be given as to whether there is any opportunity to deliver at grade Type 3 visitor/customer cycle parking (bike hoops), either within the site boundary or within the nearby road reserve (with Council's permission), as close as feasible to building entrances for associated land uses. These spaces should be visible from the current/future cycling network (visibility), overlooked by adjacent land uses (security), covered (weather) and well lit (night-time security).

Consideration should also be given to co-locating the end of trip facilities (i.e. showers and lockers) which are located on Level 1, closer to the storage facilities in the basement levels, to minimise internal trips for cyclists.

In consideration of the above comments, it is unlikely that the proposal would create any traffic concerns that are not able to be addressed either post-Gateway or during the development application stage. Other issues can also be resolved further along in the process.

7.4.6 Public Benefits

7.4.6.1 Through-Site Link

The Planning Proposal seeks to deliver a new pedestrian through-site link connecting Walker Street to Little Walker Street along the southern boundary of a consolidated site. Whilst the delivery of this link is positive public benefit, it is compromised in terms of Council's desired outcomes for through site links to be at least 6m wide and wholly open to the sky. It's provision on this site also compromises the site's redevelopment potential, due to the narrowing of the site especially at the lower levels.

The PDS identifies that a through site link should be provided between Walker and Little Walker Streets providing an extension to the existing through site links between Walker and Miller Street.

It is best practice to maintain a direct line of site for through site links to maximise clarity and legibility for the pedestrian. The proposed link is offset by approximately 25m to the north of the existing alignment. Accordingly, any future link would be better located further to the south, across 141 Walker Street. Furthermore, given that 141 Walker Street has a frontage of approximately 75m to Walker Street, it has a much better ability to accommodate this through site link without the need to compromise the development potential of either 141 Walker Street or the subject site.

Council's Urban Design and Development Assessment officers have also indicated a number of issues with regard to the through site link including:

- Whilst located adjacent to the through site link, the accessible lift requires pedestrians to travel through a private retail space on Basement Level 1 to traverse between Walker and Little Walker Street. This prevents DDA compliant travel through the through site link unimpeded after hours. The design needs to be revised to improve DDA compliance.
- Activation of the through-site-link is restricted, especially in the south-eastern corner on Little Walker Street where the retail space fronting the through site link is primarily taken up by an internal stairwell and giant column. Along the through-site-link is one large lobby with some spaces for chairs and tables. Smaller, boutique retail spaces opening directly to the through-site-link should be considered to improve activation. There is an entrance to the lobby from Walker Street, and having such a large secondary entrance off the through-site-link may result in a large, unused space.
- The proposal shows chairs and tables on the through site link along its north-western perimeter. This reduces the effective usable width of the link making it more like private entrance than a public way through. The through site link should remain unimpeded to maximise its interpretation as a publicly accessible thoroughfare.

These issues could be addressed as apart of any future development application in relation to the site.

Typically the burden of the delivery of through site links should be shared between property owners (i.e. 3m width open to the sky on either site). In addition, they should generally align where practical with existing through site links to maximise permeability.

Due to the excessively large frontage of 141 Walker Street (approx. 73m) to the south of the subject site, the entire through site link could be accommodated on 141 Walker Street comfortably without adverse impacts upon its development potential and ensuring that the development potential of the subject site can be maximised. Furthermore, it could be better aligned with the existing through site link to the west between 100 and 110 Walker Street which provides access through to 1 Dension Street and onwards to the Victoria Cross Metro Station.

7.4.6.2 Premium / A-Grade floor space

The Planning Proposal is largely being promoted on its ability to provide a “premium/A-grade” commercial office floorplate. The grading of office floor plates refers to the Property Council of Australia’s (PCA) classification system for commercial office buildings, established under its *A Guide to Office Building Quality*. This Guide is a voluntary, market-based approach to identifying parameters that typically influence building quality. One of the key parameters relating to identifying building grades relates to the size of a buildings nett leasable floor plate. To achieve a “Premium” and an “A” grade floor plate, it must at least have a minimum nett leasable floorplate of 1,500sqm and 1,000sqm respectively. Based on an 75%-80% efficiency rate, it would equate to requiring a gross building floorplate of 1,875-2000sqm for a Premium-grade floor plate and 1,250-1,330sqm for an A-grade floorplate. Based on the site’s size and compliance with relevant Council setback controls, neither site in isolation, is capable of delivering a premium or A-grade floorplate over the majority of their levels. A consolidated proposal, fully in accordance with existing and proposed built form controls would also be incapable of delivering either “premium” or “A” grade floorplate, given a built form envelope of approximately 1,120sqm (or gross building area) would be achievable, resulting in a nett leasable area of approximately 895sqm.

The PCA grading system is a guideline only and not a planning requirement. This is emphasised by the PCA itself who state *“This publication is NOT a rating tool and the Property Council does not publicly classify building quality or provide advice on the use of the tool in individual circumstances”*.

The concept proposal can only achieve an A-grade sized floorplate by relying on non-compliance with existing and future commercial tower built form controls.

It should be further noted, that none of the regional, district or local planning strategies identify the need to achieve “A-Grade” office space. In contrast, these strategies predominantly seek to:

- increase commercial floorspace capacity and employment growth;
- attracting significant investment and business activity in strategic centres providing jobs growth
- diversifying the range of activities in all centres
- deliver high quality commercial floorspace

Therefore, whilst having a high PCA classification may be desirable, there is no need for a proposal to ‘comply’ with this grading and should not be used to justify redistribution of floorspace which impacts upon the proposal’s compliance with Council’s planning controls or strategic directions.

There has been recent evidence that not all companies are striving to utilise Premium or A grade floorplates, with some preferring smaller floorplates with higher bespoke amenities contributing to a premium feel. To expect the delivery of only Premium and A-grade sized floorplates throughout the entire North Sydney Centre is unreasonable and unattainable. Furthermore, it will not contribute to the provision of a variety and diversity of office spaces as envisaged under the Regional, District and Local strategic plans. This position is also evident in that NSLEP 2013 only requires a minimum site area of 1,000sqm to achieve their maximum potential under the LEP and DCP, a size of which is incapable of accommodating a Premium or A Grade floorplate at any level of the building.

7.4.7 Social Impacts

The redevelopment site alone has the potential to increase the site's interaction and integration with the surrounding public domain. The commitment to sustainability outcomes is supported. However, the need to include them in the local provision is overstated and merely duplicates an existing requirement under NSDCP 2013, which requires commercial developments exceeding 5,000sqm to deliver on a minimum 4.5 NABERS Energy Commitment, incorporation of Water Sustainable Urban Design attainment of at least a 5-star Green Star rating. Accordingly, the benefits being sold by the applicant are overrated as they are already required as part of any DA on the subject site where wholesale redevelopment is proposed.

7.4.8 Economic Impacts

The proposal would result in an increase in the quantum of employment floorspace over that currently achievable if the two sites were redeveloped as a consolidated site. Accordingly, in general terms, increased density on the site is likely to result in positive economic impacts both in construction and ongoing operation that will be of benefit to the local and regional economy. However, any such economic benefit will be minimal given the extent of development that can currently be accommodated on the site.

One of the key arguments of the Planning Proposal is to ensure the orderly and economic development of the land on the basis that redevelopment of the subject land, as isolated sites is "unfeasible".

Whilst the Planning Proposal is accompanied by a *Feasibility Assessment Report* prepared by APP Corporation, it does not provide any quantifiable and comparable evidence to demonstrate that the Planning Proposal is required to deliver a feasible redevelopment.

In particular, the *Feasibility Assessment Report* does not provide any provisional costings of redeveloping the sites individually or as a consolidated parcel under the current controls and the proposed controls. Instead, it merely relies on the suggestion that neither of the sites can be developed in isolation from one another as they are incapable of providing premium A-Grade floorplates. Whilst it suggests that it would be feasible to redevelop the sites in a consolidated proposal, it does not provide any substantive evidence that the additional floorspace bonus is also required, through increased height and reduced setbacks in terms of feasibility.

The sites currently contain 12-13 storey commercial buildings on land which is capable of accommodating a commercial tower up to 38 storeys under the current planning controls. This would suggest that the redevelopment of the subject site under the current controls is financially viable without resorting to increasing the development potential on the site. It should also be remembered that the subject sites were very recently granted an increase of 60m to their permissible height limits as part of Amendment 23 to NSLEP 2013.

Accordingly, the proposed increase in development potential is unsubstantiated on financial feasibility grounds.

7.4.9 Infrastructure

The site is located in proximity to existing and proposed transport infrastructure, including existing road connections and public transport. The site is in a locality that would allow future residents and workers to capitalise on the wide range of infrastructure and services available and planned within the area.

At the development application stage, consultation would be required with utility providers to ensure that sufficient capacity exists in water, sewer, gas, telecommunications and other utility services.

There is likely to be adequate services and infrastructure in the area to accommodate the proposed increases in demand, alternatively the applicant will be required to pay for any upgrades required.

7.5 Strategic and Site Specific Merit Test

DPIE's *'A guide to preparing planning proposals'* (December 2018) includes Assessment Criteria (otherwise known as the 'Strategic and Site Specific Merit Tests') to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. As the North District Plan does not have specific Sustainability Criteria, the Strategic and Site Specific Merit Tests are considered below.

Also of note, is that the Guide also states "*There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test*". The proposal specifically seeks to amend controls which are only 3 years old.

7.5.1 Strategic Merit

The Strategic Merit Test requires consideration of the following:

- a) *Does the proposal have strategic merit? Will it:*
- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
 - *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
 - *respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

Each of the components of the strategic merit test are considered below.

District Plan

The proposal's consistency with the North District Plan has been considered in Section 7.4.1.2. In summary, whilst the Planning Proposal in general terms can be considered to be consistent with the District Plan as it provides for additional employment floor space, it does it at the expense of maximising the amenity of the public domain and contributes to a human scale.

Local Strategic Planning Statement

The proposal's consistency with the North Sydney Local Strategic Planning Statement (LSPS) is considered in Section 7.4.2.1. The LSPS incorporates the North Sydney Centre Review and North Sydney CBD Public Domain Strategy into the strategic planning framework and directly links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan. Despite the Planning Proposal being consistent with the provision of employment floorspace, it is contrary to the PDS in terms of public domain outcomes and therefore is contrary to the endorsed LSPS.

The Planning Proposal would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality, particularly the PDS. In particular, it will result in adverse overshadowing of the proposed public domain space and will negatively impact on the ability to implement the related strategies within the PDS.

Change of Circumstances

The Planning Proposal indicates it is motivated by the planned delivery of the LSPS, and therefore is responding to a change in circumstances.

However, the subject site has already benefitted from the outcomes of the North Sydney Centre Review which is embedded in the relevant planning priorities and actions of the LSPS and subsequently through the recent significant uplift in building height afforded to the subject sites via Amendment 23 to NSLEP 2013. Consequently, this is not considered to be a key driver for increased density on the site.

Conclusion

Based on the above, it is considered that the Planning Proposal does not have strategic merit for the main reason that it is contrary to the LSPS, and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality, which is integrated within the LSPS, particularly the PDS. It should also be remembered that the subject sites were very recently granted a 60m increase to their permissible height limits as part of Amendment 23 to NSLEP 2013.

Given the adoption of the above suite of high-level strategic documents, which the Planning Proposal is inconsistent with, the proposal fails to demonstrate strategic merit.

7.5.2 Site Specific Merit

The Site Merit Test requires consideration of the following:

“b) Does the proposal have site-specific merit, having regard to the following?

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.”*

The site specific issues associated with the Planning Proposal have been considered in Section 7.4.5. Overall, the Planning Proposal is not considered to have site specific merit due to the following:

- the expected increase in overshadowing and the reduction in solar access likely to occur on the public domain off Little Walker Street;
- inappropriate setback to Little Walker Street at the ground level which could result in a poor level of activation and safety concerns;
- has not given adequate consideration of the financial ability to redevelop the site under the current controls.

8. SUBMISSIONS

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a planning proposal, to illustrate the level of public interest in the matter before Council makes its determination.

At the time of reporting, one submission has been received. The submission objects to the progression of the Planning Proposal as the applicant has not obtained consent from the owners of 157 Walker Street. In particular, the submission is objected to on the following grounds:

- The owners of 157 Walker Street have not consented to the lodgment of the Planning Proposal and this position has been put to the owners of 153 Walker Street many times.
- Any part of the Planning Proposal which involves 157 Walker Street will not be delivered as proposed in that Planning Proposal hence making the proposal unworkable and a waste of valuable council time.
- 157 Walker Street is held in a Managed Investment Trust and the proposal may have tax implications for the Trust and for the ultimate owners of the site; and
- The application does not properly consider strategic or site-specific issues.

Whilst there is no legislative requirement to obtain owner's consent associated with the lodgment of a planning proposal, Council requests the provision of this upfront for unsolicited proposals. This is to ensure that all owners are fully aware of what is being proposed, as the proposal may benefit one owner over another. This will also enable the orderly and economic use of the land.

If the applicant is incapable of obtaining owner's consent at this point, it is unlikely that they would be able to obtain owner's consent for any subsequent development application to deliver upon the concept proposal as presented in the Planning Proposal making the Planning Proposal redundant.

The applicant has stated that the owners of 153 Walker Street were unable to negotiate an amalgamation with 141 Walker Street as the site is in a Managed Investment Trust. However, no explanation has been given as to why this prevents an amalgamated proposal to be pursued. Whilst it is recognised that the owners of 157 Walker Street have raised the same concerns, it does not prevent the consolidation of the sites in the longer term.

It is surprising that neither the Environmental Planning and Assessment Act, nor the Regulation require owner's consent for the lodgment of unsolicited planning proposals. Notwithstanding, it is clearly problematic to assess and support an unsolicited planning proposal in the absence of owner's consent.

Also of note, the applicant had provided no evidence that they sought formal negotiations to amalgamate with the owners of 157 Walker Street, which is contrary to what the owners of 157 Walker Street have stated.

CONCLUSION

The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2013 by inserting a site-specific clause to permit a 23m height bonus at 153 and 157 Walker Street, if the two properties are redeveloped under a single proposal and meet a number of criteria relating to setbacks delivery of a through site link and sustainability outcomes.

The Planning Proposal is generally consistent with the relevant requirements under s3.33 of the EP&A Act.

Whilst the Planning Proposal would result in a small increase in potential employment floor space and delivery of a through site link, the Planning Proposal is not supported for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of a number of recently adopted policies including the *North Sydney Local Strategic Planning Statement* (LSPS) and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality which is enshrined within the LSPS, particularly the *North Sydney CBD Public Domain Strategy* (PDS).
- The proposal is contrary to delivering on a number of key priorities of the North District Plan, namely:
 - Action 11 - as it will result in a negative impact to the amenity of the public domain of Little Walker Street and not positively contribute to the delivery of a comfortable human scale;
 - Action 19 – as it does not use a place based approach to deliver great places due to its inconsistency with the PDS;
 - Action 36 – as the envisaged built form envelope will not focus on delivering on a human scale public realm or creating a vibrant, safe place or quality public realm.
- The proposed local clause is inconsistent with Section 9.1 Ministerial Direction 6.3 *Site Specific Provisions*.
- The proposal does not demonstrate site specific merit due to the following:
 - the expected reduction in sunlight and daylight access to Little Walker Street resulting from a nil above podium setback to Little Walker Street;
 - there is no substantive evidence that that a consolidated proposal can't be feasibly erected under the current controls;
- The proposal is inconsistent with the desired direction to quantify above podium setback and tower separation controls to improve daylight and solar access to the public domain and improve internal amenity to towers.
- The applicant does not have the consent of the owners of 157 Walker Street.

RECOMMENDATION

That the Panel resolves not to support the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination.

Ben Boyd
EXECUTIVE STRATEGIC PLANNER

Marcelo Occhiuzzi
MANAGER STRATEGIC PLANNING



Property and Infrastructure Specialists

153 - 157 WALKER STREET NORTH SYDNEY PLANNING PROPOSAL

28 June 2021



TABLE OF CONTENTS

1. INTRODUCTION	4
1.1 OVERVIEW	5
1.2 OBJECTIVE AND PURPOSE	8
1.3 PROPOSED NEW SITE-SPECIFIC CLAUSE	9
1.4 SUPPORTING DOCUMENTATION	10
2. BACKGROUND INFORMATION	11
2.1 PRE-LODGEMENT CONSULTATION SUMMARY	12
3. Site Analysis	17
3.1 SITE DESCRIPTION AND LOCATION	18
3.2 EXISTING DEVELOPMENT AND LAND USE	20
3.3 SURROUNDING DEVELOPMENT AND CONTEXT	22
3.4 ACCESS AND TRANSPORT	26
3.5 UTILITY INFRASTRUCTURE	27
3.6 PUBLIC OPEN SPACE	27
3.7 COMMUNITY FACILITIES AND SOCIAL INFRASTRUCTURE	28
4. THE VISION AND SCHEME	30
4.1 OVERVIEW	31
4.2 THE VISION	31
4.3 DEVELOPMENT STATISTICS	31
4.4 DESIGN PRINCIPLES	32
4.5 LAND USE	39
4.6 BUILDING HEIGHT	41
4.7 SETBACKS AND BUILDING SEPARATION	41
4.8 ESD PRINCIPLES	45
4.9 PUBLIC DOMAIN AND PEDESTRIAN LINKAGES	48
4.10 CAR PARKING, LOADING AND END OF TRIP FACILITIES	48
5. PLANNING PROPOSAL	51
6. CONCLUSION	93

An aerial photograph of a city skyline, likely Sydney, Australia, featuring a large river, a prominent bridge, and numerous high-rise buildings. The image is overlaid with a semi-transparent blue filter. The word "Introduction" is centered in large white text, with a horizontal white line extending from the left edge of the page to the end of the text.

Introduction



1.1 OVERVIEW

This Planning Proposal has been prepared by APP Corporation Pty Ltd on behalf of the Owners of Strata Plan 50411 for the properties 153 and 157 Walker Street, North Sydney (the site). It seeks to initiate an amendment to the North Sydney Local Environment Plan 2013 (NSLEP 2013) to facilitate the future orderly and consolidated development of a 43-storey commercial building by incorporating a new site-specific clause under the NSLEP 2013. The new site-specific clause will:

- Ensure the future orderly and consolidated development of an important amalgamated site in the heart of the North Sydney CBD.
- Introduce an increased maximum building height standard of RL 238m for the north-western corner of the site which tappers down to RL 215 in the south-east corner.
- Enable alternative setbacks to the primary and secondary street frontages and side boundaries.
- Provide for a publicly accessible through-site link along the southern boundary of the site between Walker and Little Walker Streets.

The site is zoned B3 Commercial Core and is positioned between Walker Street and Little Walker Street to the south of the intersection with Berry Street. The site includes two existing commercial office buildings and has a total site area of 1,928m². No change is sought to the zoning or land use provisions under the NSLEP 2013.

The Planning Proposal will add value to the site by facilitating the joint development of the two properties in-line with the scale of surrounding existing and emerging future developments (see Figure 1). The amalgamation of the two sites will underpin a future master planned development and overcome site isolation of 153 Walker Street.

This Planning Proposal is supported by a comprehensive Planning Application (Design) Report and concept reference design developed by Architectus at Appendix A. The concept design and intended use of the future development aligns with the desired future character and built form of the North Sydney CBD as outlined in the North Sydney Local Strategic Planning Statement, as well as other relevant strategic objectives outlined in local, district and regional plans.

The design has been developed in close consultation with Council's Strategic Planning officers and includes the following key architectural aspects to directly address feedback on the original scheme:

- As per Council officer direction, the concept reference design will not exceed the North Sydney shadow profile endorsed in the North Sydney CBD Capacity and Land Use Strategy and NSLEP 2013 Amendment No. 23. A sloped top of tower design has been pursued to ensure that the future development will not cause any additional overshadowing to public open space. The maximum height of the proposed tower has been reduced from RL 245 down to RL 238 observed in the north-west corner and from here the building tappers down to RL 215 in the



south east corner which aligns with the current maximum height of building control for the site under the NSLEP 2013.

- The tapered top of tower design has been chosen to contribute a visually appealing marker in the North Sydney CBD skyline whilst also creating opportunities for roof top terraces and landscaped gardens.
- The podium heights to Walker and Little Walker Streets of 5 storeys and 3 storeys respectively have been introduced into the design. A compliant 5m setback above the 5-storey podium has been introduced to the Walker Street frontage whilst an innovative reverse podium to Little Walker Street provides improved pedestrian activation and all-weather access to new retail tenancies facing the street. This approach has been discussed and supported by Council officers.
- A 5m wide through-site link is provided to the southern boundary which is open to the sky above with a 4m setback to the tower which is in accordance with the officer's suggestions.
- A nil setback has been retained to the northern site boundary and in responding to the officer's comments in the Pre-lodgement minutes of the January 2021 meeting the design:
 - includes a "high level of building articulation" to the northern aspect including rounded corner building treatments to avoid "the provision of blank walls" and a "resultant form which would be excessive in length and scale".
 - includes a northern aspect which extends 123m above the maximum RL 115 height capable of being achieved on the neighbouring sites to the north under the current NSLEP 2013 and accordingly creates a significant vertical break in the street wall form to avoid "excessive length and scale".
 - Incorporates "architectural detailing and ornamentation" to the northern aspect providing for rich visual reference for pedestrians as demonstrated in Figure 3.

This Planning Proposal report presents the strategic and site-specific merits of the proposal having regard to the relevant strategic planning framework and evolving character of the streets and built form of the North Sydney CBD. The increased building heights in conjunction with justified setbacks to streets and side boundaries will support employment growth and contribute towards the economic strength of the city centre. The design is of a high architectural standard contributing a visually attractive, flexible and functional commercial office tower over an important amalgamated site in the heart of North Sydney.

Based on the strategic and site-specific merits outlined in this report the Planning Proposal is in the interests of the public and is worthy of Council's endorsement.



Figure 1 – Perspective of the Proposed Concept Scheme



1.2 OBJECTIVE AND PURPOSE

The objective of this Planning Proposal is to ensure the orderly and economic use and development of the two properties as an amalgamated development site and avoid site isolation of 153 Walker Street, North Sydney.

The planning principle for dealing with potential site isolation was established in the NSW Land and Environment Court's judgement in *Karavellas v Sutherland Shire Council 2004*. In assessing a Development Application for proposals which could result in potential site isolation, a consent authority is to have regard to the following:

1. *Is amalgamation of the sites feasible?*
2. *Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The Owners of Strata Plan 50411 have obtained a legal assessment from Shaw Reynolds Lawyers of the isolation issues relating to 153 and 157 Walker Street. This assessment confirmed that 153 Walker Street is one which is impacted by site isolation. The Owners of Strata Plan 50411 have instructed Shaw Reynolds Lawyers to provide this advice to Council for consideration and a copy of this advice is enclosed in Appendix E. Importantly, the advice determines that current planning controls require that 153 Walker Street be amalgamated with adjoining properties to achieve the orderly and economic use and development of the land.

The Planning Proposal acknowledges that the orderly economic use and development of the two properties as separate sites would not be feasible for the following reasons:

- The properties currently contain 12 and 13 storey commercial office buildings respectively. For the properties to be feasibly redeveloped these buildings would need to be vacated, demolished and redeveloped to the LEP height limit of RL 215.
- 153 Walker Street has an area of less than 1,000m². Pursuant to Clause 6.3(2)(c) of the NSLEP 2013, this property in isolation could only be developed to a maximum height of 45m (equivalent to 12 storeys) which reflects its current height.
- Redevelopment of either property in isolation would likely produce typical floor plates of less than 1,000m². The size of these floor plates will not attract premium commercial tenants in the North Sydney CBD and limits their flexibility, use and future occupation rates more broadly. This aspect will significantly impact the development feasibility of the properties.
- Redevelopment of the properties in isolation will not deliver the same extent of master planned outcomes detailed in this Planning Proposal. For example, it would not be feasible for the redevelopment of 157 Walker Street in isolation to deliver a 5m wide publicly accessible through site link that is open-to-sky above at a 4m setback.



The Planning Proposal is the mechanism proposed to ensure that amalgamation of the two sites is feasible to enable future master planned outcomes. It seeks to insert a new site-specific clause into the NSLEP 2013 to ensure the coordinated, orderly future redevelopment of the two properties over one site.

In doing so, the Planning Proposal will contribute a number of key public benefits:

- Creation of a living landscape in the heart of the North Sydney CBD through the incorporation of a sloped roof-top terrace with green roofs and gardens at the upper levels as well as landscape embellishment at the street frontages and across the lower levels.
- Delivery of a superior built form exhibiting design excellence, opportunities for innovation, creation and a considered response to the existing and likely future development outcomes on the neighbouring sites to the north and south.
- A proposal that strengthens the economic capacity of the commercial core of North Sydney through the provision of a 52,832m² premium / A-Grade commercial office building with activated lower level retail and end of trip facilities to promote active transport.
- Provision of a new publicly accessible through-site link along the southern boundary contributing towards an important east-west pedestrian link between Doris Fitton Park and the new Victoria Cross Metro Station.
- Promote the delivery of larger, flexible, and well-designed floor plates within the North Sydney CBD to accommodate a range of businesses and support approximately 5,000 new jobs (based on the Building Code of Australia rate of minimum 10sqm per employee for commercial office towers).

1.3 PROPOSED NEW SITE-SPECIFIC CLAUSE

The Planning Proposal seeks to amend the NSLEP 2013 by inserting the following site-specific clause for the site:

Development at 153 and 157 Walker Street, North Sydney

- (1) *This clause applies to land at 153-157 Walker Street, North Sydney, being SP 50411 and Lot 1 DP 84729.*
- (2) *Despite any other provision of this Plan, the consent authority may grant consent to development that is consistent with provisions (a)-(e) where that development forms part of a single proposal over both properties under a Concept Development Application:*
 - (a) *A maximum height of buildings of RL 238 where the Application demonstrates no additional overshadowing by the development to land zoned RE1 Public Recreation.*
 - (b) *A nil setback to the properties at 161 and 165 Walker Street where the consent authority is satisfied that the proposed development exhibits visual articulation to the northern aspect.*
 - (c) *A 4m minimum setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above.*



- (d) A 5m minimum setback at the ground level to the property 141 Walker Street with a 4m setback to the levels above. This setback must comprise of a publicly accessible through-site link to the satisfaction of the consent authority.
- (e) The consent authority is to be satisfied that the proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and provide sufficient management and minimisation of waste.

No change to mapping under the NSLEP 2013 is proposed / required to facilitate the objective and intent of the amendment.

1.4 SUPPORTING DOCUMENTATION

The expert team formed to prepare this Planning Proposal and supporting concept reference design includes the following consultants (refer to Table 1).

Table 1 Supporting Consultant Inputs

Appendix	Technical Material	Prepared By / Ref. No
A	Planning Application Report Reference Design and Area Schedules	Architectus
B	Traffic and Parking Study	SCT
C	Sustainability Strategy	ARUP
D	Civil Infrastructure and Stormwater Report	ARUP
E	Shaw Reynolds Lawyers Letter	Shaw Reynolds Lawyers
F	Overshadowing Analysis	CAD DRAFT Pty Ltd
G	Shaw Reynolds Lawyers – Owners Consent Advice	Shaw Reynolds Lawyers
H	Feasibility Analysis	APP Corporation Pty Limited
I	Aeronautical Assessment	Avlaw Consulting

Background



2.1 PRE-LODGE MENT CONSULTATION SUMMARY

In October 2020 members of the Project Team met with North Sydney Council (Council) officers to present and discuss the statutory mechanisms amending the NSLEP 2013 and preliminary concept for the site. Issues and advice offered by Council were centred around the original concept's:

- Shadow profile and potential overshadowing impacts of open space in the North Sydney CBD;
- Design of the through-site link and suggested improvements and location; and
- Activated street frontages, podium heights and setbacks.

Following further amendments to the scheme, subsequent meetings were held in December 2020 and January 2021. The matters discussed at the meetings and the outcomes presented in this Planning Proposal incorporated into the final concept reference design are discussed in the following:

Orderly Consolidated Development Outcomes

The Applicant emphasised the importance of achieving an orderly economic and consolidated development for the two properties forming the site. Attention was drawn to the future site isolation impacts on 153 Walker Street and how this would result in a disrupted pattern of redevelopment and disjointed street wall frontage to Walker Street. Council Officers acknowledged the issue and confirmed that a Planning Proposal would be the mechanism to achieve the objective and intention for the site under a single, unified concept reference scheme.

Upon request from Council's officers, a separate discussion on development feasibility has been prepared by APP Corporation Pty Limited and supplied in Appendix H. The document provides an overview of possible redevelopment scenarios on the two individual properties and identifies the economic benefits and floor plate efficiencies which cannot be realised without orderly consolidation and the uplift sought under this Planning Proposal.

There was also acknowledgement by Council that a consolidated proposal could deliver improved masterplan outcomes, including most importantly a publicly accessible through-site link, superior landscape and street activation resulting from a reduced number of basement access points from Little Walker Street.

Overshadowing of Public Parks

Council's policy position established for the North Sydney CBD planning proposal (2017), reflected in Amendment No. 23 to the NSLEP 2013 controls, is for '*no additional overshadowing*' to occur to public open space in and around the CBD core. This position was a relaxation of the previous controls which was pursued to deliver increased building heights to facilitate the provision of employment floorspace. The decision of Council was made with considerable caution and after extensive community engagement was eventually supported and implemented.



At the time of the study which underpinned the amendments to NSLEP 2013 there was some acknowledgement that building heights on certain sites were conservative in relation to the avoidance of overshadowing. However, final heights adopted also had consideration for outcomes for the city skyline, urban design and character.

The overshadowing diagrams presented at the December 2020 meeting identified an additional 26 minutes of overshadowing of the park on Little Alfred Street to the south-east of the CBD between 1.35pm and 2.01pm on 21 June. Whilst the impact was considered to be negligible, Council officers confirmed the position that no additional overshadowing to open space between 12-2pm on 21 June would be supported.

Accordingly, the final concept reference design incorporates a reduced overall building height and sloped tower form which avoids any additional overshadowing impact to the Little Alfred Street park and any other public open space in and around the CBD. The maximum height proposed of RL 238 is only observed in the north west corner of the site which tappers down to RL 215 which is in accordance with the current maximum height control. This is confirmed and demonstrated in the supporting overshadowing diagrams prepared by CAD DRAFT Pty Ltd at Appendix F.

Publicly Accessible Through-Site Link

The supporting concept reference scheme includes a 5m wide through site link along the southern boundary of the site with an open-to-sky 4m setback above (see Figure 2). The design and location of the link was generally supported by Council officers on the basis that it:

- Provided some opportunities for solar access to the ground floor plane.
- Was co-located to enable a wider link to be created as part of a future redevelopment of the site to the south at 141 Walker Street.
- Created opportunities to provide greater retail activation across the ground floor plane and street frontages to Walker and Little Walker Streets.

Officers noted that the Planning Proposal should provide further design detail to demonstrate how the pedestrian experience could be enhanced. Accordingly, the concept reference design in Appendix A highlights how the proposed pedestrian through-site link can be activated with retail and outdoor seating extending from a soft edge to the ground level lobby. There are opportunities to provide green walls, garden planters and other public domain features to attract foot traffic through the space and provide a comfortable urban refuge.

Activation of Little Walker Street

The consolidated development approach presented in this Planning Proposal delivers a number of beneficial outcomes including a reduced number of vehicular entry driveways to the basement levels from Little Walker Street and opportunities for improved activation to this frontage (see Figure 2). For Council officers this was seen as an important outcome to help contribute towards the activation of Little Walker Street in line with similar recent developments along Denison Street and Little Spring



Figure 2 View of the proposed southern boundary through-site link and activated frontage to Little Walker Street

Street. The outcome being to improve and promote the pedestrian experience along Little Walker Street with activated retail frontages, re-configuration as a controlled shared way and reduction in the quantum of loading, driveways, and exposed parking areas.

Podium Heights

Council highlighted the impact of podium heights on the pedestrian experience and the need to reconsider the originally proposed 7-8 storey podium walls to Walker Street and Little Walker Street. Officers requested that more detailed streetscape studies be prepared demonstrating the likely future built form outcomes and impacts to the pedestrian experience along the site's frontages.

The concept reference design now includes a 5-storey podium to Walker Street with a 5m setback to the tower above. This is in accordance with Council's current NSDCP 2013 controls and reflects the most likely development outcomes along this section of Walker Street. Importantly, the restriction to a 5-storey podium with 5m setback helps to reinforce the strategic importance of Walker Street in the CBD road hierarchy and its role as a main trafficable route with defined pedestrian footpaths either side.

The proposed interface to Little Walker Street includes a 3-storey reverse podium, including a 4m setback to the podium from the edge of the street and a nil setback above (i.e. a protruding tower element). Council affirmed in the January 2021 meeting that any proposal incorporating a reverse podium element with nil tower setback to Little Walker Street would need to be justified on urban design grounds and consider the emerging built form context along Little Walker Street. Justification for the current design approach is presented later in this report and is supported by a context analysis of setbacks and podium heights in the North Sydney CBD (refer to Appendix A).

Street Setbacks

Throughout the course of discussions Council have affirmed the importance of maintaining a minimum 5m setback to Walker Street as per the NDSCP 2013. The setback, whilst not evidently consistent with existing built form along the eastern side of the street is an emerging and desirable element exhibited in new proposals opposite and to the south-west of the site. In recognition of the importance of the



Walker Street setback the concept reference design was amended to include a minimum 5m setback above the compliant 5 storey podium.

The NSDCP 2013 calls for a minimum 4m setback above a 3-storey podium to Little Walker Street. Council officers reinforced the importance of a minimum 4m setback to support future retail activation and deliver improved road treatments as part of planned upgrades to the street. The concept reference design includes a minimum 4m setback to the podium with a nil setback to the tower above which will deliver the improved pedestrian experience envisaged under the DCP, albeit with an alternative positioning of the tower above. Further justification for the nil setback to the tower is discussed throughout this report.

Southern and Northern Side Setbacks

At the January 2021 meeting Council officers acknowledged that variations to the northern side setback may be supported where:

- The building form incorporated articulating elements to successfully break the visual appearance of expansive bulk and long street walls.
- The proposal could demonstrate that incorporation of a compliant setback would adversely impact the future development on the site and properties to the north. In doing so, demonstrate that a nil setback to the north would benefit the future redevelopment of the sites to the north at 161-165 Walker Street.
- The proposal could demonstrate sufficient visual differentiation between the subject concept and future redevelopment of the properties to the north when viewed in the context of the city skyline.

This Planning Proposal and the supporting concept reference design highlights the importance of a nil setback to the northern boundary. The benefits of the proposed nil-setback to adjoining properties to the north at 161-165 Walker Street have been discussed in Section 4.7 of this report.

Council's concerns around the lack of future building separation, reduced solar access and presentation of long street building walls resulting in inappropriate massing and bulk have been addressed in the following points:

- Any future proposal will need to incorporate design elements to provide sufficient break up and distinction between the subject site and a future redevelopment of the sites to the north. The concept reference design demonstrates rounded edges at the north-east and north-western corners of the building, but alternative detailed design components could include cut-in corners, edge treatments or other modulation through materiality. Such components of the future design will ensure the creation of extensive street walls are avoided.
- A future development over the sites to the north will be shorter than the subject tower. The height of the future adjoining development will be capped to a maximum height of approximately RL 115 to ensure no additional overshadowing of the Doris Fitton Park between 12pm-2pm on 21 June. As such, the buildings will have vertical differentiation when viewed from the north, east or west ensuring that excessive bulk and scale will be mitigated.



- Provision of a 3m setback into the site in addition to the proposed 4m tower setback to the southern boundary will result in an unnecessarily reduced tower floor plate, compromising the achievement of premium / A-Grade floor space. The setback will not be needed given the vertical and horizontal differentiation and break-up which is capable of being achieved to the future redevelopment of buildings to the north. Incorporation of a 3m setback would only result in the creation of a 'dead space' between the two development sites which would be predominantly overshadowed and not suitable for balconies due to wind and privacy impacts.
- The design demonstrates a high standard of articulation and varied materiality with landscape features as observed in Figure 3. The contribution of this improved northern aspect will help to create a visual marker for pedestrians in the cityscape.

The setback of 4m above the through-site link to the southern boundary was generally supported by Council and has been retained as part of the final concept reference design.

On the basis of the above, it is considered that this Planning Proposal has suitably considered all of the feedback received from Council officers to date. Where variations to setback controls have been identified, justification has been provided in this report in considering the broader urban design context, emerging built form character, and benefits of alternative approaches.

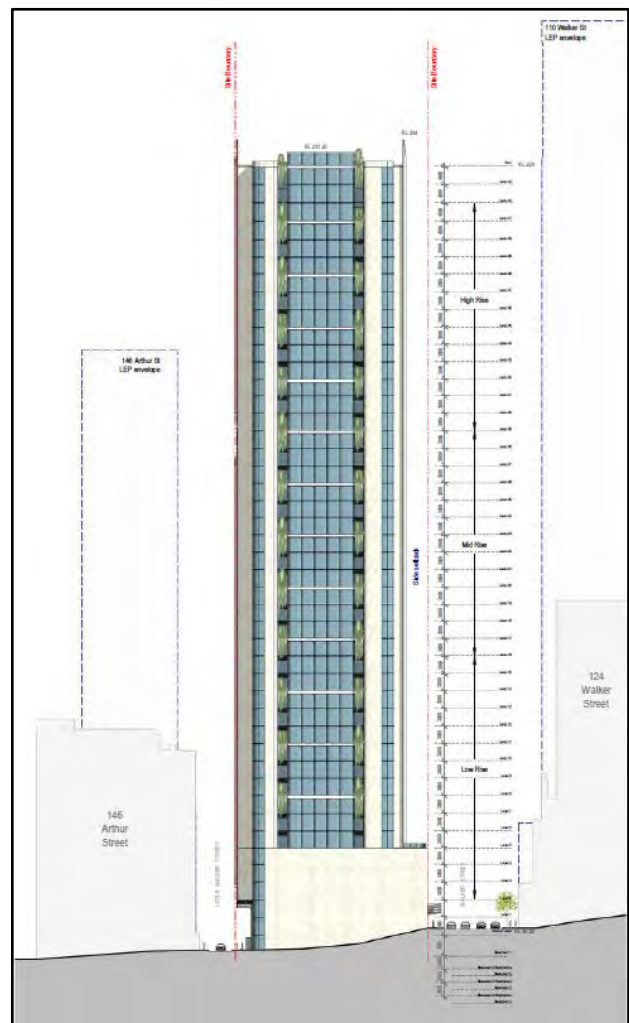


Figure 3 Proposed northern aspect demonstrating a high standard of building articulation, rounded corner features and variance in materiality



Site Analysis



3.1 SITE DESCRIPTION AND LOCATION

The site includes two separate allotments legally described as Lot 0 SP 50411 and Lot 1 DP84729, 153-157 Walker Street, North Sydney. The site is within the North Sydney Local Government Area (LGA) and is situated in the northern part of the North Sydney Centre, also known generally as the Central Business District (CBD).

The site is rectangular in shape and comprises a total land area of 1,928m². It is positioned on the eastern side of Walker Street and has existing vehicular access to two separated basements from Little Walker Street. It has frontages to Walker Street to the west and Little Walker Street to the east of 45.6m respectively and is located 20m to the south of the intersection of Berry / Arthur and Walker Streets (see Figure 4).



Figure 4 Aerial view of the site and immediate surrounding context

The land across the site falls from a high point on Walker Street (RL 61.5 in the north-west corner) to the south east. Along Walker Street, the site falls by 3.3m from north to south whilst a comparative fall of 1.4m is observed along Little Walker Street. The site falls by 3m on average from the western to the eastern boundary. The existing site levels are shown in Figure 5.

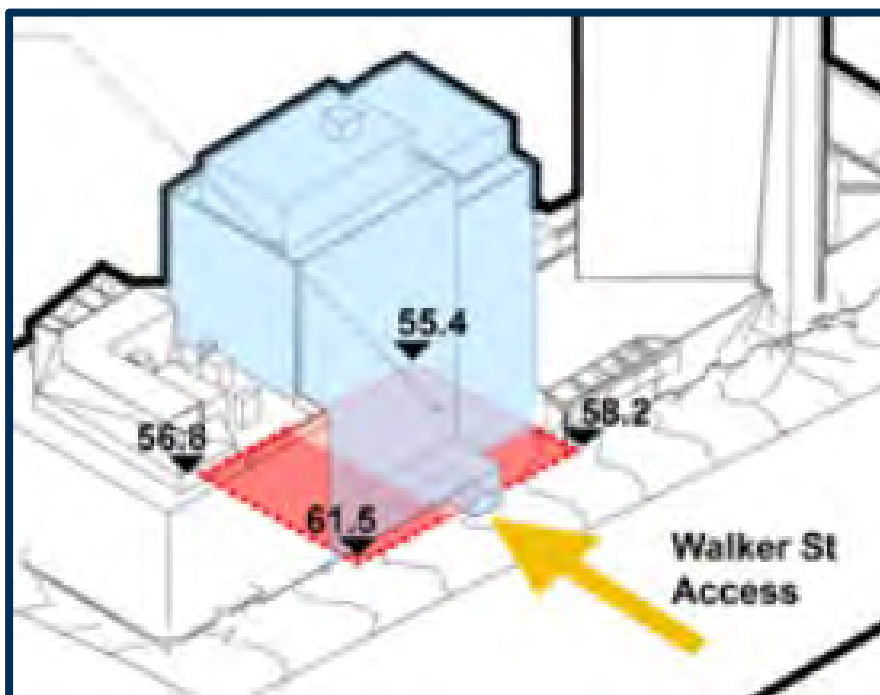


Figure 5 Existing site levels and building platforms

The key features of the site are summarised in Table 2 below.

Table 2 Site Description

Feature	Description
Street Address	153-157 Walker Street North Sydney
Legal Description	Lot 0 SP 50411 and Lot 1 DP 84729
Site Area	1,928m ² (641m ² /1,287m ²)
Site Dimensions	42.15 (deep) x 45.6m (length)
Easement and Restrictions	Right of Way and easement for electricity purposes 5.715m wide within setback area to Little Walker Street Internal Right of Ways to basement driveways Easement for substations located within basements
Topography	Land falls from north-west corner to south-east corner (generally) with 3.3m fall along Walker Street and 1.4m along Little Walker Street.



Feature	Description
Other features	Separate basement entrances from Little Walker Street Setback areas to Walker Street and Little Walker Street comprise majority hardstand areas, at-grade parking and loading with small planters / landscaped gardens.

3.2 EXISTING DEVELOPMENT AND LAND USE

The site currently contains two commercial office buildings of 12 storeys with 3 basements (153 Walker Street) and 13 storeys with 3 basements (157 Walker Street). The overall height of the buildings are made considerably higher due to the roof mounted mechanical plant and service rooms as well as lift overruns. The building at 153 Walker Street has a parapet of RL 108.37 and a maximum existing height of circa 50m. The building at 157 Walker Street has a parapet of RL 114.65 and a maximum existing height of 57.65m.

The buildings occupy approximately 75% of the site having an average setback of 7m to Walker Street and 5.8m to Little Walker Street. The Walker Street setback is occupied by steps, front walls and architectural facade elements and small landscaped gardens. The Little Walker Street setback is occupied by at-grade loading and parking areas and entrances to basement car parking. Photos of the buildings occupying the site and street frontages are presented in Figures 6-8 below.

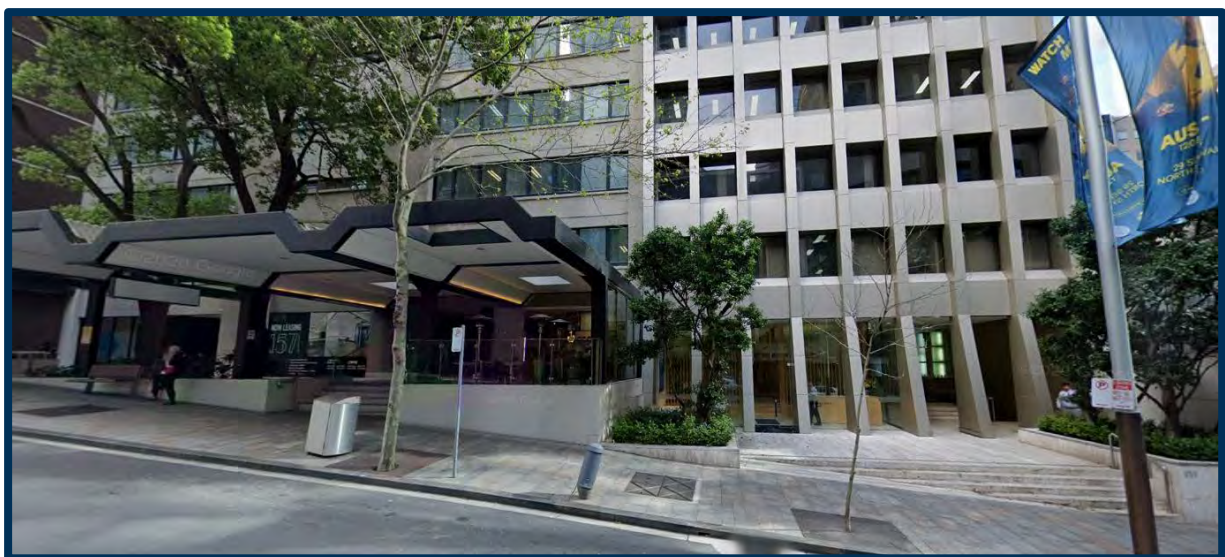


Figure 6 View of Walker Street Site frontage

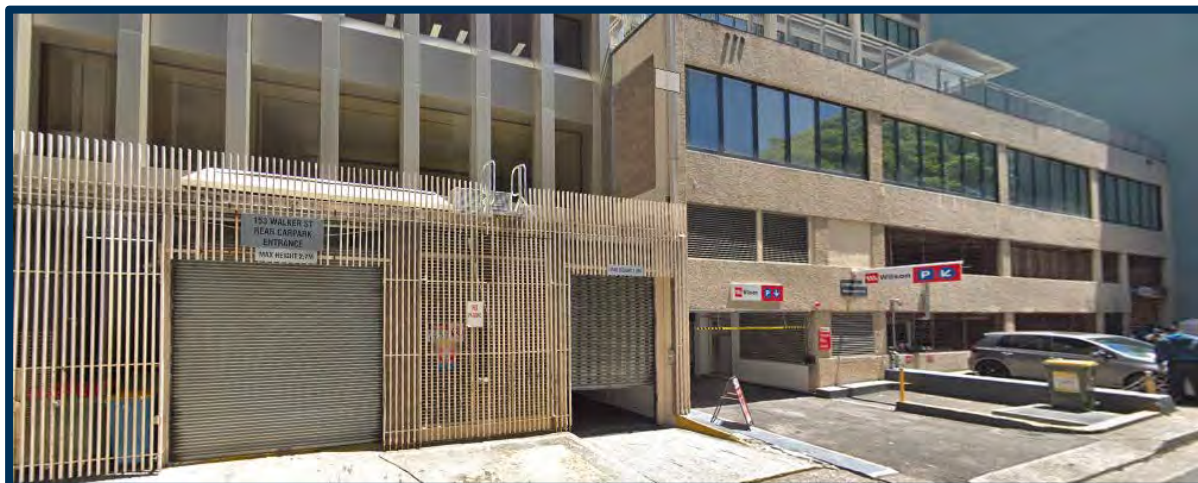


Figure 7 View of Little Walker Street Site frontage



Figure 8 View of the existing commercial office buildings occupying the site



3.3 SURROUNDING DEVELOPMENT AND CONTEXT

The site is located in the northern part of the North Sydney Centre (CBD) on the eastern side of Walker Street, a prominent main road in the locality. North Sydney is a major commercial centre comprising a mix of predominantly office towers of varying periodic architectural styles, heights and street setbacks. The centre is the third largest commercial market in Greater Sydney and is the southern anchor of the Northern District. The northern sister city of the Sydney CBD it is centrally located within Sydney's Eastern Economic Corridor stretching from Port Botany to Macquarie Park.

Land use in North Sydney is characterised predominantly by professional and financial services, media and telecommunications, general businesses, retail and convenience, cafes and restaurants, educational and community services. Residential development is largely contained to the north of Berry Street with several flat buildings having been constructed in recent years along Miller Street and the Pacific Highway.

The North Sydney CBD bound generally by Berry Street to the north, the Warringah Freeway to the east, Blue Street to the south and the Pacific Highway to the west has been the subject of ongoing comprehensive strategic planning and detailed investigations. This work culminated in the ascendancy of Amendment No. 23 to the NSLEP 2013 which increased building heights in line with Council's *Capacity and Land Use Study 2016* and work undertaken by the Department of Planning, Industry and Environment (DPIE).

The CBD has been the subject of significant recent approvals and completed developments nearby to the site including:

- The Victoria Cross Over Station Development – Concept and Detailed DA approvals for a 42 storey commercial office tower with basement parking and a total GFA of 61,500m² located above the new Victoria Cross Metro Station. The development includes new entrances to the station below, 1,200m² of public open space and 1,115m² of public domain, landscaping and retail.
- 1 Dennison Street – Completed 37 level commercial office tower comprising over 66,000m² GFA with retail and business uses occupying the podium.
- 100 Mount Street – Completed 149m high commercial office tower comprising 42,000m² with 113 parking spaces and ground level retail.
- 141 Walker Street – Contemporary 30 storey serviced commercial office tower with double height lobby and basement parking.
- 118 Mount Street – Zurich Tower recently completed 25 storey A-grade office building.
- 110-122 Walker Street – Development Application for 55 storey commercial office tower (maximum height limit of RL260) comprising 75,000 m² net lettable area.

The location of the site in proximity to these recently completed towers is shown in Figure 9.



Figure 9 Local context of recently completed tower developments surrounding the Site

The properties immediately surrounding the site include:

- South – 141 Walker Street, North Sydney comprising a 30-storey commercial tower set above an expansive 2-3 storey podium of retail and mixed business uses having vehicular access from Little Walker Street.
- North – 161 Walker Street, North Sydney comprising an 8-storey commercial building set above ground floor retail. This building occupies almost 100% of its site and has a separate basement parking access off Little Walker Street.
- West – 110, 118 and 122 Walker Street – 8-10 storey commercial office buildings with vehicular access from Little Spring Street and book-ended by taller towers to the north (124 Walker Street) and south (100-102 Walker Street).
- East – 146 Arthur Street, North Sydney – 12/13 storey commercial office tower positioned near the corner of Arthur Street and Little Walker Street overlooking the Warringah Freeway.

Views of the properties immediately surrounding the subject site are shown in Figures 10-13 below.



Figure 10 View of Tower to the south of the site at 141 Walker Street

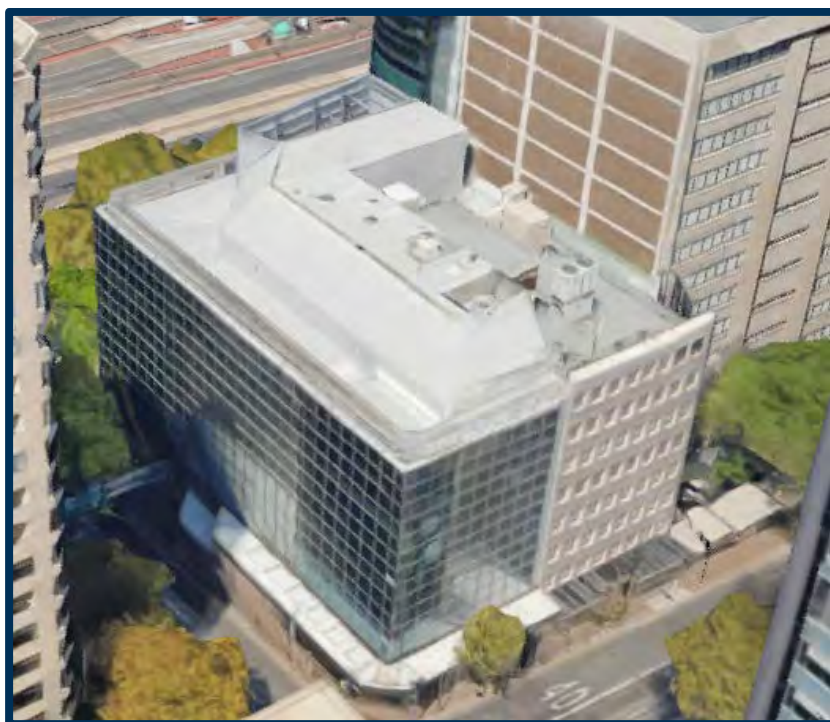


Figure 11 View of block to the north of the site at 161-165 Walker Street



Figure 12 Properties at 110-122 Walker Street opposite the Site

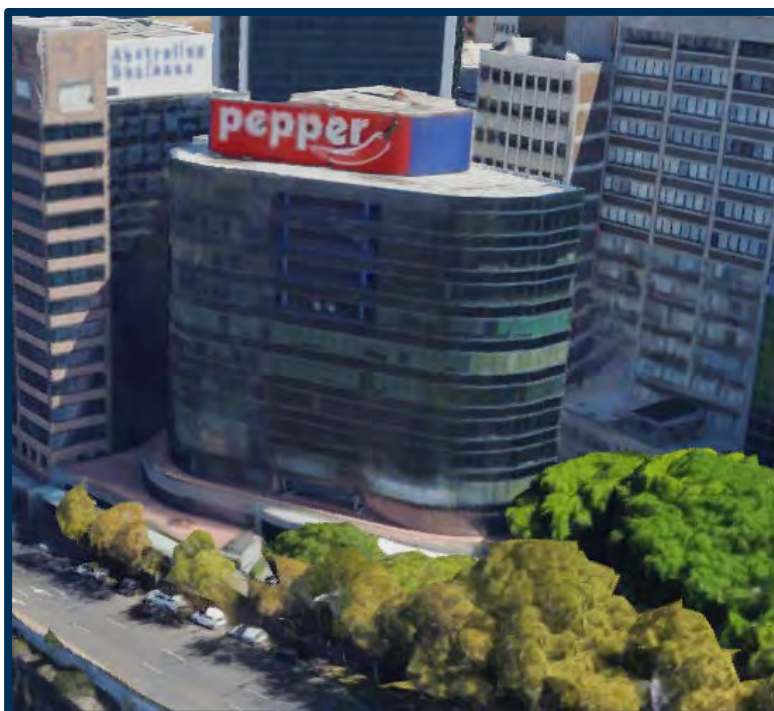


Figure 13 Office tower located to the east at 146 Arthur Street

3.4 ACCESS AND TRANSPORT

The site is easily accessed via connected road and rail infrastructure including:

- The Warringah Freeway to the east
- Berry Street to the north
- Walker Street (a main north-south thoroughfare in North Sydney)
- Pacific Highway to the west
- Heavy Rail at North Sydney Station (approximately 400m to the south of the site) (refer to Figure 13)
- Future Victoria Cross Metro Station to the west (refer to Figure 14)
- Numerous bus services located along Miller and Blue Streets connecting North Sydney to Sydney CBD, southern, western, eastern and northern suburbs and major centres.



Figure 14 Transport Infrastructure Map



3.5 UTILITY INFRASTRUCTURE

The site is currently connected to, and is able to be serviced by the following utility infrastructure as part of any redevelopment:

- Mains water (reticulated network supply)
- Mains sewer
- Underground electricity network
- Telecommunications (NBN and other private network providers)

3.6 PUBLIC OPEN SPACE

The site has a reasonable level of access to nearby public open space in the form of local pocket parks and reserves and civic spaces (refer to Figure 15). The largest nearby park is positioned 350m to the north at St Leonards Park which contains the Greens (North Sydney Bowling Club), North Sydney Oval, a cricket oval and open picnic, BBQ and recreational areas. The Doris Fitton Park is nearby to the east on the corner of Arthur Street and Little Walker Street and the Elizabeth Street plaza is within a 100m to the south west.

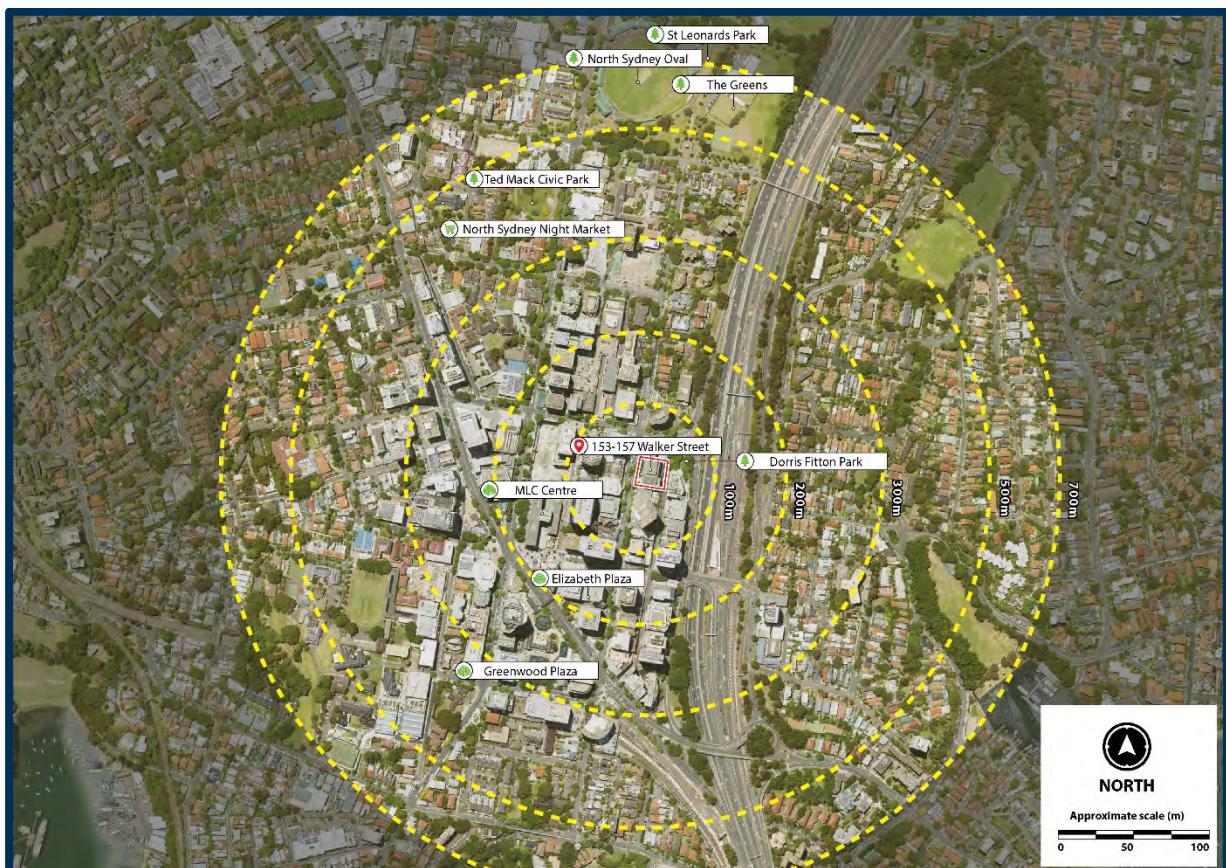


Figure 15 Public Open Space Map



3.7 COMMUNITY FACILITIES AND SOCIAL INFRASTRUCTURE

The site is located in close proximity to a range of community, civic and educational institutions all located within 800m walking distance (refer to Figure 16) including:

Schools

Monte Sant Angelo Mercy College
Wenona School
Marist Catholic College North Shore
North Sydney Boys High School
Sydney Church of England Grammar School
Cameragal Montessori School
North Sydney Public School

Universities and TAFE

Australian Catholic University (North Sydney Campus)
North Sydney TAFE (Crows Nest Campus)

Civic

North Sydney Council Chambers
Stanton Library
McMahons Point Community Centre
North Sydney Local Court

Other

North Sydney Post Office
North Sydney Police Station
North Sydney Ambulance Service
Fire and Rescue – Crows Nest
War Memorial
Multiple Churches and Places of Public Worship

Nearby health services include Royal North Shore (Public) and Royal North Shore (Private) hospitals at St Leonards, approximately 3km to the north, The Mater Hospital and specialist clinics at Wollstonecraft, 2km to the north and multiple health care clinics and general practitioners in North Sydney, Crows Nest and Milsons Point.



Figure 16 Community and Social Infrastructure Map



The Vision & Concept Reference Design



4.1 OVERVIEW

Architectus have prepared a concept reference design which will underpin the orderly consolidated future redevelopment of the site. It introduces a new maximum height of buildings in the north-west corner of the site which steps down to the south-east, creating an innovative, sloped top of tower form.

It also introduces variations to the site setback and podium height controls under the North Sydney DCP 2013 to enable premium / A-Grade commercial floor plates in the tower and deliver a new publicly accessible through-site link along the southern boundary. Setback variations will also deliver viable core positioning for any future redevelopment of the northern neighbours and contribute to consistent streetscape presentation.

The scheme has been developed following ongoing consultation with North Sydney Council officers and is built upon a set of important design principles which are outlined in section 4.4.

4.2 THE VISION

The Vision for the site is to:

“Contribute a new aspirational commercial tower in the North Sydney CBD which exhibits the highest standards in efficiency, environmental performance, design excellence and living landscape features”.

The statutory mechanism proposed under this Planning Proposal ensures the orderly consolidated future development of 153 and 157 Walker Street to deliver on the Vision.

4.3 DEVELOPMENT STATISTICS

A summary of the key numerical details of the concept reference scheme is presented in Table 3 below. The culmination of these numerical features will contribute to the concept reference design presented in Figure 1 and 17.

Table 3 Development Statistics

Development Aspect	Detail
Maximum Building Height	RL. 238 (43 storeys)
Walker Street Setback	5m to tower Nil to Podium
Little Walker Street Setback	Nil to tower 4m to podium
Podium Heights	5 Storey to Walker Street 3 Storey to Little Walker Street



Development Aspect	Detail
Northern Side Setback	Nil
Southern Side Setback	4m to tower 5m to podium 5m through site link setback
Total Commercial GFA	52,832m ²
Podium Floor Plate	1,450m ² (Approx.)
Commercial Tower Floor Plate	1,280m ² (Approx.)



Figure 17 View of the future envisaged built form delivered under the concept reference design with future surrounding built form under NSLEP 2013 also shown in white outline

4.4 DESIGN PRINCIPLES

The design approach to the concept reference design is based on a comprehensive site analysis and investigations into building heights, setbacks, podium treatments and streetscape presentation. Key design principles underpinning the scheme include:



Amalgamation – The combination of the two properties enables a high-quality commercial office tower to be developed as opposed to two isolated sub-standard buildings. Amalgamation of the properties allows for enhanced economic outcomes through the provision of premium / A-Grade commercial office space, as well as the orderly development of the two properties in-line with surrounding sites.

Solar Access – Any proposal must demonstrate no additional overshadowing of nearby public open space. The proposed top-of-tower has been presented with a height transition from the north-west corner to the south-east to ensure no additional overshadowing occurs to the Little Alfred Street park.

Height Transition – Any proposed increase to the sites maximum building height standard has had regard to the height transition of surrounding sites from the centre of the CBD eastward towards the Warringah Freeway. The building height transition to the east from 77 Berry Street to the western side of Walker Street and through the subject site to Little Walker Street is retained in planned height as observed in the proposed modifications to the LEP height map (see Figure 18).

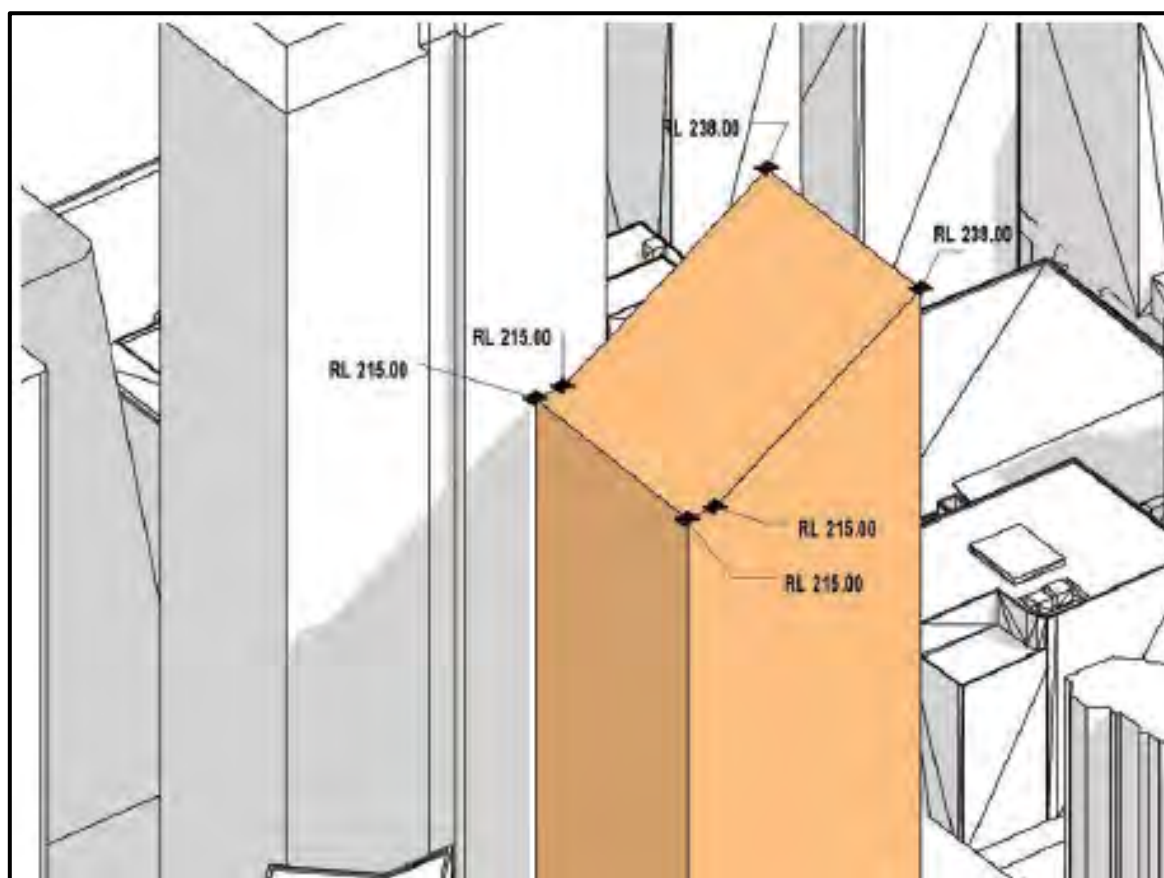


Figure 18 Proposed top-of-tower height transition

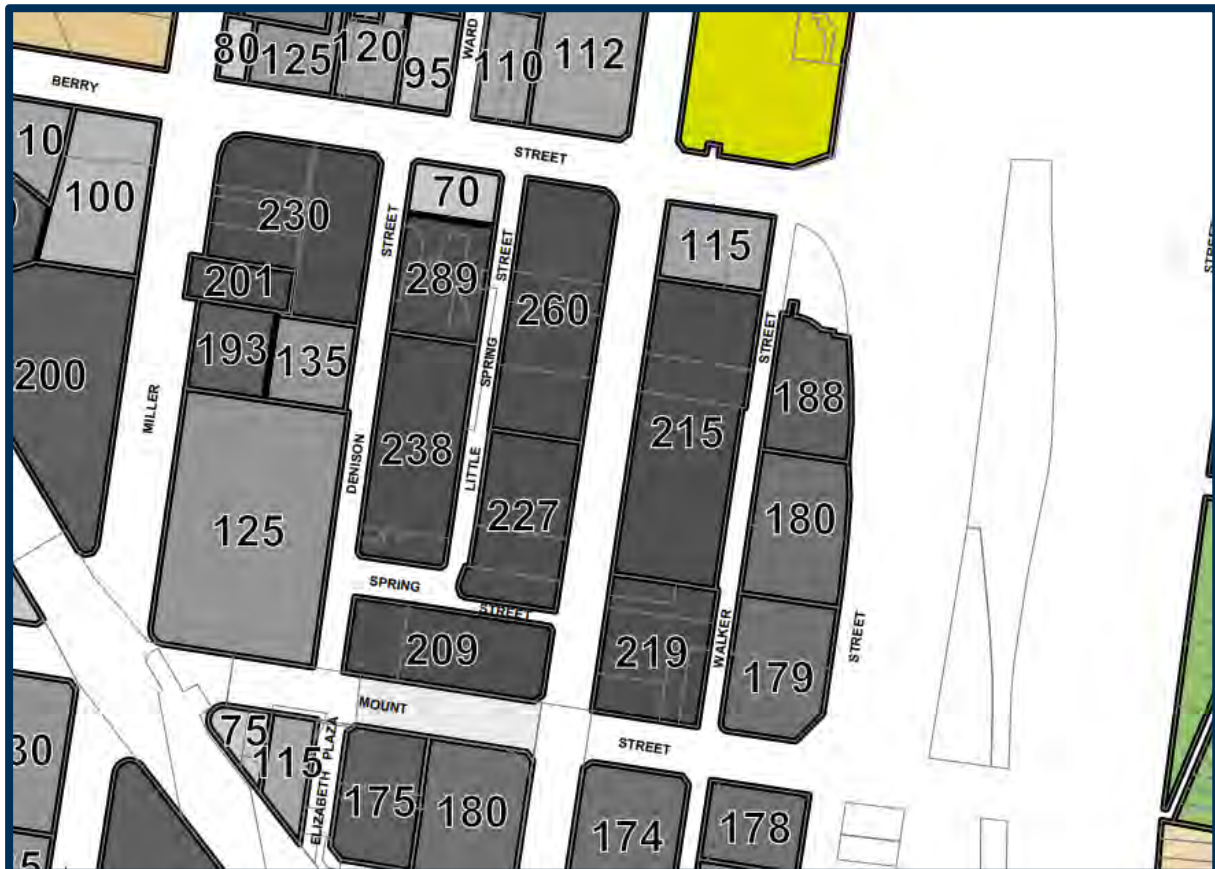


Figure 19 Transitioning height of buildings (Source: NSLEP height map)

Publicly Accessible Through-Site Link – Pedestrian connectivity is to be enhanced through inclusion of a new east-west link along the southern site boundary (see Figures 20 and 21). This link will help complete the future connection between Dorris Fitton Park to the east of the site and the new Victoria Cross Station to the west of the site. The site has an important role in how it ties into the overall CBD precinct and into Council’s vision for a vibrant and exciting public domain.

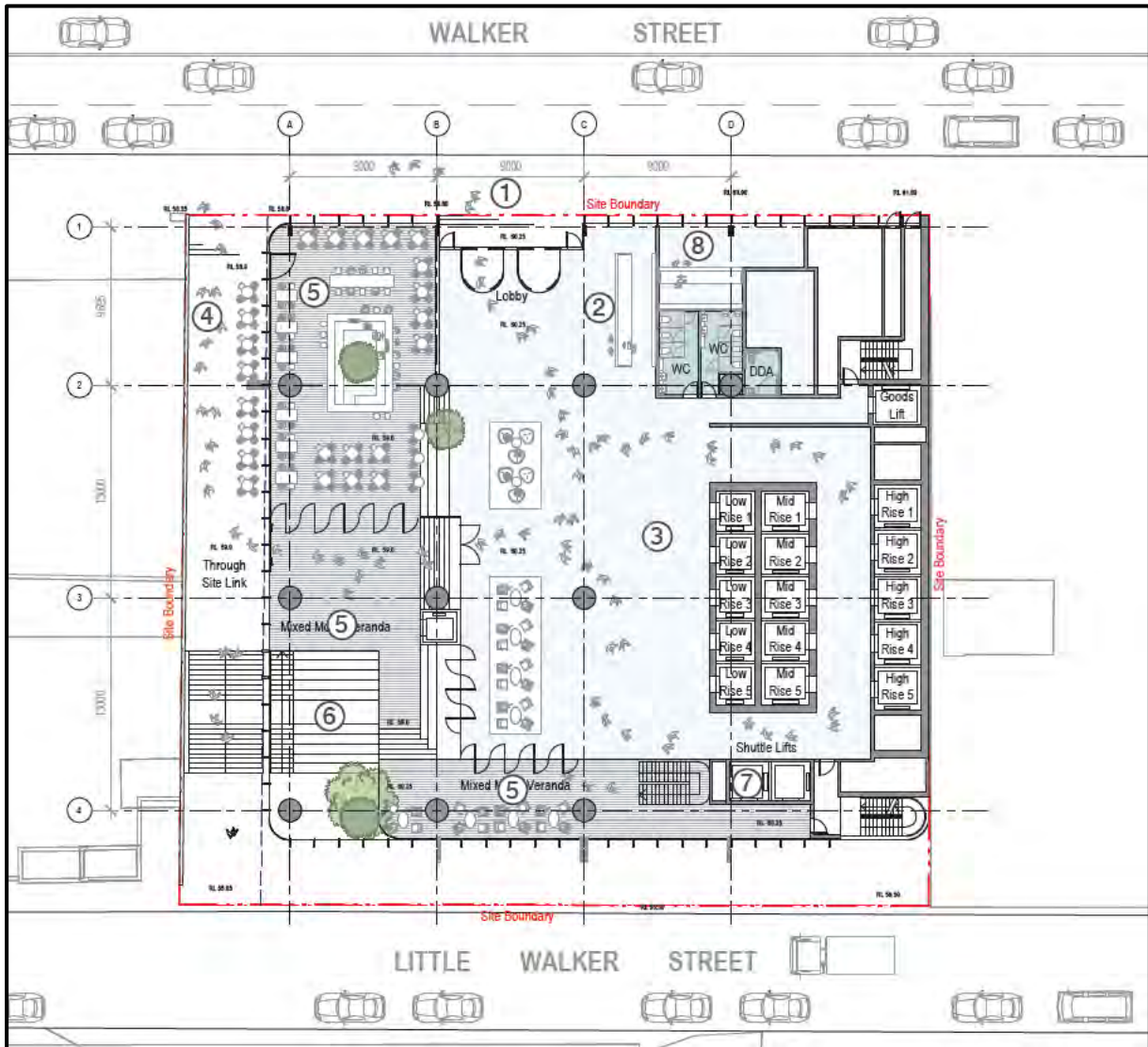


Figure 20 Conceptual ground level lobby and through-site link

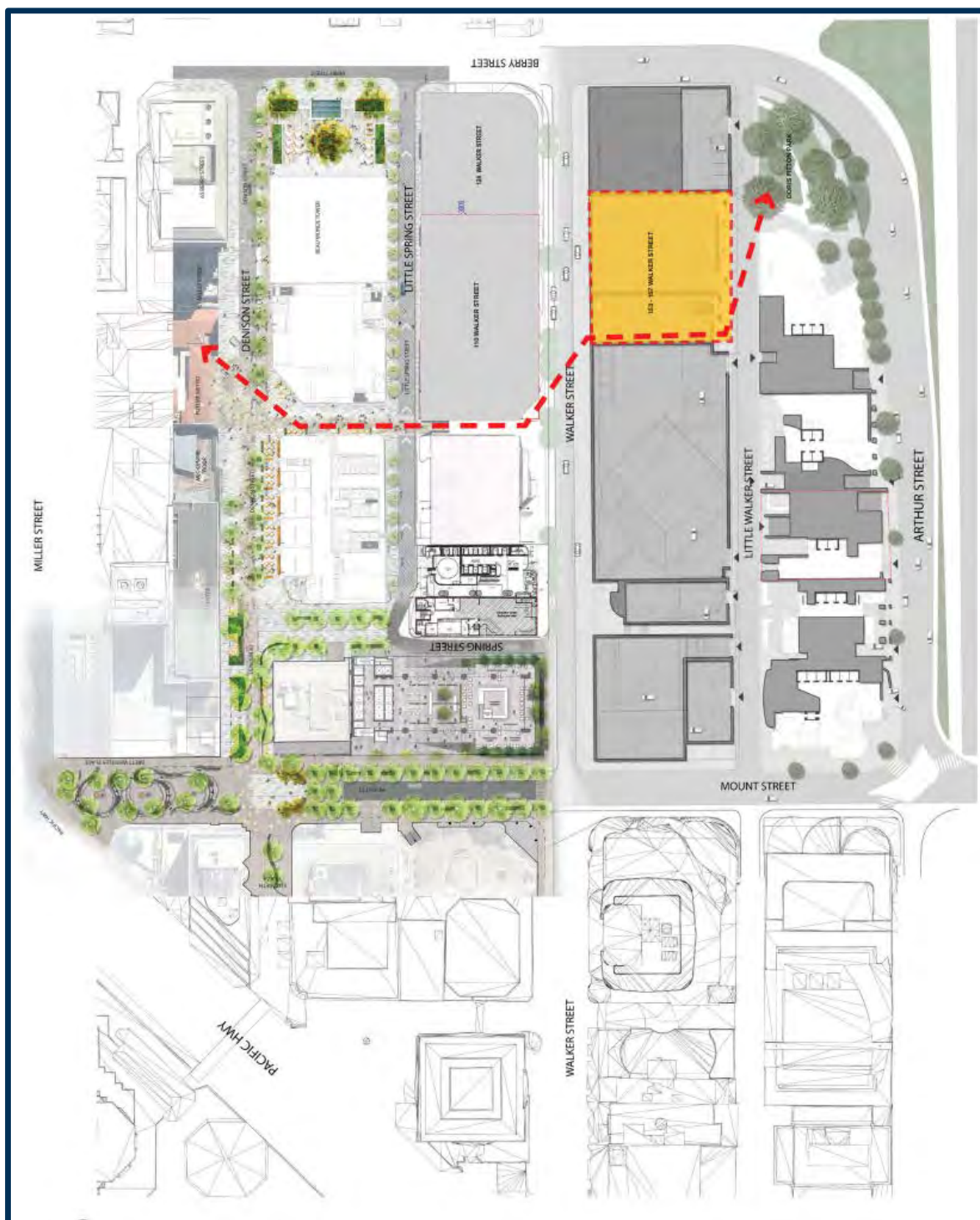


Figure 21 Proposed east-west through site link and broader connection into North Sydney CBD pedestrian network



Streetscape Activation – Any future redevelopment of the site should be designed to provide a continuity of activity and protected awning spaces that cover the footpaths. Setbacks and street frontages to be activated with everything from pop-ups, outdoor dining, public art and new paving and furniture. The proposed nil setback to podium on Walker Street and 4 metre setback to podium on Little Walker Street further encourages active street frontages and ensures consistency with the existing and desired future street edges. The 5-metre setback to podium at the southern site boundary facilitates the new publicly accessible through-site link.

Podium Heights – A 5 storey podium is presented to Walker Street to emphasis its position in the CBD street hierarchy and ensure consistency with neighbouring existing and future development proposals to the north and south.

A 3-storey reverse podium is provided to Little Walker Street to provide weather-protection to the future upgrades and additional retail activation along this frontage with a corner retail tenancy to the through-site link. The reverse podium / tower is in keeping with the character of this secondary street and provides an innovative design outcome which preserves the achievement of future A-Grade office floorplates. This alternative setback to the tower forms a critical component of the scheme as it:

- Maintains the established character of buildings comprising a nil setback along Little Walker Street as well as to other secondary streets and laneways in the CBD (refer to the supporting setback character analysis in the Planning Application Report at Appendix A) and shown in Figure 22.
- Is generally consistent with reduced tower setbacks of more recently approved and constructed developments to secondary street frontages, reflecting the emerging and likely future character of building setbacks in the CBD.
- Provides visual interest when viewed along the length of Little Walker Street, whilst maintaining an appropriate visual perspective and enclosure. The creation of a covered, reverse podium will draw in pedestrians to the space with sufficient weather coverage provided by the tower above. This will create premium retail spaces likely to attract food and drink premises, other dining experiences and additional, much needed seating within the expanded public domain.
- Suitably offsets the tower setback provided to Walker Street such that the floorplates retain a minimum 1,000sqm area to attract A-Grade commercial tenants.

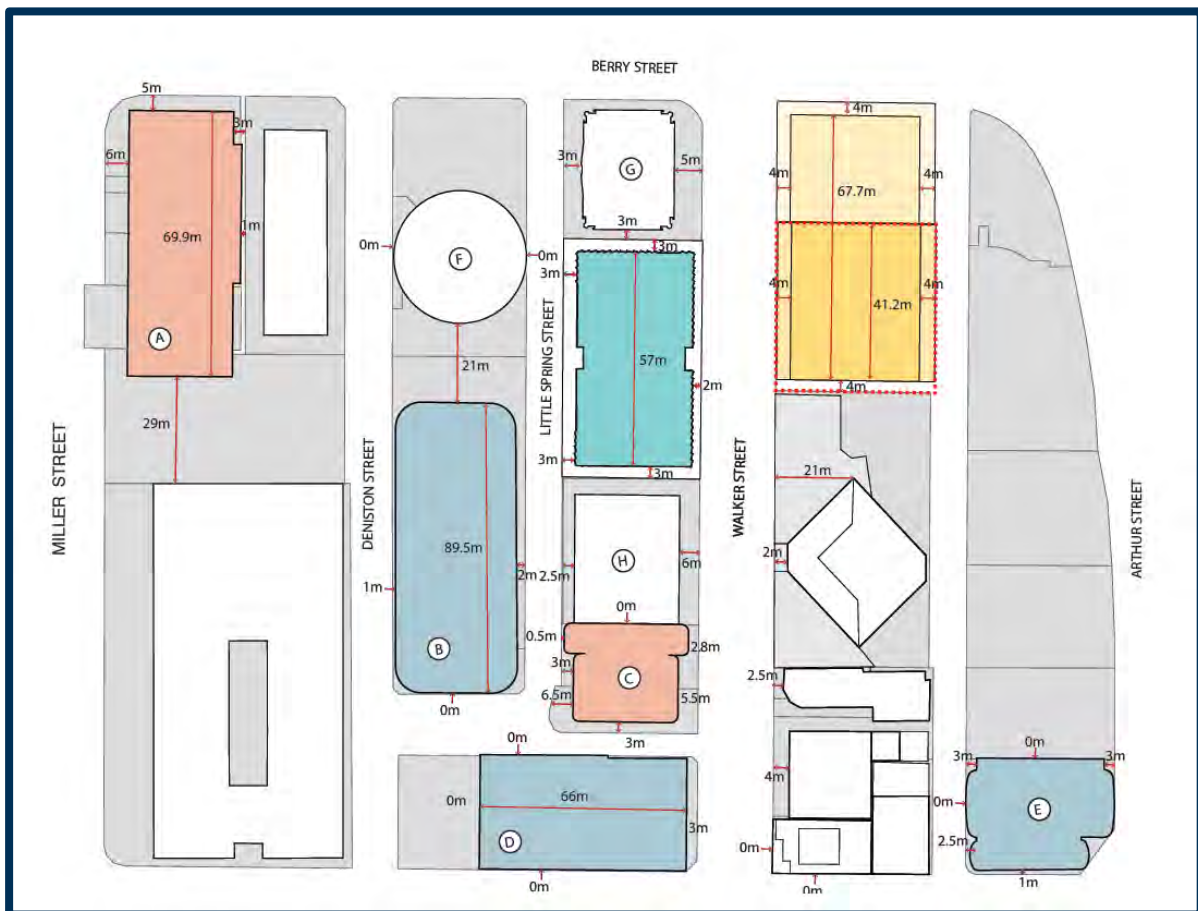


Figure 22 Setback Character Analysis

Setbacks and Building Separation – Informed podium and tower setbacks which deliver viable, environmentally efficient, and functional floor plates and core placement. A 5m tower setback is proposed to Walker Street above a nil-setback podium in-line with Council’s current DCP controls and the emerging built form character (see Figure 23).

A 4m setback to the podium to Little Walker Street is proposed to account for future retail activation with the reverse tower nil-setback above. Nil setback to the northern side boundary and 5m setback to the southern boundary to account for the through-site link.

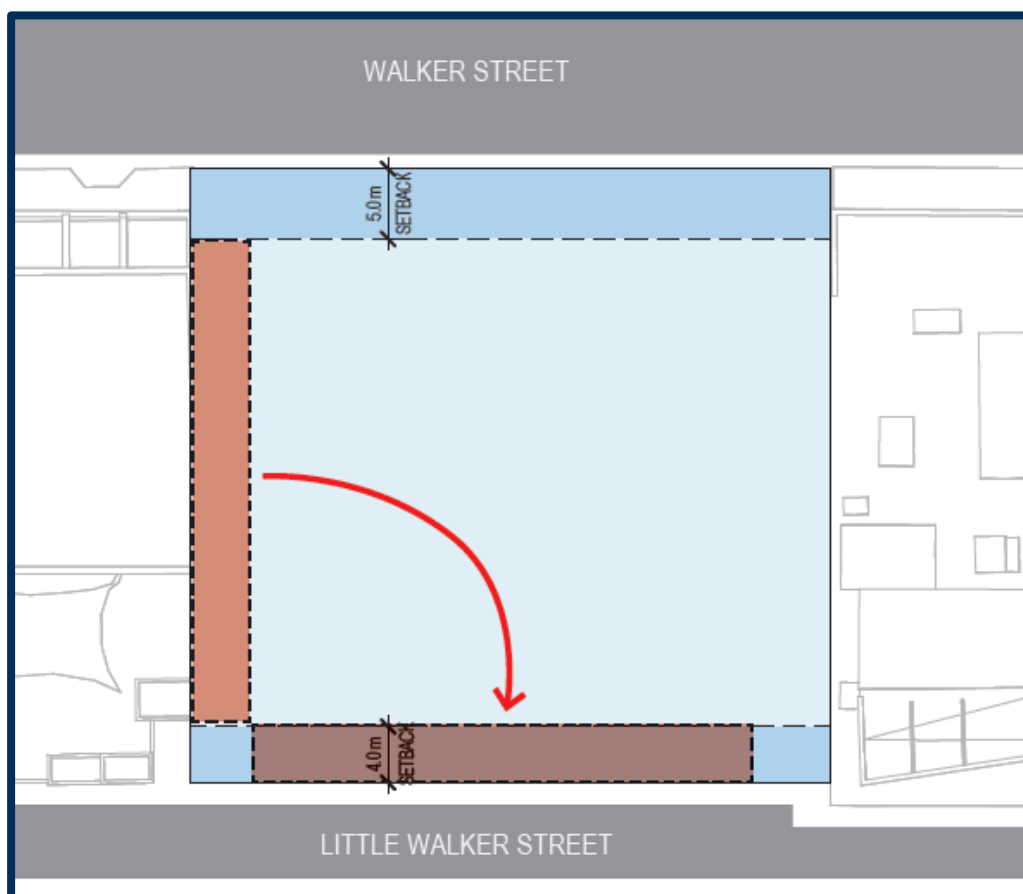


Figure 23 Setbacks to Walker Street and Little Walker Street – a design priority in the reference design

4.5 LAND USE

The Planning Proposal does not seek to amend the current B3 Commercial Core zoning under the North Sydney LEP 2013. The importance of retaining the commercial core zoning in the North Sydney CBD will provide sufficient space for new high-quality commercial office towers with ground and podium level activating uses in the form of business premises, retail premises, community facilities, entertainment and more.

The concept reference design includes premium / A-Grade office tower floorplates above the podium levels. These are designed to attract multi-national corporations in the media, finance, technology, and professional service sectors, contributing to the economic growth and vitality of the CBD. At the ground level, retail operations including café and restaurant spaces and other essential day-to-day services are allocated with active frontages to the streets and new through-site link.



4.6 BUILDING HEIGHT

The Planning Proposal seeks to amend the maximum height of building standard which applies to the site under the LEP. Based on the size of the individual properties in isolation the following maximum height of buildings currently apply:

- 153 Walker Street – 45 metres (due to the site being less than 1,000m² in area)
- 157 Walker Street – RL 215

The proposal seeks to introduce a maximum height standard of RL 238, although, as per the concept reference design this height would taper from a high point at the north-west corner to a low point of the roof at the south-east corner of RL215 (refer to previous Figure 18). The heights proposed in the design are specific in response to overshadowing analysis of multiple options developed for the site by Architectus. The concept reference design results in no additional overshadowing to nearby public open space as demonstrated in the supporting overshadowing analysis and profiles at Appendix A.

The height plane of the tower remains within the solar plane cast by CBD building heights under Council's height study which underpinned the most recent amendments to the LEP. The top of tower allows for good solar access outcomes to southern neighbours along Walker and Little Walker Streets.

The sloped top of tower is innovative in its architectural presentation and will contribute a point of visual interest in the North Sydney skyline, clearly viewable from the Warringah Freeway and the Sydney CBD. The form reduces the appearance of visual bulk in the skyline and visually demonstrates a definitive top-of-tower which transitions to the south and east with the natural landscape.

The angled feature allows for the introduction of stepped elements in the detailed future design which maximises opportunities for rooftop garden terraces / balconies for offices to have unobscured views to the harbour and bridge.

4.7 SETBACKS AND BUILDING SEPARATION

The Planning Proposal seeks to instate minimum podium and tower setbacks into the site-specific LEP clause that are to be incorporated into any future development application. These proposed setbacks deviate to some degree from the current setback controls contained in the North Sydney DCP 2013, Part C, Section 2 – North Sydney Planning Area. Council is currently undertaking an investigation into possible updates to side setback controls for key sites in the North Sydney CBD, highlighting the fact that the current controls may be outdated given the recent increases to building heights under the LEP.

The project team has had multiple discussions in pre-lodgement with Council's officers regarding possible alternative setbacks. Following the presentation of at least 3 different schemes the following key points were acknowledged:



- A through-site link that is publicly accessible must incorporate a minimum 5m width throughout at the ground level and should be open to the sky above. Positioning of this link along the southern boundary should account for possible widening / extension as part of the redevelopment of the site to the south.
- A maximum 5 storey podium to present to Walker Street with a minimum 5m setback to the tower above to ensure consistent approach for new developments along Walker Street, ensuring sufficient building separation and perspective along this prominent corridor.
- A nil setback to the northern boundary would need to demonstrate sufficient articulation and visual break-up, accounting for a possible future redevelopment of 161-165 Walker Street.
- A proposed 4m street setback is to be provided to Little Walker Street, to the street and podium levels, to account for future retail activation, basement access and street upgrades.
- A 3 storey podium to be provided to Little Walker Street with a 4m setback behind. Reverse podium / towers would need to be suitably justified in their design and presentation to the streetscape.

Having considered feedback from Council and the need to deliver superior floor plate optimisation, functionality and efficiencies in the tower the following setbacks have been incorporated into the concept reference scheme:

Walker Street – Nil setback to podium and 5m setback to tower which is consistent with the current DCP controls.

Little Walker Street – 4m setback to street and podium levels and reverse nil setback to tower above. Justification for this approach has been outlined in the design principles and supporting documentation prepared by Architectus at Appendix A.

Southern Side Setback – 5m at ground to provide publicly accessible through-site link and 4m side setback to the tower above to provide open to sky through-site link, consistent with advice received from Council.

Northern Side Setback – Nil proposed to adjoining sites at 161-165 Walker Street. The supporting investigation into the nil setback has considered the most optimal future redevelopment outcome for the northern neighbouring sites and considered the viability of incorporating 3-4m side tower setbacks into each site. Ultimately, the exercise revealed that the incorporation of side setbacks would result in very small tower floorplates that would not be viable to construct on the northern sites. The 3m side setback into the subject site would result in an unnecessary reduction in the size of the floorplate (below 1,500m²).

The design supports the idea of a nil-setback for both sites as shown in Figures 25 and 26. The co-location of access and service cores results in the following positive outcomes:



- The internalisation of cores helps activate and maximise usable floor plates presenting to street frontages along Walker Street, Little Walker Street and Berry Street.
- Improved functionality, usability and internal layouts which provide attractive spaces for workers and businesses.
- Optimisation of view corridors and façade treatments for the future development of 161-165 Walker Street to the north, east and west.
- Maximisation of floorplate efficiency and achievement of PCA / A-Grade rating.

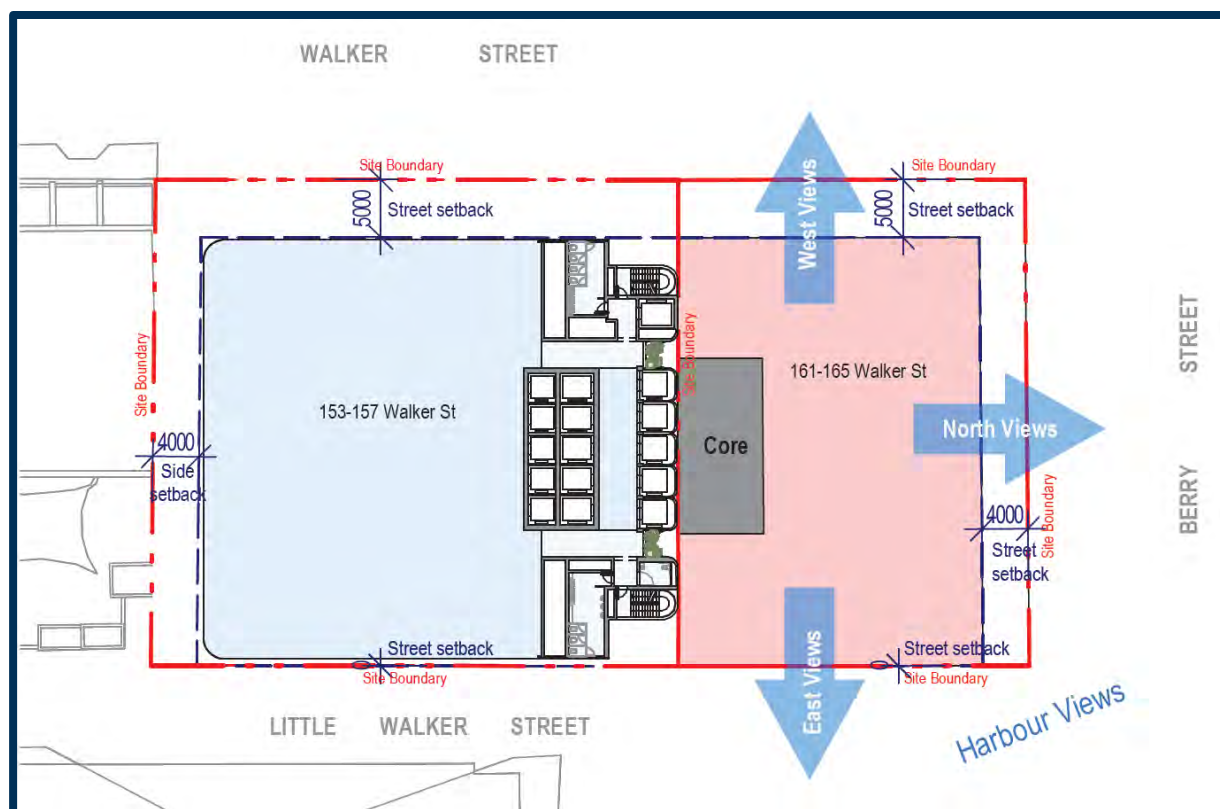


Figure 25 Setbacks analysis and core location outcomes to future redevelopment of 161-165 Walker Street

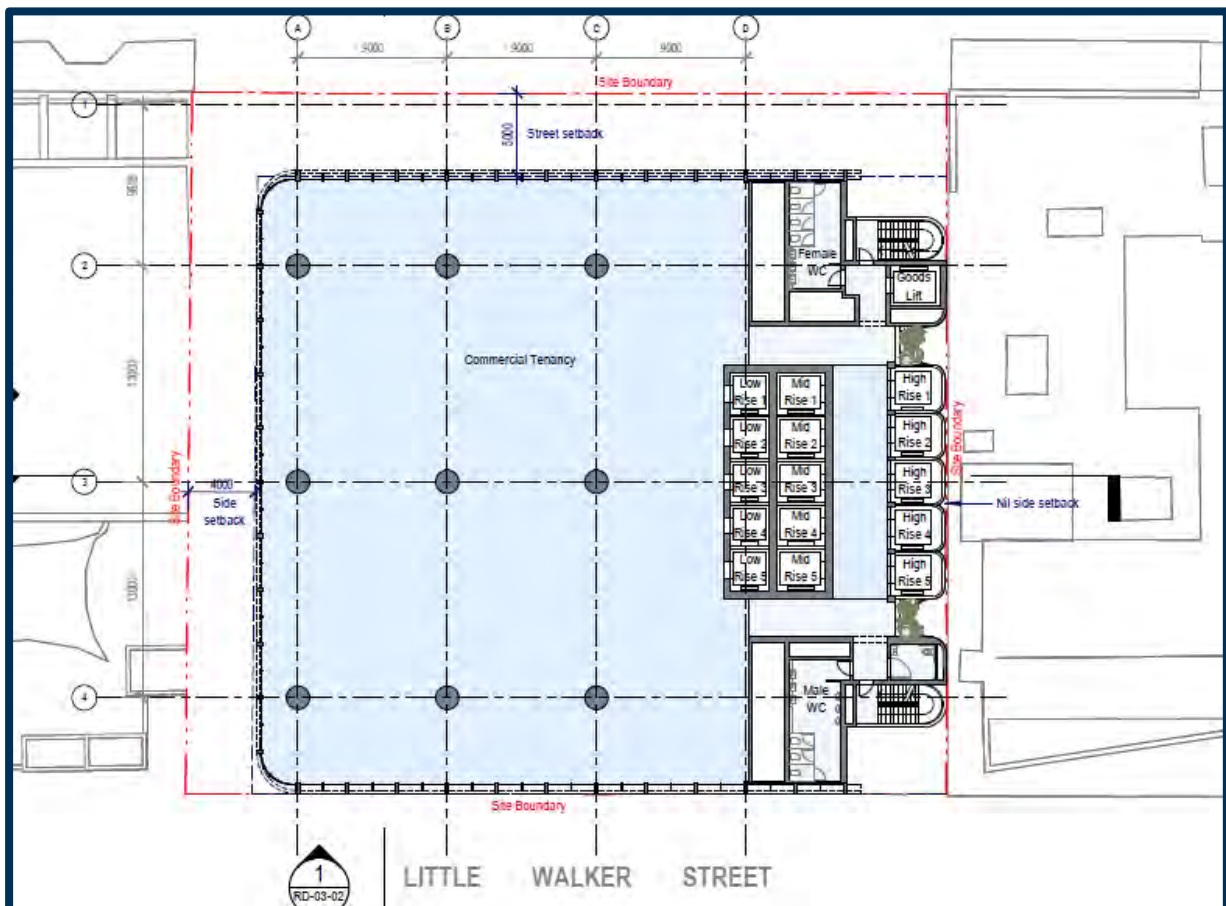


Figure 26 Typical tower envelope with proposed setbacks

Furthermore, officer's comments regarding the lack of future building separation, reduced solar access and visual breaks in the street wall arising from a nil northern side setback were discussed at the January 2021 pre-lodgement meeting. The proponent's project team identified that there will be a vertical separation to an adjoining future redevelopment over 161-165 Walker Street because the height of this neighbouring building is restricted to a maximum RL 115m in height under the NSLEP 2013. The vertical separation is an exposed northern aspect measuring over 100m in height (refer to Figure 3).

In acknowledging the above, Council's officers recommended that any elevation comprising a nil setback above RL 115m incorporates sufficient articulation to provide visual interest in the cityscape. The concept reference design demonstrates rounded edges at the north-east and north-western corners of the building, but alternative detailed design components could include cut-in corners, edge treatments or other materiality. Such components of the future design will ensure the creation of extensive street walls are avoided and that visual separation and natural light access is achieved.



Provision of a 3m setback into the site in addition to the proposed 4m tower setback to the southern boundary will result in an unnecessarily reduced tower floor plate, compromising the achievement of premium / A-Grade space. The setback will not be needed given the vertical and horizontal differentiation and break-up which is capable of being achieved to the future redevelopment of buildings to the north. Incorporation of a 3m setback would only result in the creation of a dead space between the two development sites which would be predominantly overshadowed and not suitable for balconies due to likely wind and privacy impacts.

4.8 ESD PRINCIPLES

The strategic policy context for the project includes the Greater Sydney Commission 'Our Greater Sydney 2056, North District Plan'. The Greater Sydney Commission (GCC) has developed a number of sustainability objectives for the North City District which apply to the site. Those specifically relating to the development include:

- Planning Priority N7: Growing a stronger and more competitive Harbour CBD
- Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres
- Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city
- Planning Priority N13: Supporting growth of targeted industry sectors
- Planning Priority N21: Reducing carbon emissions and managing energy, water and waste efficiently
- Planning Priority N23: Preparing local strategic planning statements informed by local strategic planning

ARUP have developed sustainability initiatives for the proposal presented in the statement at Appendix C that align with the planning priorities for the North City District, Council's DCP, the North Sydney Local Strategic Planning Statement and Economic Development Strategy. Some of these key initiatives include:

Energy Efficiency

- Variable speed drives on pumps and fans.
- Low pressure drops on the hot water and chilled water pipework systems reducing the associated pump energy required
- Energy efficient air handling units (AHU) with low specific fan power (SFP) air distribution system
- Smart BMS to provide energy monitoring and targeted heating/cooling.
- High efficiency appliances.
- High efficiency air cooled chillers or variable refrigerant flow (VRF) systems.
- Low energy LED lighting installations to reduce energy consumption as well as the cooling demand.
- Automated lighting controls.

Passive Design

- High efficiency glazing to maximise solar gains during winter months and minimise solar gains during summer months.
- Lower ratio of glazing on the east and west facades to reduce solar gains in summer.
- Lower ratio of glazing on the south façade to reduce heat losses during winter.
- Use of louvers to maximise solar shading in summer and solar gains during winter.
- Use of natural ventilation and lighting in common areas
- Optimising natural light access.

Thermal Mass

- The site receives solar exposure to the east and west, allowing for good access to sunlight from the Walker Street and Little Walker Street frontages (refer to Figure 27).
- Amalgamation of the site and development at greater density facilitates improved thermal mass exposure as the western façade is currently overshadowed by neighbouring properties

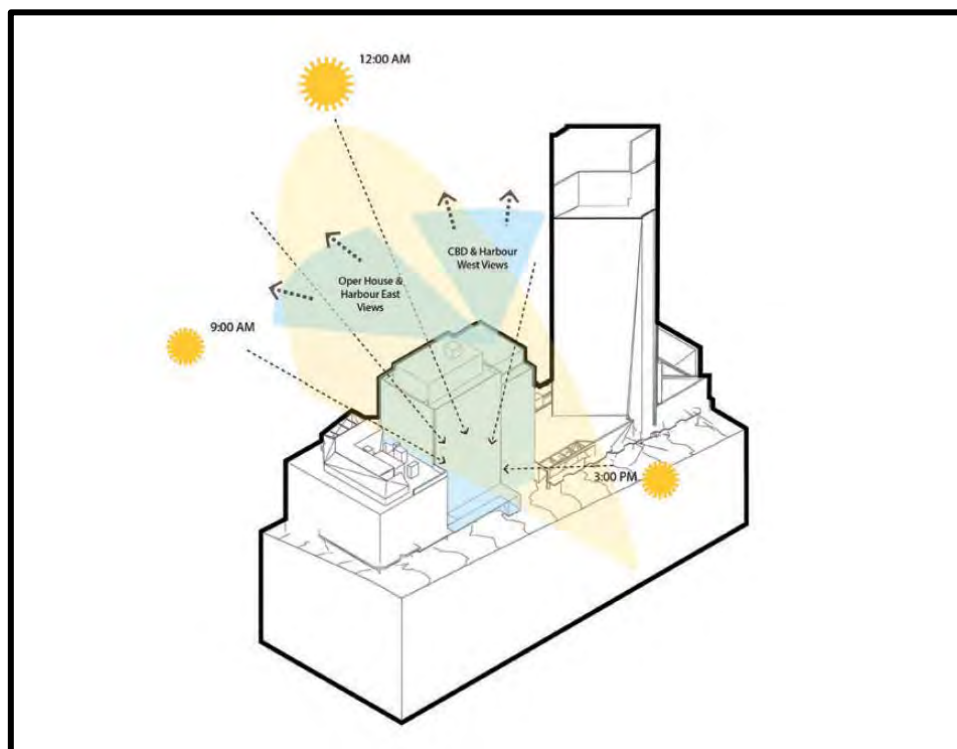


Figure 27 Solar exposure to existing site



Natural Ventilation

- High-capacity inlets/outlets on opposite sides of rooms to encourage cross ventilation.
- Where a room is only exposed to the outside on one side, inlets/outlets located at the bottom and top of exposed walls can enable single-sided ventilation.
- Passive stack ventilation provides a combination of cross ventilation, buoyancy, and the suction effect. Multiple cross ventilated rooms can feed air into the stack enabling twice the depth of cross ventilation, and up to 10 times the floor-to-ceiling height.

Water Conservation

- 4-star WELS rating or higher for all fixtures and appliances.
- Sensor operated taps.
- Waterless urinals.
- Grey water collection and treatment for uses such as toilet flushing, irrigation and cooling towers where applicable.
- Rainwater harvesting tanks to supplement grey water uses.
- Separate potable water metering and leak detection.

Waste Management and Minimisation

- A Waste Management Plan for the demolition, construction and operation of the building in accordance with Part B: Section 19 – Waste Management of the DCP.
- Waste management to encourage the reduction, reuse, and recycling of materials.
- Adequate waste management facilities in the design to aid recycling during operation.
- Innovative long life and low maintenance materials.
- Off-site prefabrication of suitable building parts.
- Clear and transparent waste reporting procedures for contractors and sub-contractors.
- Comprehensive hazardous waste management procedures.

Building Materials

- Materials sourced from renewable and abundant resources.
- Materials with a lower embodied energy and carbon content such as:
 - Green concrete with increased volumes of recycled materials such as fly ash.
 - Recycled plastic cladding.
 - Recycled steel.
 - Sustainably sourced timber.
 - Toxin-free floor finishes.
- Light coloured materials and finishes on main external parts of the building.



- Avoid the use of harmful materials.

Proposed Use

- Provision of additional premium / A-Grade commercial office space in the North Sydney CBD encourages place activation of the locality during office hours.
- The integration of retail uses on ground floor frontages further encourages place activation during and outside of office hours.

4.9 PUBLIC DOMAIN AND PEDESTRIAN LINKAGES

An important publicly accessible through-site link measuring 5m wide is proposed along the southern boundary of the site and is open to the sky via a continued 4m tower setback above.

This new link serves as an important local pedestrian connection between Doris Fitton Park (north-eastern corner of the CBD) westward towards the new Victoria Cross Metro via Walker Street, Little Spring Street and Denison Street. The location of this strategic link has been developed in consultation with Council acknowledging the positioning of pedestrian through-site links proposed to the west on major development sites at 110 Walker Street and that recently created between 1 Denison Street and 77 Berry Street.

Within the site the link will be activated with lower ground floor retail premises in the form of cafes and other essential day-to-day services the likes of local convenience, banking, gymnasiums, and the like.

4.10 CAR PARKING, LOADING AND END OF TRIP FACILITIES

The Little Walker Street frontage will serve as the main vehicular and pedestrian access point to the basement levels proposed in the scheme. Indicatively, parking spaces will be provided for a total of 104 spaces with opportunities for additional stacked-parking. Basement levels will comprise service areas, down ramps, storage cages and racks for bicycle storage.

Loading will take place from Little Walker Street as per existing arrangements. It is understood that Council will be upgrading the formation of Little Walker Street which will include placement of loading zone bays, street landscaping, furniture and key and gutters. The incorporation of a 4m setback to the ground and podium levels to Little Walker Street will accommodate these future upgrades.

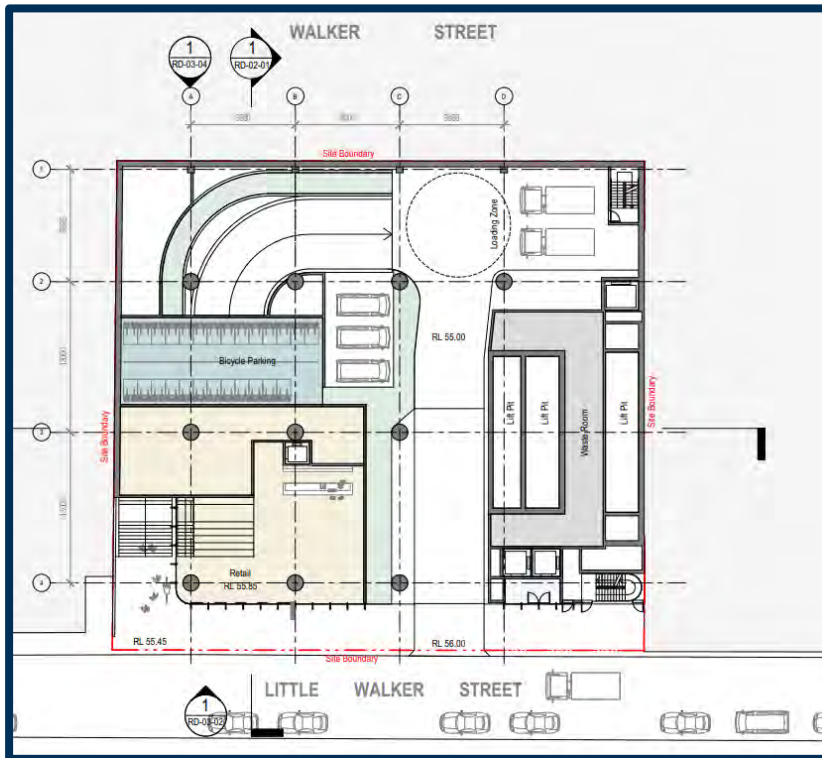


Figure 28 Lower Ground / Basement 1 Level

End of trip facilities have been positioned above the ground floor lobby and will include showers and amenities, lockers for workers and occupants and bicycle store. The inclusion of these facilities will promote active transport modes for future occupants of the development and reduce reliance on private transportation.

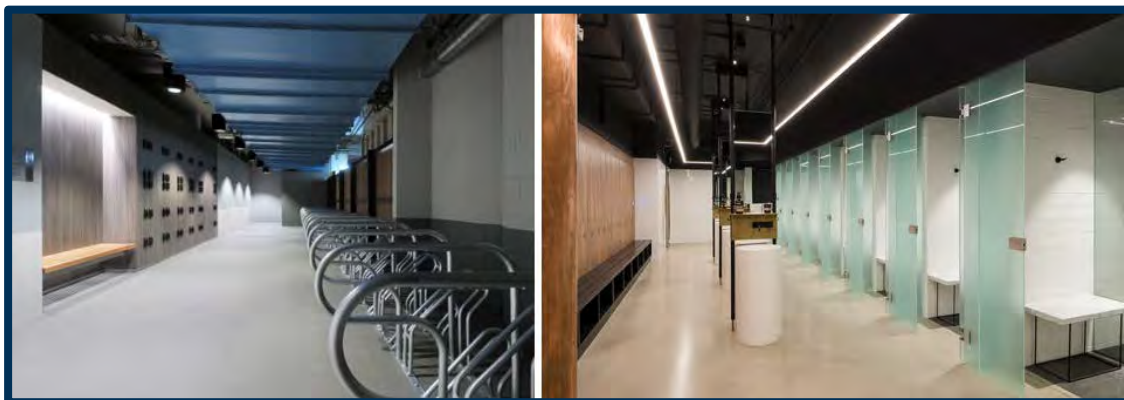


Figure 29 Examples of End of Trip facilities to be provided within the lower ground floor of the development

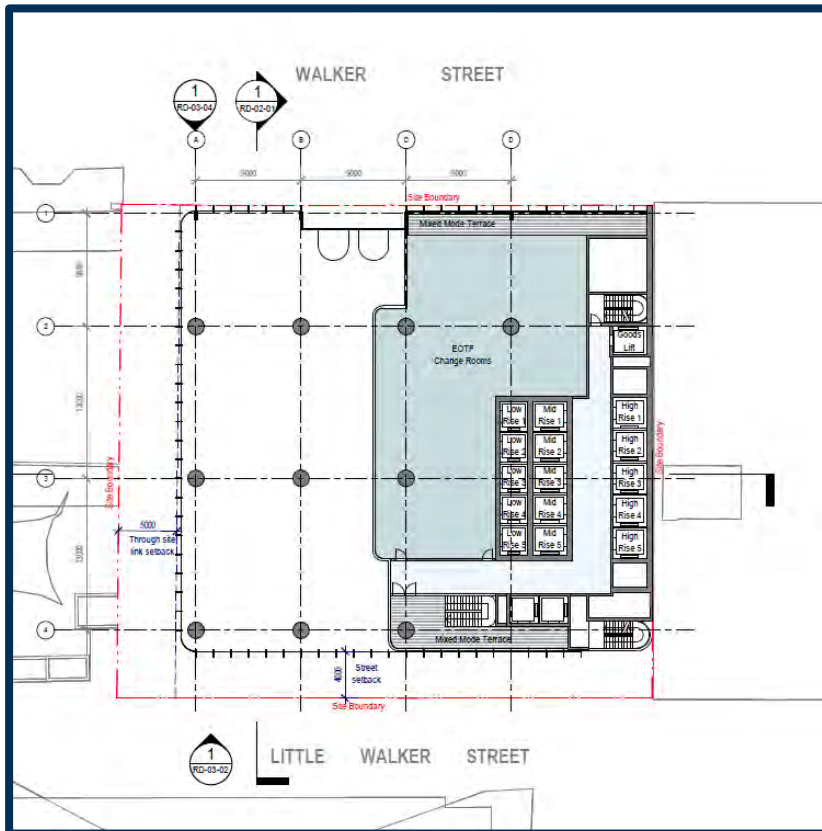


Figure 30 Proposed End of Trip facilities in 1st floor podium level



Planning Proposal



Part 1 - Statement of the objectives or intended outcomes of the proposed amendment

Objectives

The primary objective of the proposed amendment to NSLEP 2013 is to introduce a statutory mechanism that will allow for the orderly development of the properties as a consolidated development site. Such a mechanism will ensure that any site isolation of the property 153 Walker Street is avoided.

The Vision of this proposal presented in Section 4.2 is to *“contribute a new aspirational, architecturally designed commercial tower in the North Sydney CBD which exhibits the highest standards in efficiency, environmental performance and living landscape features”*. Other objectives presented below underpin the delivery of this Vision:

- To provide for the maximum floor space and building height to incentivise the orderly and consolidated redevelopment of the site in a manner that will not compromise the city skyline, built form character and overshadowing outcomes to open space.
- To contribute towards the achievement of design excellence, superior urban landscape outcomes and through-site connectivity for pedestrians.
- To create opportunities for new activated frontages to Walker Street and Little Walker Street which can be integrated with an accessible ground floor lobby.
- To contribute towards new premium / A-Grade commercial floor space towards the employment density targets in the North Sydney CBD.

Intended Outcomes

The intended outcome of this Planning Proposal is to amend NSLEP 2013 by introducing a new site-specific clause to:

- Enable the coordinated future planning and development of the amalgamated site.
- Increase the maximum height of building control on the site to RL 238 in the manner shown in the supporting concept reference design.
- Establish the following minimum setbacks:
 - Nil setback to the ground and 5-storey podium to Walker Street with a 5m tower setback provided above the podium
 - 4m setback to the ground and podium levels to Little Walker Street with a nil setback to the tower levels above
 - Nil setback to the northern site boundary
 - 5m setback to the southern site boundary at ground level and 4m setback to all levels above



Part 2 – Explanation of the provisions that are to be included in the proposed amendment

The objectives and intended outcomes outlined in Part 1 above will be achieved through the following amendment to the NSLEP 2013, inserting a new site-specific clause:

Development at 153 and 157 Walker Street, North Sydney

- (1) *This clause applies to land at 153-157 Walker Street, North Sydney, being SP 50411 and Lot 1 DP 84729.*
- (2) *Despite any other provision of this Plan, the consent authority may grant consent to development that is consistent with provisions (a)-(e) where that development forms part of a single proposal over both properties under a Concept Development Application:*
 - (a) *A maximum height of buildings of RL 238 where the Application demonstrates no additional overshadowing by the development to land zoned RE1 Public Recreation.*
 - (b) *A nil setback to the properties at 161 and 165 Walker Street where the consent authority is satisfied that the proposed development exhibits visual articulation to the northern aspect.*
 - (c) *A 4m minimum setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above.*
 - (d) *A 5m minimum setback at the ground level to the property 141 Walker Street with a 4m setback to the levels above. This setback must comprise of a publicly accessible through-site link to the satisfaction of the consent authority.*
 - (e) *The consent authority is to be satisfied that the proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and provide sufficient management and minimisation of waste.*

Part 3 – Justification for those objectives, outcomes and the process for their implementation

SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes.



The Planning Proposal gives effect to the following planning priorities in the North Sydney Local Strategic Planning Statement (LSPS):

Productivity Priority

P1 *Grow a stronger, more globally competitive North Sydney CBD:*

Provide opportunities for commercial office and employment growth while improving user and public domain amenity to support an attractive, vibrant and globally competitive North Sydney CBD with an 18-hour economy and greater range of after-hour activities.

The proposed amendment to the NSLEP 2013 will support the orderly and coordinated future development of an amalgamated site in the heart of the North Sydney CBD. The future development comprising elements presented in the supporting concept reference design will:

- Deliver 52,832m² of premium commercial office and supporting retail / business floor space capable of attracting premium / A-Grade commercial tenants and contributing to the growth of employment in the CBD. Without the proposed amendment, such development outcomes will never be realised due to the constraints of each individual site. In this regard, amalgamation is crucial to give effect to P1.
- Improve the user experience through the contribution of newly proposed upgrades and additions to the public domain including most notably a 5m publicly accessible through-site link connecting Walker Street through to Little Walker Street. Opportunities for retail activation and integration with a proposed ground level lobby demonstrated in the reference design will contribute towards improved connectivity, convenience and accessibility.
- Contribute improved amenity within the public domain through opportunities to create newly activated street and site link frontages, additional urban landscaping and a reduction in the number of basement access points from Little Walker Street.

Sustainability Priority

S3 *Reduce greenhouse gas emissions, energy, water and waste*

Develop buildings and places that will contribute to net-zero emissions by 2050 to mitigate climate change, reduce waste generation, energy and water usage.

The Planning Proposal is supported by a Sustainability Strategy prepared by ARUP. It confirms that the proposed future development can be sustainably designed, constructed and operated so as to actively reduce carbon emissions, water use and waste generation. The proposed amendment to NSLEP 2013 gives direct effect to Priority S3 under the LSPS as it requires the consent authority to be satisfied that any future development on the site actively demonstrate:

- How the building form and operation can reduce its energy usage;
- How the building form and operation can reduce its water usage; and



- How waste generated from the development is managed and minimised.

The above would need to be clearly demonstrated as part of a Sustainability Report to be provided with the future Concept DA. Importantly, the proposed site-specific clause works to strengthen the objectives in the NSLEP 2013 and Planning Priority S3 by giving it statutory weight in the assessment of a future development proposal over the site.

Q2. Is the Planning Proposal the best means of achieving the objectives or intend outcomes, or is there a better way?

Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes as it:

1. Incentivises amalgamation of the two properties into one site. Without amalgamation, neither property would be developed to its full potential in a manner that supports Planning Priorities P1 and S3 in the LSPS and the objectives of the B3 Commercial Core zone.
2. Enables the orderly and economic future use and development of the site. Without the proposed amendment, the current planning controls as they apply to the individual properties will not enable a feasible redevelopment and worse, is likely to result in the long-term site isolation of 153 Walker Street if 157 Walker Street was to be redeveloped on its own.
3. Delivers public domain improvements not currently foreseen under the planning frameworks relevant to the site. This includes a new publicly accessible through-site link which will form part of a larger expanding network of pedestrian thoroughfares between Victoria Cross Station and Doris Fitton Park.
4. Gives additional statutory weighting towards sustainability commitments to be demonstrated by the Applicant for the future Concept DA, supporting Priority S3 and the objectives in the NSLEP 2013 and relevant provisions in the NSDCP.

Without the proposed amendment to the NSLEP 2013, the proposed concept reference design and associated public benefits would not be feasibly achieved.

The amalgamated site is well positioned in close proximity to the future Victoria Cross Metro station and in the heart of the North Sydney CBD to provide increased employment floor space and opportunities for workers and businesses. The future redevelopment envisaged in the concept reference design will provide significant amenity in the form of a living urban landscape, considered building form and highly functional office layouts. It therefore aligns with the strategic direction for the CBD and is consistent with the local Vision in the LSPS for development to contribute towards “*a progressive, vibrant and diverse North Sydney*”.



An alternative means of incentivising the amalgamation of the two properties could be the imposition of a maximum Floor Space Ratio (FSR) standard for the site which would require an update to the North Sydney LEP 2013 FSR Map 002A. This approach was considered by the proponent and project team following pre-lodgement discussions with Council's strategic planners. Ultimately, the site-specific control was deemed a more appropriate means of achieving the objectives and intended outcomes over the application of a site wide FSR standard for the following reasons:

- Application of an FSR standard would set a maximum achievable gross floor area for the future building. The current design, whilst advanced for the purposes of a Planning Proposal, is not a detailed scheme and has not yet confirmed an exact maximum achievable GFA due to outstanding efficiencies which will be resolved in the DA level design plans (i.e. the placement and final design of cores, corridors, basements, emergency access points, ground floor back-of-house areas and the like). To this end, it is considered unreasonable to impose a maximum FSR as part of this Planning Proposal as it would unnecessarily restrict the total achievable GFA which is yet to be resolved.
- The site-specific clause is considered a more appropriate approach to achieving the intended design excellence, height transition, street activation, sustainability and amenity outcomes outlined in this report. The clause provides a level of detail which helps establish the maximum building envelope and transitional height plane which is important for maintaining solar access to public open space and providing the setbacks which underpin the design intent of the concept.
- Inserting a maximum FSR standard in isolation of the specific height, setbacks, podium form, street activation, sustainability and waste provisions will not guarantee the intended outcomes of the Planning Proposal. More importantly for Council's DA planners, the site-specific clause provides a more robust means of testing the future DA design as opposed to a blanket FSR standard which will not guarantee the important amenity, solar access, activation and public benefits detailed in the Planning Proposal.
- No other site in the North Sydney CBD is subject to a maximum FSR standard. Planning approaches for site redevelopment in the CBD has been driven by maximum heights and height planes which help guarantee certain solar access outcomes to surrounding open space and establishes a visual hierarchy for towers in the CBD skyline. The site-specific control maintains the previous approaches for sites in the CBD by imposing height and demonstration of solar access to open space as part of a future DA. Application of an FSR standard would therefore be inconsistent with the recently established regime for sites under LEP Amendment No. 23.



SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited drafts plans or strategies)?

Yes.

The Planning Proposal gives effect to certain objectives and actions in the Greater Sydney Region Plan and North District Plan, thus demonstrating that the proposal has strategic merit:

Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

A Metropolis of Three Cities establishes the overarching strategic vision for the provision of infrastructure, liveability, productivity and sustainability in line with Greater Sydney's projected population and economic growth. The plan identifies three cities within the Metropolis- the Western Parkland City, Central River City and Eastern Harbour City. The three cities each encapsulate supporting metropolitan and strategic centres, with the vision of ensuring residents live within 30 minutes of their jobs, education and health facilities, services and public space. The Eastern Harbour City is identified as Australia's global gateway and financial capital with the largest office market in the region. It includes the twin cities on either side of the harbour: The City of Sydney and North Sydney.

The Eastern Economic Corridor, which encapsulates the site and North Sydney CBD, is identified to benefit from a number of committed and potential transport infrastructure projects, subsequently increasing labour markets and boosting productivity. The proposed development falls within an 'economic agglomeration' and is well placed to benefit from existing and planned transport infrastructure networks, including the Victoria Cross Metro Station.

Improved accessibility into the North Sydney CBD will increase demand for premium / A-Grade commercial office space. This has been a key consideration in the concept reference design which has been underpinned by market canvassing undertaken by the owners of the properties in consultation with local leasing agents. One of the fundamental draw cards for premium / A-Grade commercial tenants is a minimum 1,000sqm unencumbered floor plate which serves as a multi-functional, flexible space for a combination of enclosed, break-out and open-planned working and meeting areas.



The Planning Proposal's consistency with the objectives of the Region Plan are discussed in Table 4.

Table 4 Consistency with the Greater Sydney Region Plan

Greater Sydney Region Plan	Comment
Direction 1: A city supported by infrastructure	
<i>Objective 4: Infrastructure use is optimised</i>	The proposal provides increased employment floor space in close proximity to new transport infrastructure, enabling a higher optimisation of its use. It includes provision for new activated street frontages and a through-site link which will encourage pedestrians to walk through the site and further westward towards the Victoria Cross Metro station, south to the existing North Sydney heavy rail station and major bus stops.
Direction 3: A city of people	
<i>Objective 7: Communities are healthy, resilient and socially connected.</i>	The Planning Proposal includes new public domain improvements and will contribute to increased pedestrian activity in, through and around the site. The development envisaged will promote health lifestyles, social engagement at the street level with activated retail frontages and overall wellbeing through the aesthetic features and urban landscape proposed.
Direction 5: A city of great places	
<i>Objective 12: Great places that bring people together</i>	The North CBD is a bustling CBD with streets and public plazas and spaces that are heavily utilised by pedestrians who work, live and visit the area. The reference design envisages further activation of the sites' frontages to Walker Street and Little Walker Street which will be integrated and connected to a new publicly accessible through-site link and ground floor lobby. It will contribute a great new place to this part of Walker Street that is currently access restricted between the two streets, offers little in the way of public domain and limited activation at the street level.
Direction 7: Jobs and skills for the city	
<i>Objective 22: Investment and business activity in centres</i>	The proposal provides new employment floor space in the form of premium / A-Grade commercial office in the booming economic heart of North Sydney. The site is able to leverage its excellent access to public transport, strong retail and business frameworks and co-location in a world-leading office centre to provide additional opportunities for businesses and job growth.
<i>Objective 24: Economic sectors are targeted for success</i>	



Greater Sydney Region Plan	Comment
	<p>The quantum of office floor space proposed under this Planning Proposal is reflective of the ever-growing demand in North Sydney. Importantly, the proposal seeks to redevelop the site for improved office facilities to accommodate growing firms and international corporations.</p>
	<p>The proposal represents a significant investment by the land owners to consolidate their properties to deliver a new building that can be feasibly developed and one which contributes towards the achievement of the objectives and priorities in the strategic context.</p>

Direction 8: A city in its landscape

<i>Objective 31: Public open space is accessible, protected and enhanced.</i>	<p>Following comprehensive testing of overshadowing analysis undertaken by Architectus the final proposal confirms that the additional height of the building proposed will not result in any additional overshadowing of nearby RE1 zoned lands. In this regard, the Planning Proposal will not adversely impact the environmental amenity provided to residents and workers in the nearby parks beyond what has previously been considered acceptable by Council.</p>
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Direction 9: An efficient city

<i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.</i>	<p>The Planning Proposal introduces a commitment in the site-specific LEP clause to demonstrate how a future development proposal over the site actively reduces its use of energy, water and minimises waste output.</p>
	<p>This proposal is underpinned by a commitment to producing an environmentally sustainable and conscious building design which reduces its carbon footprint. Refer to the supporting Sustainability Strategy prepared by ARUP at Appendix C.</p>

North District Plan

The site is located within the North District of Greater Sydney. The North District Plan reflects the broader vision of Sydney as a three-city metropolis. North Sydney is identified as having a job target of 76,000-81,500 by 2036, compared to 2016 figures of 60,400 existing jobs. This represents a minimum target of 15,600 new jobs over 20 years.

A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan, is set out in Table 5 below.



Table 5 Consistency with the North District Plan

North District Plan Priority	Comment
<p><i>Infrastructure and Collaboration</i></p> <p><i>N1. Planning for a city supported by Infrastructure</i></p> <p><i>N2. Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>Of the 15,600 new jobs to be delivered in North Sydney to 2036, the redevelopment of the site could support 5,000 new jobs across retail, business and commercial office settings.</p> <p>The site is one of the last remaining key sites in the CBD capable of supporting job growth of this magnitude and is well positioned within 150m of the new Victoria Cross Metro station and 200m of the existing North Sydney station and bus stops.</p> <p>Future development of the site will include enhanced pedestrian experiences in the form of activated frontages, spaces for refuge and social interactions and a through-site link connecting workers, visitors and residents between open space and Walker Street. These vital pieces of pedestrian infrastructure will contribute to increased optimisation of transport infrastructure and decrease reliance on forms of private transport.</p> <p>More broadly, the placement of a new significant commercial asset in the heart of the North Sydney CBD contributes towards the creation of the 30-minute city.</p>
<p><i>Liveability</i></p> <p><i>N3. Providing services and social infrastructure to meet people's changing needs.</i></p> <p><i>N4. Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p><i>N6. Creating and renewing great places and local centres and respecting the District's Heritage</i></p>	<p>The concept reference design foresees the creation of great new supporting spaces on the site. The provision of a new through-site link integrated with active street frontages in the form of cafes, restaurants and other essential daily services will promote walking, social engagement and interactions whilst offering a comfortable space for workers to escape the busy Walker Street frontage.</p> <p>The commitment to supporting pedestrian movements through the site and at the street will contribute to active, healthy lifestyles and</p>



North District Plan Priority

Comment

encourages higher utilisation of nearby public transport.

The concept highlights the importance of integrating the through-site link and street frontages into the site at an accessible ground level lobby to further support social interactions and provide comfortable meeting spaces for businesses the gather, coordinate and innovate collaboratively.

Productivity

N10. Growing investment, business opportunities and jobs in strategic centres.

N12. Delivering integrated land use and transport planning and a 30-minute city.

As previously identified, the proposal provides new employment floor space in the form of premium / A-Grade commercial office in the booming economic heart of North Sydney. The site is able to leverage its excellent access to public transport systems, strong retail and business frameworks and co-location in a world-leading office centre to provide additional opportunities for businesses and job growth.

Sustainability

N15 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways.

N21 Reducing carbon emissions and managing energy, water and waste efficiently.

The Planning Proposal introduces a commitment in the site-specific LEP clause to demonstrate how a future development proposal over the site actively reduces its use of energy, water and minimises waste output.

This proposal is underpinned by a commitment to producing an environmentally sustainable and conscious building design which reduces its carbon footprint. Refer to the supporting Sustainability Statement prepared by ARUP at Appendix C.

The proposal is also supported by a conceptual stormwater management plan which identifies how a future development proposal over the site would utilise on-site detention systems to control the flows and impacts of urban stormwater.



Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Planning Proposal gives effect to aspects of Council's Local Strategic Planning Statement and other previous endorsed strategies as detailed in the following:

North Sydney Local Strategic Planning Statement (LSPS)

The North Sydney Local Strategic Planning Statement (LSPS) identifies the North Sydney CBD as the focus of economic activity across the LGA. The LSPS further highlights the encroachment of residential development on commercial uses and the high proportion of B and C grade commercial office buildings as a barrier to economic growth.

The proposed redevelopment of the existing buildings at 153-157 Walker Street will fulfill economic and employment objectives, attracting high proportions of knowledge-based jobs and providing opportunities for commercial office space growth.

Table 6 includes discussion of how the Planning Proposal gives effect to the local planning priorities in the North Sydney LSPS.

Table 6 North Sydney Council, LSPS, Local Planning Priorities

Local Planning Priorities	Relevance to Proposed Development
I1: Provide infrastructure and assets that support growth and change	The proposal is supported by public domain / infrastructure improvements which go beyond those previously envisaged in the centre, namely the inclusion of a new publicly accessible through-site link between Walker and Little Walker Streets. This improvement has been identified by Council officers in discussions as being vital to contributing a missing piece of the east-west mid-block link between the Metro station and Dorris Fitton Park (see also Figure 31 identifying future possible through-site link connections in the place-making vision for the North Sydney CBD).
P1: Grow a stronger, more globally competitive North Sydney CBD	Through development of 52,832m ² of premium office space, the proposed development provides opportunities for employment growth (in the order of 5,000 new jobs) within the North Sydney CBD contributing towards the employment targets in the LSPS. The design, size and efficient configurations of the indicative floors to be delivered are important in



Local Planning Priorities

Relevance to Proposed Development

accommodating and attracting premium / A-Grade tenants who will drive further creation of knowledge-jobs in science and technology, data analytics, consulting and information-based industries, corporate headquarters and more.

Commensurate to the likes of 1 Denison Street and the forthcoming over-station development, the subject proposal in delivering higher-grade office floor space will contribute to North Sydney's competitiveness as a knowledge-job centre and overall economic growth.

P3: Enhance the commercial amenity and viability of North Sydney's local centres

As discussed earlier in this report the properties 153 and 157 Walker Street in isolation cannot likely be feasibly redeveloped. The Planning Proposal is the mechanism which ensures the properties can be viably redeveloped for A-Grade office space in the manner presented in the supporting concept reference design.

The consolidated redevelopment of the site is supported by significant opportunities to better activate, dress and landscape areas within the through-site link and ground floor level, ensuring a high standard of amenity is achieved. Supporting retail and business activities within the podium levels and at the street frontages are vital in providing for the essential, day to day services of workers whilst also helping to activate the street zones to increase foot traffic, social engagement and interaction.

P4: Develop a smart, innovative and prosperous North Sydney economy

Whilst the proposed development primarily provides premium commercial office space, there is potential to attract smaller businesses and start-ups in collaborative spaces throughout the building.

The podium commercial levels offer flexibility in design, with opportunity for additional lifting and vertical connectivity to allow for greater densities required for co-working space.

S3: Reduce greenhouse gas emissions, energy, water and waste

With reference to the Sustainability Strategy prepared by ARUP (Attachment C), the proposed development

Local Planning Priorities

Relevance to Proposed Development

incorporates numerous climate mitigation measures including:

- incorporation of renewable energy;
- passive design measures;
- thermal massing;
- natural ventilation;
- water conservation measures;
- waste management and minimization planning;
- water sensitive urban design (WSUD) principles;
- sustainable building materials;
- adaptive reuse of existing buildings;
- solar water heating; and
- sustainable utilization of roof space.



Figure 31 Place-making vision for North Sydney CBD, North Sydney LSPS



North Sydney CBD Capacity and Land Use Strategy

The aim of the North Sydney Centre Planning Review was 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. This document formed the basis on which Amendment No.23 to NSLEP 2013 was made, resulting in significant uplift in the B3 Commercial Core.

The site is zoned B3 Commercial Core and is located in the North Sydney Centre. The proposal aligns with the overarching vision of the strategy as it maintains employment land uses in the core to contribute towards future job growth and competitiveness; provides for new public domain improvements; and preserves the amenity and solar access to local parks.

Notwithstanding more recent contributions of A-Grade stock in the North Sydney CBD, the North Sydney Commercial Centre Study 2015 prepared by Urbis identified that existing stock was predominantly comprised of B and C Grade office spaces, owing to their age. The supply of commercial office space in the core was also being compromised in more recent years with emerging new residential development around the fringe of the CBD. The Planning Proposal will deliver new A-Grade office space in place of existing B and C grade premises currently situated on the site which will contribute to the ongoing growth, stability and competitiveness of the CBD.

Previous studies undertaken by SJB and Urbis for the CBD detailed in the Strategy identified the following:

- There is an evidence-based need for new A-Grade commercial floor space to be delivered in the CBD.
- A capacity of 528,953sqm of floor space (both commercial and residential) could be accommodated within the CBD study area without compromising environmental and amenity performance indicators.
- Sites under 1,000sqm in size were discounted from consideration of uplift due to their size constraints in being able to support A-Grade office floor plates.
- Sites under 1,000sqm cannot likely be feasibly redeveloped based on the 45m height limit adopted in the NSLEP 2013 for such sites.
- Land use in the core should be preserved predominantly for commercial office purposes but that some supportive retail, business and even residential development could be supported on merit.



This Planning Proposal has been prepared to align with the outcomes of the North Sydney CBD Capacity and Land Use Strategy. It seeks to contribute towards the provision of new A-Grade commercial office space by amalgamating two sites (one of which is under 1,000m²). This ensures an orderly economic and feasible development outcome which will not compromise environmental performance or amenity in the CBD. Most importantly, it does not result in additional overshadowing of parks between 12pm and 2pm beyond that previously considered acceptable as part of Amendment No.23.

Given the feasibility constraints to the redevelopment of existing B and C Grade commercial stock in the North Sydney CBD cited in the Strategy, the Planning Proposal presents an innovative and well-considered approach to overcoming this very issue and providing for a scheme considered desirable in the CBD.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan reflects the community's aspirations for the future and affirms Council's priorities to revitalise the North Sydney CBD through incorporation of supporting business, retail and entertainment uses within the commercial core. The Plan also highlights the significance of continued improvements to commercial amenity through new pedestrian connections, contributions to the public domain and varied mix of employment generating activities.

The key directions of the strategic plan and how this Planning Proposal achieves these directives, is outlined in Table 7 below:

Table 7 Consistency with the North Sydney Community Strategic Plan

Outcome	Strategies	Planning Proposal
Direction 1: - Our Living Environment		
1.3 Quality urban greenspaces	1.3.1 Expand urban tree canopy cover 1.2.2 Encourage community gardening	The support concept reference design identifies areas across the site and throughout the scheme that could be utilised to support green walls, roofs, sloped upper level gardens and courtyards and lower level planters across the new lobby and through-site link. The Planning Proposal acknowledges the importance of contributing to a living urban landscape as part of any future redevelopment of the site to provide sufficient amenity for workers and visitors.
1.4 Public open space,	1.4.1 Maximise use of existing, and protect,	The Doris Fitton Park is positioned to the east of the site. The incorporation of a new through-site link and envisaged street



Outcome	Strategies	Planning Proposal
recreation facilities and services that meet community needs	enhance and expand public open space	activation of Little Walker Street will encourage pedestrian activity nearby to the Park, improving its utilisation.
Direction 2: Our Built Infrastructure		
2.1 Infrastructure, assets and facilities that meet community needs	2.1.1 Expand and adapt existing infrastructure to meet future needs	The provision of a new through-site link contributes to the expansion of the local pedestrian connection network across the CBD.
2.2 Vibrant centres, public domain, villages and streetscapes	2.2.1 Enhance public domains and village streetscapes through planning and activation	The proposal will create new opportunities for improved street-level activation of Walker and Little Walker Streets. Presently, these frontages are largely obstructive to pedestrians and comprise external loading, parking and access for vehicles along Little Walker Street and limited activation and landscaping to Walker Street. The concept reference design envisages superior activation of the street frontages which is continued along the length of the through-site link and integrated with the ground level lobby. This will contribute improved vibrancy and social interaction at the street level to both frontages.
2.3 Sustainable transport is encouraged	2.3.2 Ensure continual improvement and integration of major transport infrastructure through long term planning.	Contributions towards an improved pedestrian network will support higher utilisation of public transport. The Planning Proposal seeks to improve access for pedestrians to the Metro station, existing heavy rail station and bus stops.
2.4 Improved traffic and parking management	2.4.3 Provide integrated and efficient on-street and off-street parking options in residential and commercial areas.	The concept reference design incorporates additional off-street parking to be provided across four levels of basement. The supporting Traffic Impact Assessment prepared by SCT provides further detail on the adequacy of the proposed off-street parking and new access arrangements. In the main, the design promotes pedestrian movements over vehicles and controls



Outcome	Strategies	Planning Proposal
		access into the basement via a single driveway as opposed to two separate entrances. It is considered that the traffic and parking arrangements are consistent with the objectives and desired outcomes in the Plan.
Direction 3: Our Future Planning		
3.1 Prosperous and vibrant economy	3.1.4 Promote and enhance the night time/after hours and weekend offer	The ground and first floor levels have been designed to primarily support high-end dining in the form of bars / restaurants and cafes. The proposal will therefore contribute towards a vibrant night-time / after-hours economy providing active uses that will be frequented by workers, visitors and nearby residents.
3.4 North Sydney is distinctive with a sense of place and quality design	3.4.2 Strengthen community participation in land use planning 3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain 3.4.5 Use a place-based planning approach to achieve design excellence and management	As per previous comment, the proposal has the capability of contributing significant improvements to the public domain and landscaped outcomes at the street level to improve commercial amenity. The supporting concept reference design identifies opportunities for further fine-grain and site-specific design solutions to deliver the optimal street activation and landscape outcomes identified in the Plan. This detail will be captured in the Concept DA prescribed in the new site-specific clause.

North Sydney Public Domain Strategy 2020

The North Sydney CBD Public Domain Strategy has been prepared to align public and private investment in the CBD. The Public Domain Strategy sets up the vision and frame to deliver the public domain that goes alongside, and complements, the new transport infrastructure and caters for expected growth.

The Vision for the Strategy is provided as follows:

'The North Sydney CBD will support a safe, active and connected network of urban spaces that promote city life.'



The public domain will connect bustling transport hubs, civic infrastructure and commercial buildings to create a cohesive, attractive and vibrant CBD. It will be a modern urban environment that caters to the growing population of North Sydney.'

The public domain strategy will be delivered through the following guiding principles:

- Maximize the use and amenity of the inner block areas, creating new plazas, laneways and open spaces
- Downgrade and reroute regional traffic where possible to create more pleasant, pedestrian friendly, active streets
- Connect public open spaces into an integrated public domain network giving the CBD a stronger legibility and identity and facilitating movement across the CBD.

The proposed new pedestrian through-site link is best classified as an 'additional connector' in the Strategy and very strongly aligns with the threefold strategy to improve the pedestrian / worker experience. The connection proposed will deliver a comfortable, safe and highly accessible new link between Walker Street and Little Walker Street and is proposed to be activated with new retail and lower level business services. It offers outdoor opportunities for work, dining and retail which will help to make the CBD more pedestrian friendly. The proposed link is in addition to those potential links identified in the placemaking vision in the Strategy (see Figure 32).

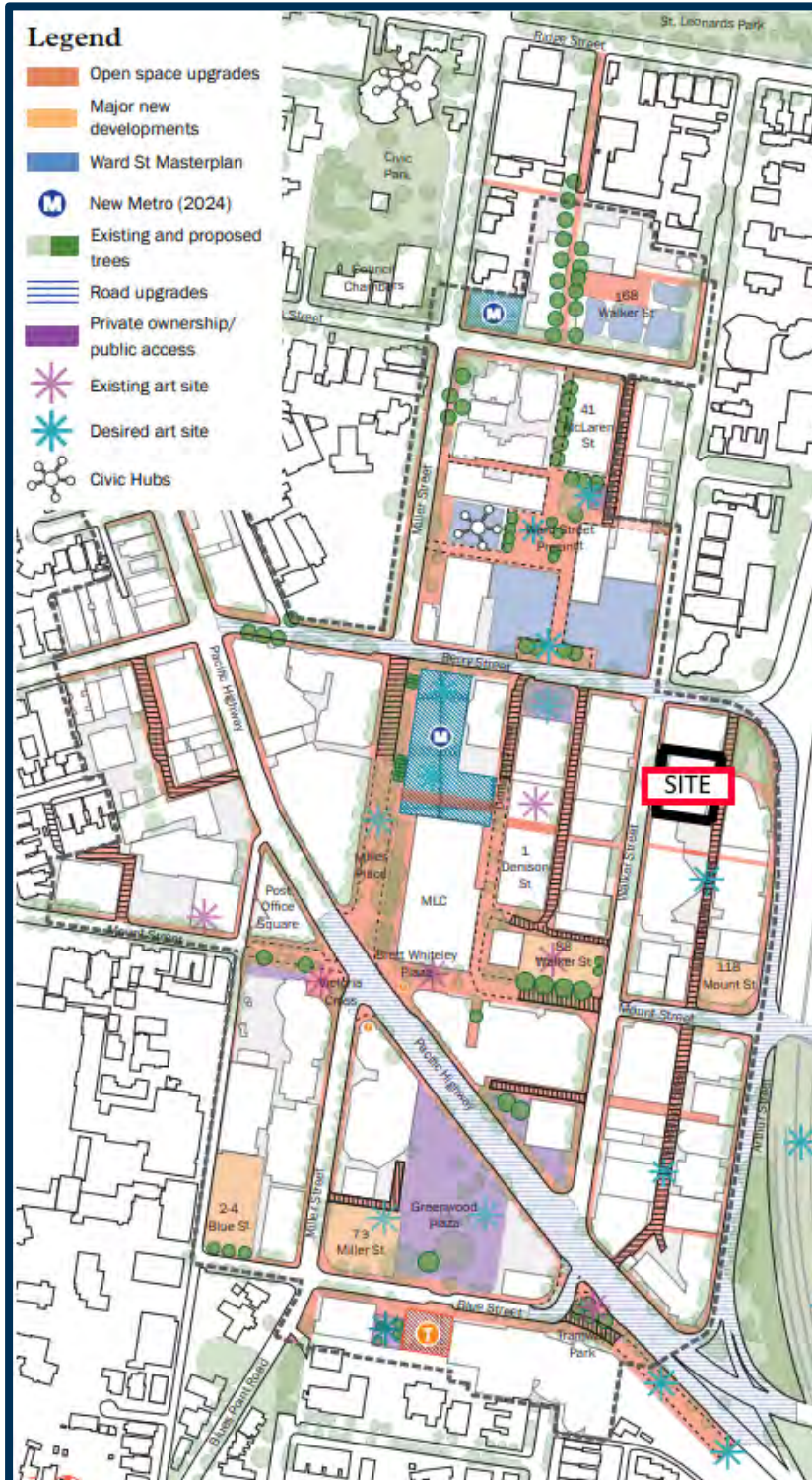


Figure 32 Location of the site within the place-making vision for North Sydney CBD



Figure 33 North Sydney CBD Connections Structure Plan 2016

North Sydney Transport Strategy 2016

The North Sydney Transport Strategy guides the delivery of transport planning and delivery of local transport projects. The Strategy aims to meet current and projected population growth and travel demand by 2031. North Sydney is traditionally dominated by car dependence, although recent state significant transport infrastructure projects including the Sydney Metro, WestConnex, Western Harbour Tunnel and Beaches Link as well as the Northern Beaches B-Line have enabled greater diversification and mode choice in connecting into the North Sydney CBD.

The proposed development is well connected to the existing North Sydney Train Station (200m to the south) and the proposed Victoria Cross Metro Station (within 150m to the west). The proposed provision of the through-site link facilitates increased pedestrian connection to alternate modes of public transport, whilst the basement levels of the proposed development offer upwards of 104 spaces with opportunities for additional stacked-parking. The basement also features facilities for cyclists in order to encourage active transport modes.



Q5. Is the planning proposal consistent with State Environmental Planning Policies?

Yes. The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) as discussed in the following sections.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify development that is classified as State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development. Due to the proposed developments capital investment value, the proposed development is identified as regionally significant development pursuant to Schedule 7 Part 2. As such, the proposed development will be determined by the Sydney North Planning Panel.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP facilitates the effective delivery of infrastructure across the State. The ISEPP identifies matters for consideration in the assessment of types of infrastructure development, including traffic-generating development. The following statutory requirements outlined in Table 8 are applicable to the proposed development:

Table 8 State Environmental Planning Policy (Infrastructure) 2007 relevance to proposed development

ISEPP	Relevance to Proposed Development
Schedule 3 (Clause 104) Traffic-generating development to be referred to Roads and Maritime Services	The proposed future development over the site is a commercial tower with a GFA of 52,832m ² .
Purpose of development: Commercial premises (other than premises specified elsewhere in this table)	The proposed development is located on Walker Street 40 metres from Berry Street to the north which is a classified State road.
Size or capacity—site with access to a road (generally): 10,000m ² in gross floor area (GFA)	Whilst the Planning Proposal is likely to be forwarded to TfNSW for comment, the proposed future redevelopment of the site in accordance with the supporting concept reference design is unlikely to cause any detrimental or adverse impacts to traffic flows, congestion or access to Berry Street or the nearby highway network. Sufficient off-street car parking is shown provided in the basement levels and controlled access from Little Walker Street has been considered appropriate in the supporting Traffic Impact Assessment prepared by SCT Consulting at Appendix B.
Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road): 2,500m ² in gross floor area	



State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land to reduce the risk of harm to human health and the environment. The site contains existing commercial office buildings and has a long-established use as commercial with basement parking. The risk to human health and the environment from soil or ground-water contamination sources is therefore considered to be low. Any future Concept or detailed DA for the site and proposal will need to re-assess any low potential impacts from contamination and identify any need for future remediation.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The SREP Sydney Harbour Catchment is a regional planning instrument that aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural and public asset of national and heritage significance. The site is located within the Sydney Harbour Catchment area (see Figure 34) but is not within the Foreshores and Waterways area and is subject to the following relevant controls in Table 9.

Table 9 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 relevance to proposed development

SREP Sydney Harbour	Relevance to Proposed Development
<p>Clause 25 Foreshore and waterways scenic quality</p> <p>The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows—</p> <p>(a) the scale, form, design and siting of any building should be based on an analysis of—</p> <p>(i) the land on which it is to be erected, and</p> <p>(ii) the adjoining land, and</p> <p>(iii) the likely future character of the locality,</p> <p>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,</p>	<p>The proposed building envelope has been purposefully designed to consider site specific constraints and opportunities, whilst ensuring no additional overshadowing of public open space / parks.</p> <p>The incorporation of a top of tower sloped design, or 'Crown', contributes to the unique visual qualities of Sydney Harbour and greatly contributes to the North Sydney CBD skyline.</p> <p>The scale and form of the concept reference design is in keeping with the character of development on other comparable sized sites in the CBD including 1 Denison Street, 10 Mount Street and the forthcoming over-station development on Miller Street.</p> <p>The future development is unlikely to adversely impact upon any significant view corridors to the harbour or foreshore lands. The height of the building has been designed so as to maintain the stepping down of buildings from west to east across the northern part of the CBD (south of Berry Street).</p>



SREP Sydney Harbour

Relevance to Proposed Development

The development will not adversely impact upon any significant natural features of the catchment and presents an appropriate physical form in the city skyline.

26 Maintenance, protection and enhancement of views

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows—
 (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,

(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,

(c) the cumulative impact of development on views should be minimised.

The proposed development does not adversely impact on the views and vistas achievable to or from key public places, landmarks and heritage items within North Sydney.

The proposed development includes eastern façade exposure, offering Harbour East and Harbour West views.

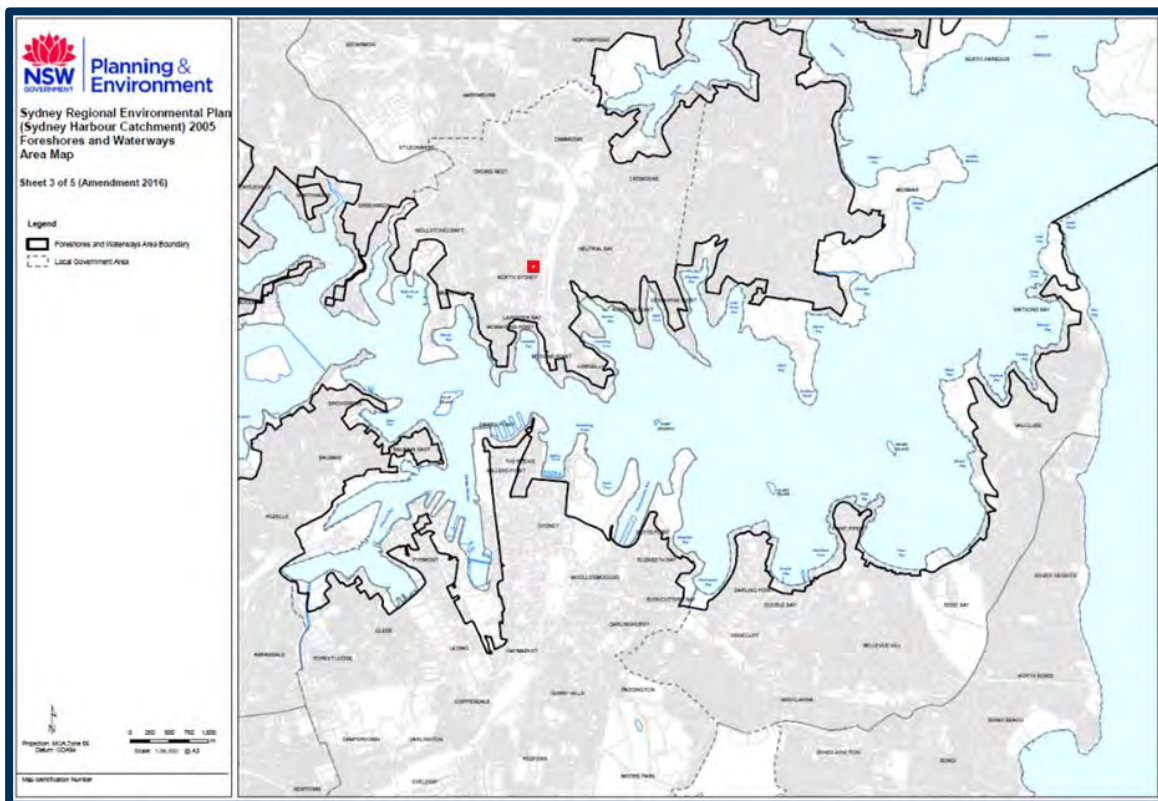


Figure 34 SREP Sydney Harbour Catchment - Foreshores and Waterways Area Map (site location shown in red)

Q6. Is the planning proposal consistent with the applicable Ministerial Directions (s.9.1 directions)?

Yes. The Planning Proposal has been assessed against the applicable s.9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in Table 10.

Table 10 Consistency of the Planning Proposal with the applicable s9.1 Ministerial Directions

Direction and Objective	Comment
1. Employment and Resources 1.1 Business and Industrial Zones <i>The objectives of this direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified strategic centres.</i>	<p>The Planning Proposal gives effect to the objectives of Direction 1.1. as it retains a strategically important site for future employment uses in the commercial core of North Sydney. The proposal provides for new A-Grade commercial office floor space in an area identified in multiple strategic plans and policies to provide more high quality commercial developments to support the viability of the</p>



Direction and Objective

Comment

centre, create more knowledge-based jobs and strengthen the centre's competitiveness.

The consolidation of the site to deliver the proposed building aligns with the objective to support viable new commercial development in the North Sydney CBD in line with the shadow profile previously accepted by Council under Amendment No. 23.

3. Housing, Infrastructure and Urban Development

3.4 Integrating Land Use and Transport

(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:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

The Planning Proposal supports the objectives of Direction 3.4 as it produces a building and public domain design which will promote walkability and connections to public transport systems. The following aspects of the supporting concept reference design work to achieve the objectives:

- Creation of new activated ground levels to the street frontages and newly proposed through-site link
- Seamless integration of the public domain into the ground floor lobby of the building
- Provision of end-of-trip facilities and limitations on the number of car parking spaces provided in basement levels.
- Reduction in the number of vehicular access points and size into the basement from Little Walker Street and instead providing additional infrastructure on site to promote walking and cycling.
- Delivering a new publicly accessible through-site link to improve the pedestrian experience and connect more people westward towards the new Metro station at Victoria Cross.
- Providing sufficient areas off Little Walker Street to accommodate loading and deliveries



Direction and Objective	Comment
<p data-bbox="209 568 758 636"><i>3.5 Development Near Regulated Airports and Defence Airfields</i></p> <p data-bbox="209 674 662 707"><i>(1) The objectives of this direction are:</i></p> <p data-bbox="209 712 774 779"><i>(a) to ensure the effective and safe operation of regulated airports and defence airfields;</i></p> <p data-bbox="209 784 758 920"><i>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</i></p> <p data-bbox="209 925 774 1061"><i>(c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i></p>	<p data-bbox="810 568 1396 705">Whilst the site is not located ‘near’ an airport it is subject to the Outer Horizontal Surface – Obstacle Limitation Surface (OLS) of Sydney Airport of 156m AHD.</p> <p data-bbox="810 745 1396 920">A Preliminary Aeronautical Impact Assessment has been prepared by Avlaw Consulting, dated 11 May 2021 (refer Appendix I). The Assessment notes the following with respect to the potential impacts of the proposed scheme:</p> <ul data-bbox="858 925 1396 1675" style="list-style-type: none"> <li data-bbox="858 925 1396 1137">• <i>The Outer Horizontal Surface of the OLS for Sydney Airport will be penetrated permanently by the building structure and temporarily by construction crane(s) meaning both will require controlled activity approval (as part of a future DA).</i> <li data-bbox="858 1142 1396 1279">• <i>The maximum potential envelope of the proposed development is below and clear of the Radar Terrain Clearance Chart (RTCC) surface by 90.28m.</i> <li data-bbox="858 1283 1396 1458">• <i>The proposed development is not restricted by airspace protected under Guideline H of the National Airports Safeguarding Framework (NASF) for Strategic Helicopter Landing sites.</i> <li data-bbox="858 1462 1396 1675">• <i>The proposed permanent structure and temporary crane activities are below the RTCC surface of 335m AHD and will not adversely affect the safety, efficiency or regularity of aircraft operations at Sydney Airport.</i> <p data-bbox="810 1715 1396 1852">Based on the assessment undertaken by Avlaw Consulting it is considered that the Planning Proposal is consistent with the objectives of Direction 3.5.</p> <p data-bbox="810 1892 1396 1995">Additionally, the site is not subject to aircraft noise impacts and accordingly, no further assessment is required in this regard.</p>



Direction and Objective	Comment
5. Regional Planning	
<p><i>5.10 Implementation of Regional Plans</i></p> <p><i>(1) The objective of this direction is to give legal effect to the vision, land use strategy, goals and directions and actions contained in the Regional Plans.</i></p>	<p>Refer to previous discussion provided in Tables 4,5 and 6. The Planning Proposal gives effect to the planning directions, objectives and actions contained in the Greater Sydney Region Plan and is consistent with its land use strategy, infrastructure plan and overarching vision for North Sydney.</p>
6. Local Plan Making	
<p><i>6.1 Approval and Referral Requirements</i></p> <p><i>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	<p>The proposed site-specific clause presented for this site has been designed having consideration for the matters under Direction 6.1. The clause clearly identifies those parameters to be demonstrated and confirmed by a future proponent lodging a Concept DA over the site. The proponent must:</p> <ul style="list-style-type: none"> ▪ Identify and confirm the development proposal's compliance with the numerical height, podium height and setback provisions; and ▪ Demonstrate how the proposal activity reduces its use of energy and water consumption and manages and minimises waste. <p>The components of the clause are clear are allow for the orderly assessment of a future proposal by Council and/or the consent authority.</p> <p>The clause does not require additional concurrence, consultation or referral of the future Concept DA, nor does it make a proposal Designated Development.</p>
<p><i>6.2 Reserving Land for Public Purposes</i></p>	<p>N/A. Whilst the Planning Proposal seeks to establish parameters for the creation of a new publicly accessible through-site link, the link itself will be maintained in private ownership with a positive covenant / public right of carriage easement imposed over it as part of a future DA</p>



Direction and Objective	Comment
<p><i>6.3 Site Specific Provisions</i></p> <p><i>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p> <p><i>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <p><i>(a) allow that land use to be carried out in the zone the land is situated on, or</i></p> <p><i>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standard or requirements in addition to those already contained in that zone, or</i></p> <p><i>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principle environmental planning instrument being amended.</i></p> <p><i>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p>	<p>process. Accordingly, the link is not proposed to be dedicated as land for a public purpose.</p> <p>The Planning Proposal is consistent with the objective and provisions of Direction 6.3. The site-specific clause is the only mechanism that can be utilised to ensure the orderly consolidated future development of the land in the manner described in this Planning Proposal. Without the clause, there is no avenue to incentivise consolidation of the properties 153 and 157 Walker Street for the purposes of a viable joint redevelopment. The clause is required to incentivise amalgamation and avoid site isolation of 153 Walker Street but also to ensure the highest and best development outcome is achieved that can be accommodated in line with strategic plans, policies and previous studies.</p> <p>The site-specific clause does not rezone the land and the predominant commercial land use is preserved under the Planning Proposal. Amendments are sought to the building height, podium height and setback provisions to ensure development occurs generally in accordance with the reference design. The clause does not refer to the reference design, rather it explicitly details the parameters to be followed by Applicants for future proposals.</p> <p>The clause includes provisions for setbacks on the site. Whilst these types of provisions are typically included in DCPs, their inclusion in this instance is vital to:</p> <ul style="list-style-type: none"> • Protect a minimum floor plate size to achieve a premium / A-Grade commercial office standard and to attract premium tenants. • Ensure flexible and efficient floor plates are delivered as part of a future development on the site. • Ensuring the urban design outcomes and public benefits detailed in this report and



Direction and Objective

Comment

demonstrated in the supporting reference design.

- Protecting and supporting the future viable redevelopment of the properties adjoining the site to the north at 161-165 Walker Street as detailed earlier in Section 4 of this report.

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 site is fully developed for urban purposes and is clear of any significant vegetation. Minimal site landscaping exists across the frontage of 153 Walker Street in the form of manicured garden beds. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts will be minimal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential environmental effects of the proposal have been examined in the supporting urban design study prepared by Architectus in Appendix A and other technical reporting including the Traffic Impact Assessment prepared by SCT and the civil infrastructure and stormwater report prepared by ARUP. Where potential adverse impacts to the natural or physical environments are identified, appropriate mitigation measures have been formulated and are discussed in this section.

Building Height and Transition

Amendment No. 23 to NSLEP 2013 introduced a series of new building height limits across the CBD which will provide for towers up to and above 50 storeys. The CBD currently comprises a wide range of varied building heights from 10 storeys up to 40+ being delivered as part of new developments to the west of the site. The city skyline is undergoing significant transformation following recent proposals, approvals and constructed projects including:

- 1 Denison Street (RL 213) - completed
- 100 Mount Street (RL 200) - completed
- Victoria Cross OSD (RL 230) – SSDA approved
- 177 Pacific Highway (RL 195) - completed
- 100-122 Walker Street (RL 260) – DA in with Council



The Planning Proposal seeks to introduce a new maximum building height for the subject site under the site-specific clause which will increase the height from RL215 (under the current NSLEP 2013) to RL238 which will accommodate a 43 storey tower with roof mounted services and rooftop terraces. The building height is proposed to taper down from the highest point in the north-west corner to the south-east corner where it will align with the current maximum height of RL215. The appropriateness of the newly proposed building heights has been tested in the supporting urban design report prepared by Architectus. The following key points are made in respect to the proposed heights:

- The building height of RL238 sloping down to RL215 has been extensively tested from an overshadowing perspective which has confirmed no additional overshadowing to public parks during 12pm-2pm 1 June (refer to additional commentary on overshadowing below).
- The building height proposed retains the tapering height transition observed across the CBD eastwards towards the Warringah Freeway. In this regard, the tallest towers under the NSLEP 2013 will still be positioned in the centre of the CBD, dropping down 10-15m in height per block from Denison Street, to Little Spring Street through to Walker Street and Little Walker Street. The sloped down roof form on the concept reference design also visually emphasises this height transition of building forms from west to east and is therefore consistent with the character of the skyline and urban form embodied in the North Sydney Capacity and Land Use Study.
- The concept reference scheme supporting this Planning Proposal exhibits a high degree of design excellence, particularly the design of the sloped or 'Crowned' top of building feature. This new addition to the North Sydney skyline will create significant visual interest, particularly when viewed from the north-east. The form of the Crown and materiality foreshadowed in the scheme is sleek, contributes to the breaking up of visual bulk and helps to visually define the new tower amongst the emerging city skyline.

On the basis of the above it is considered that the additional height will only have positive impacts on the city skyline and will not create additional impacts by way of overshadowing, inappropriate form or height at its location within the CBD.

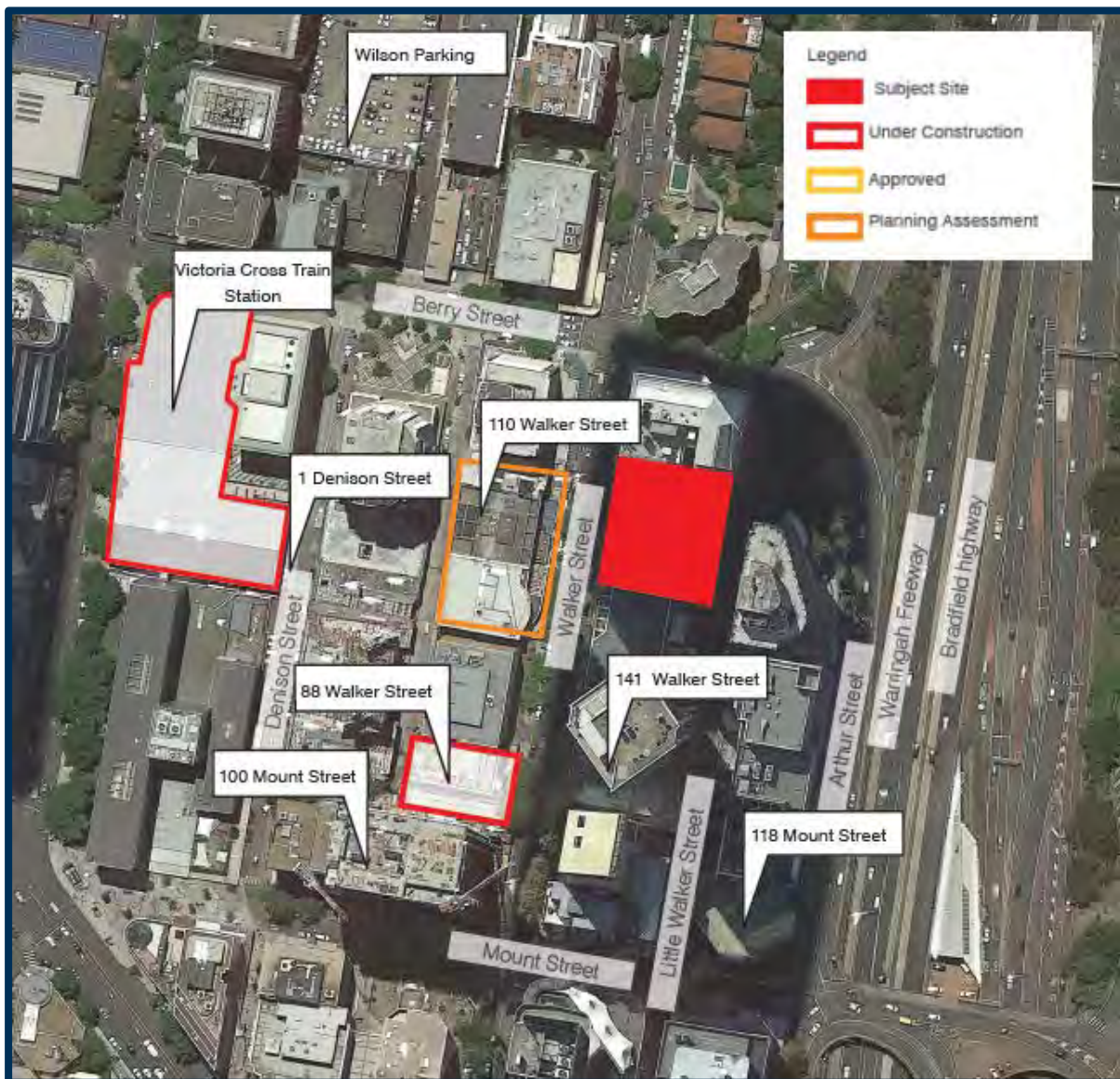


Figure 35 Site and surrounding content of existing developments, those under construction and subject to approvals

Podium Heights and Setbacks

Refer to commentary provided in Sections 4.5 and 4.7 of this report. The area around the site has varying podium heights and forms and setbacks to Walker Street and Little Walker Street. Whilst the NSDCP 2013 provides for certain setbacks to be adhered to, recent approvals and proposals have sought minor variations to these controls (including the adjacent development proposal at 118 Walker Street).

The Walker Street podium height and setback to the tower above has been designed in accordance with the NSDCP 2013 following comprehensive discussions with officers at the pre-lodgement stage.



Similarly, the ground level and podium setback to Little Walker Street of 4m has been retained as per Council officer direction to ensure the future activation of the secondary street and provide sufficient space for newly proposed upgrades for loading and access into the basement levels.

The most significant variation sought to the controls is the reverse podium / tower to Little Walker Street which sees the tower project out to a nil setback to Little Walker Street 3 storeys up. The design is considered to create only positive outcomes, including:

- Provision of all-weather protection over the extended public domain to Little Walker Street which will support pedestrian activation and the operation of future activating retail / dining to this frontage.
- An innovative and visually attractive built form which has been recognised on other examples across Sydney and Internationally as providing greater visual engagement, attracting pedestrian activity into the ground plane, particularly when utilised on frontages to laneways or secondary streets.
- No additional adverse overshadowing impacts to surrounding parks or other vital elements of the public domain. The incorporation of a three-storey reverse podium will continue to ensure sufficient morning sunlight into the space whilst also providing a cool place of respite during the afternoon in the warmer months.
- No adverse impacts to traffic. The three-storey reverse podium will ensure access for larger semi's and cranes requiring access along Little Walker Street will be maintained with sufficient clearance.

A further variation proposed is the nil setback to the northern boundary. The benefits of the proposed nil-setback to adjoining properties to the north at 161-165 Walker Street have been discussed in Section 4.7 of this report. Council's concerns around the lack of future building separation, reduced solar access and presentation of long street building walls resulting in inappropriate massing and bulk have been addressed in the following points:

- Any future proposal will need to incorporate design elements to provide sufficient break up and distinction between the subject site and a future redevelopment of the sites to the north. The concept reference design demonstrates rounded edges at the north-east and north-western corners of the building but alternative detailed design components could include cut-in corners, edge treatments or other materiality. Such components of the future design will ensure the creation of extensive street walls are avoided.
- A future development over the sites to the north will be shorter than the subject tower. The height of the future adjoining development will be capped to a maximum height of approximately RL 115 to ensure no additional overshadowing of the Doris Fitton Park between 12pm-2pm on 21 June. As such, the buildings will have vertical differentiation when viewed from the north, east or west ensuring that excessive bulk and scale will be mitigated.
- Provision of a 3m setback into the site in addition to the proposed 4m tower setback to the southern boundary will result in an unnecessarily reduced tower floor plate, compromising the achievement of premium A-Grade space. The setback will not be needed given the vertical and horizontal



differentiation and break-up which is capable of being achieved to the future redevelopment of buildings to the north. Incorporation of a 3m setback would only result in the creation of a dead space between the two development sites which would be predominantly overshadowed and not suitable for balconies due to likely wind and privacy impacts.

Public Domain and Landscaping

The contribution of the scheme to the public domain has been detailed throughout this report. The inclusion of a new publicly accessible through-site link between Walker and Little Walker Streets will have significant positive impacts to the health and general wellbeing of workers and visitors to the area.

The concept reference scheme foreshadows opportunities for future landscaped elements to be provided across the ground floor plane and within the newly activated streets. The upper level sloped rooftop levels have been earmarked to provide new garden settings with opportunities for on-building landscape elements. The combination of these landscape approaches will provide a visual aesthetic which is interesting, interactive and appealing. It will help soften the bulk and built form elements and contribute to greening in the CBD to provide a living urban landscape. Examples of landscape features proposed as shown in Figure 36 below.



Figure 36 Examples of considered landscape features to form part of future development



Sustainable Design

A Sustainability Strategy has been prepared by ARUP which outlines initiatives and commitments for a future development on the site which accords to this Planning Proposal. The key ESD initiatives recommended in the strategy have been outlined in Chapter 4 and relate to energy efficiency, passive solar design, thermal massing, natural ventilation, water consideration, waste management and minimisation, stormwater management, building materials and future use / operations.

At the DA stage a more refined report on ESD initiatives will be incorporated into a future development and will be presented for consideration. The Planning Proposal commits to resolving certain challenges for a sustainable commercial tower on the site, including:

- Limiting reliance on grid power sources through installation of energy efficient fixtures and services as limited roof space restricts areas for mounted photovoltaic panel systems.
- Limiting reliance on water use through the installation of efficient water-saver taps, kitchen appliances and landscaping systems.
- Controlling thermal mass, internal climatic conditions and natural ventilation through principles of passive solar design, building materials and glazing.

Adherence to the ESD initiatives and commitments will ensure that the development works to reduce its carbon footprint, conserve water and energy and limit its reliance on mechanical cooling and heating systems.

Overshadowing

A comprehensive overshadowing analysis has been undertaken by Architectus as part of the height testing and development of the final top of building form presented in the concept reference design. The roof form falling from a maximum 238RL down to 215RL has been designed to avoid any additional overshadowing impacts to nearby and surrounding public parks or RE1 zoned lands.

Whilst overshadowing in the context of the densely populated North Sydney CBD is inevitable and unavoidable, Council have continually stressed the importance of maintaining minimum solar access outcomes to local public parks and RE1 zoned lands in and around the CBD. The height plane and shadow analysis which underpinned Amendment No. 23 enabled a minimum 2 hours of solar access to reach 50% of the urban parks located to the south-east of the CBD, namely:

- The open space zoned lands around Little Alfred Street including Little Alfred Park; and
- The open space zoned land at Ennis Lane to the south of High Street.

Advice received from Council officers in pre-lodgement meetings confirmed that no additional overshadowing to these parks beyond what had previously been accepted as part of the height plane and shadow analysis in Council's Capacity and Land Use Strategy would be supported. Accordingly, the



analysis undertaken by Architectus included a series of different top of building forms which identified in most instances some minor additional overshadowing of the parks between 1.35pm – 2.05pm during 21 June.

The final sloped roof form included in the concept reference design shown in Figure 37 below demonstrated no additional overshadowing. The supporting detailed overshadowing analysis in Appendix F confirms that no additional overshadowing of the Little Alfred Street (Alfred Street North) Park occurs during mid-winter or the Spring Equinox beyond the current LEP shadow plane.



Figure 37 Proposed building envelope producing no additional overshadowing



Having confirmed that the proposed sloped top of building form does not result in any additional overshadowing of public open space beyond the previously supported height and shadow plane under the LEP the following points are relevant:

- The Planning Proposal height and shadow profile does not exceed / extend beyond the LEP shadow profile for the North Sydney CBD.
- The additional height proposed under this planning proposal will not result in any additional overshadowing impacts beyond those previously considered acceptable by Council.
- Impacts to residential receivers in the CBD or immediate surrounds is in line with the LEP shadow profile and therefore is no worse than that previously supported by Council in adopting Amendment 23.

Heritage

The site does not contain any heritage listed items under Schedule 5 of the NSLEP 2013, nor is it located within a heritage conservation area.

Impacts to Transport, Traffic, Cycling and Pedestrian Movement Networks

A Traffic and Parking Study prepared by SCT Consulting supports this Planning Proposal. The study includes an assessment of the new vehicular access arrangements into the basement levels from Little Walker Street, car parking, storage for bicycles, and the adequacy of internal circulation areas. The study also considers the broader traffic impacts from the reference design on the surrounding road network as well as implications for pedestrians and cyclists.

The new entrance driveway from Little Walker Street will connect to three levels of basement car parking, a loading dock and end-of-trip facilities and bicycle parking from the street level. Pedestrian access is to be improved along the Walker and Little Walker Street frontages and bolstered through the inclusion of the new publicly accessible through-site link.

The key findings from the report are summarised in the following:

- The site is located in a walkable environment which is well supported by existing and planned future public transport networks.
- The North Sydney CBD is serviced by North Sydney train station and frequent bus services on the Pacific Highway and Miller Street. Bus frequencies on Miller Street and the Pacific Highway are mostly greater than one service every three minutes during a typical weekday AM peak hour.
- The CBD's relationship with the Sydney CBD will be strengthened with the implementation of Sydney Metro with the new station at Victoria Cross within 150m of the site.
- The North Sydney LSPS and CBD Public Domain Strategy outlines a CBD to be walkable, cycling friendly, public transport focussed and traffic calmed with Walker Street identified to become a primary pedestrian route to cater for increased pedestrian volume. It will also comprise a future dedicated cycling corridor to connect into the regional cycling network.



- The Western Harbour Tunnel and Warringah Freeway Upgrade will deliver a new crossing of the harbour to relieve traffic congestion of the bridge and tunnel. An on-ramp proposed from Berry Street in close proximity to the site may increase conflicts between pedestrians, cyclists and motorists in this location, thus it is critical that the future development of the site results in a limited net increase in car trips.
- The development proposes to deliver 104 parking spaces, less than the existing parking provision of both existing buildings. Hence, the number of vehicular trips expected to be generated by the proposed development will be fewer than the current buildings and there will also be a net reduction of traffic volumes on the surrounding road network.
- The majority of the additional 500 person-trips during the peak hour will be using public transport to access the development. These additional trips can be accommodated through the high frequency public transport services and impacts to the transport systems are expected to be limited and little capacity issue would be expected.
- The provision of 500 bicycle spaces in the basement and lower levels means that the development will cater for a large mode share of cyclists, both for workers as well as visitors.
- The proposed development adopts lower car parking rates than those suggested by the DCP requirements, in order to fully support the initiative of mode shift to sustainable transport and a reduction on car use in the CBD.
- On site car share spaces can also be designed to densify the car share locations in the local area and further reduce business-related car trips.

Based on the discussions provided in the Traffic and Parking Study it is considered that the Planning Proposal and supporting concept reference design will promote and support increased pedestrian and cycle trips whilst reducing the overall reliance on private vehicular trips. It provides on-site facilities and new pedestrian infrastructure in line with the emerging streetscape and public domain character in the CBD in line with Council's Public Domain Strategy and Masterplan.

Sufficient on-site car parking in the form of 104 spaces across the basement levels may be further reduced subject to detailed design in a future development application proposal.

Wind Impacts

Given the height of the concept reference design and orientation of the development site it is inevitable that wind tunnel impacts will be incurred along the site frontages. Detailed design elements informed by a future wind tunnel analysis will need to form part of any future development application. Design measures to mitigate wind impacts may include:

- Introduction of dense vegetation across the lower levels and pedestrian through-site link;
- Installation of screening in the form of external louvres or angled panels to obstruct / control the flow of breezes to the through-site link;



- Use of other angular building features at the lower level to protect pedestrians from prevailing winds; and
- Installation of strategically placed awnings.

Whilst these measures have not been detailed at this early stage, they are able to be accommodated within the final design and will not affect the changes sought under this Planning Proposal.

Reflectivity

The final materiality of the future development will form part of the detailed design presented as part of a future DA. The building is likely to comprise a high proportion of external glazing and glass panels which will need to comprise a low reflectivity rating of less than 20%. Tinted panels, similar to those chosen for the 1 Denison Street tower are likely to be implemented as part of the future design.

Utility Infrastructure

ARUP have investigated the existing utility infrastructure services surrounding and available to the future development site. The investigation has confirmed that existing potable water, mains sewer and underground electricity cables are available in the Walker Street carriageway. The capacity and loads of infrastructure to support the increased building height and yields proposed under this Planning Proposal will be further investigated as the application progresses and confirmed ahead of lodgement of a future DA.

Flooding

The Civil Infrastructure and Stormwater Report prepared by ARUP has addressed the potential impacts to the proposal from existing flow paths. Due to the local topography surrounding the site there is little likelihood of the future development being impacted from the 1% AEP and PMF events along Walker and Little Walker Streets. This is evidenced in the North Sydney LGA Flood Maps which indicate that overland flows along these streets during the 1% AEP do not exceed 150mm in depth and that the flooding is contained wholly within the road reserves. Based on the information obtained and other approaches for similar sites at the top of the CBD catchment area ARUP have presented the following strategies to manage flood impacts:

Walker Street Frontage – A ground floor level of 60.15m AHD should be achieved as a maximum to accommodate DDA compliant access and to accommodate the flood level.

Little Walker Street – Top of kerb level adjacent to the future basement ramp of 56.39m AHD to be provided with a possible freeboard to the ground level of up to 150mm.



The site is unlikely to be adversely impacted by existing flood conditions and flow paths along Walker Street and Little Walker Street. Notwithstanding this, ARUP have confirmed that further detailed analysis of the flood model should be undertaken in support of the future DA.

Q9. Has the Planning Proposal adequately addressed any Social and Economic effects?

Yes.

The underlying purpose and intent of this Planning Proposal is to facilitate the orderly economic use and redevelopment of the site as an amalgamation of two properties in the North Sydney CBD. An increase to the maximum building height and variation to setbacks delivers a form which is economically viable, and which will overcome future issues with site isolation.

Other positive economic effects of the Planning Proposal include:

- The provision of 52,832m² of predominantly premium / A-Grade office space in the heart of the CBD will help to attract major international and domestic corporations in a range of professional sectors and fields, contributing further to the economic competitiveness of North Sydney.
- Flexible floor plates will support a wider range of businesses of different scales promoting a greater level of interaction and incubation of knowledge, skills and ideas.
- Improved active frontages and a new internal through-site link provides attractive space for retailers, particularly cafes and restaurants to thrive and diversify the existing competitive market, providing benefits to local consumers.
- The types of floor spaces provided can be suitably fit-out to accommodate a range of different businesses/ organisations ensuring that vacancy rates are kept to a minimum.
- The provision of additional premium / A-Grade commercial office space in place of existing B and C Grade spaces ensures the orderly transition, upgrade of office premises and the renewal of an important site.
- The upgrades will not only provide new premium floor space but will also deliver a built form which is sustainable, compliant with new building codes, provides end of trip facilities and infrastructure to support walking, cycling and higher utilisation of public transport services.
- Based on typical job generation rates for offices and retail floor space the development could support an additional 3,500-5,000 new jobs which will significantly contribute towards the economic viability of existing and future businesses and the overall strength of the local economy.

The Planning Proposal will also have the following social benefits:

- Commitments to sustainability (ESD) initiatives will help ensure that the development reduces its carbon footprint insofar as possible, limiting its environmental impacts.
- Inclusion of 500 bicycle spaces, end of trip facilities and upgrading of the public domain around and through the site supports walking and cycling which will promote active lifestyles and the overall health and wellbeing for workers and visitors.



- Provision of new, attractive retail spaces with direct linkages to an upgraded public domain will provide comfortable urban refuges for people to sit, eat and drink, and meet with friends and colleagues, ensuring social cohesion and engagement.
- The high-quality and flexible internal office spaces will attract a range of businesses across multiple sectors, providing opportunities for the sharing of knowledge, ideas and intellectual growth of businesses and individuals.
- Recognition of the importance of urban landscaping in the Planning Proposal will ensure that any future redevelopment of the site contributes green elements to help soften the built form and contribute to attractive public and private domains. The provision of landscape elements in the setting will contribute towards a living urban landscape that supports the overall health and wellbeing of workers and the general public.

Q10. Is There Adequate Public Infrastructure for The Planning Proposal?

Yes. There is a myriad of established public and private services available within close proximity of the site, including schools, hospitals and health care, community and emergency services. Refer to Sections 3.4-3.7 of this report.

Utility Infrastructure

Preliminary investigations have been undertaken to identify sufficient utility infrastructure required for the proposed development. ARUP have confirmed that potable water, sewer, electricity and telecommunications infrastructure is readily available in the Walker Street carriageway to support and service the future redevelopment. Augmentation, upgrades and new connections to the future development will form detail provided in a future DA.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal. It is acknowledged that North Sydney Council will consult with relevant public authorities following the Gateway Determination.

Part 4 – Supporting maps which identify the aspects of the Planning Proposal

The Planning Proposal does not seek to amend any current maps in the NSLEP 2013.



Part 5 – Details of community consultation that is to be undertaken for the Planning Proposal

The Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of “A Guide to Preparing Local Environmental Plans.” Council are responsible for exhibiting the Planning Proposal through the following means:

- A notice in the local newspaper;
- A notice on the North Sydney Council website; and
- Written correspondence to neighbouring land owners.

The Proponent will review and respond to any matters raised by members of the general public or neighbouring land owners following the initial exhibition period as required.

Part 6 – Project Timeline

An indicative project timeframe is provided below in Table 11:

Table 11 Indicative Timeframe

Milestone	Date
Lodgement of Planning Proposal	June 2021
Preliminary Assessment by Council	June - August 2021
Advisory comment from Design Review Panel and Local Planning Panel	September 2021
Matter reported to Council Meeting	September 2021
Planning Proposal referred to DPIE for Gateway Determination	October 2021
Gateway Determination issued by DPIE	January 2022
Applicant to address matters raised and address conditions of Gateway	January – March 2022
Public Exhibition	April – May 2022
Consideration of submissions	June 2022
Final Assessment	July-September 2022
Final Report to Council	September 2022
Submission to DPIE to finalise LEP	October 2022
Gazettal	December 2022

Conclusion



This Planning Proposal has been prepared by APP Corporation Pty Ltd on behalf of the Owners of Strata Plan 50411 for the properties 153 and 157 Walker Street, North Sydney. It has been prepared in accordance with Section 3.33 of the EP&A Act and the Department of Planning's *'A Guide to Preparing Planning Proposals'*.

The Planning Proposal seeks an amendment to the North Sydney Local Environment Plan 2013 (NSLEP 2013) to facilitate the future orderly economic and consolidated development of a 43-storey commercial building under a new site-specific clause. The new clause will:

- Ensure the future orderly and consolidated development of an important amalgamated site in the heart of the North Sydney CBD.
- Introduce an increased maximum building height standard of RL 238m for the north-western corner of the site which tapers down to RL 215 in the south-east corner.
- Enable alternative setbacks to the primary and secondary street frontages and side boundaries.
- Provide for a publicly accessible through-site link along the southern boundary of the site between Walker and Little Walker Streets.

A concept reference design prepared by Architectus underpins this Planning Proposal. It includes comprehensive testing of the site conditions, building envelope, height plane and shadow profile against the Council studies which underpinned Amendment 23 to the NSLEP 2013. The concept design and intended use of the proposal aligns with the desired future character and built form of the North Sydney CBD as outlined in the North Sydney Development Control Plan 2013 (NSDCP 13), as well as the strategic objectives outlined in local, district and regional plans.

The site-specific clause proposed is the best mechanism to deliver the master plan benefits of the concept reference design outlined in this Planning Proposal. It is also an important statutory mechanism to enable the future orderly economic and consolidated redevelopment of the amalgamated site, avoiding site isolation of 153 Walker Street.

The Planning Proposal and supporting reference design will contribute a number of key public benefits, including:

- Creation of a living landscape in the heart of the North Sydney CBD through the introduction of a stepped roof-top terrace with green roofs and gardens at the upper levels as well as landscape embellishment at the street frontages and across the lower levels.
- Delivery of a superior built form exhibiting design excellence, opportunities for innovation, creation and a considered response to the existing and likely future development outcomes on the neighbouring sites to the north and south.
- A proposal that strengthens the economic output in the commercial core of North Sydney through the provision of a new 52,832m² premium / A-Grade commercial office building with activated lower level retail and end of trip facilities to promote active transport.



- Provision of a new publicly accessible through-site link along the southern boundary contributing towards an important east-west pedestrian link between Doris Fitton Park and the new Victoria Cross Metro Station, and resulting in improved amenity of the locale as well as eliminating shadowing of the public domain as a consequence of the increased setback.
- Promote the delivery of larger, well-designed and flexible floor plates to accommodate a range of businesses and support 5,000 new jobs in the CBD.

The Planning Proposal demonstrates both strategic merit and site-specific merit as presented in Chapter 5 of this report. It aligns with the planning priorities in the North Sydney LSPS and North District Plan to provide for employment stability, job growth and strengthen the economic competitiveness of North Sydney as a powerhouse for professional and knowledge jobs to 2036 and beyond. It facilitates the provision of premium office space to support job growth and attract a range of commercial businesses in close proximity to existing and planned public transport infrastructure and leveraging excellent access to local services and amenities.

Commitments to ESD initiatives, landscaping, integrated stormwater management and the provision of infrastructure and facilities to prioritise pedestrian and cycle movements over private modes of transport will deliver immense social, economic, health and environmental benefits for the local community.

The built form envisaged under the concept reference design is compatible with the emerging pattern of developments in the North Sydney CBD. The heights and variations to setbacks proposed produce a shadow profile which does not extend beyond what was previously considered acceptable by Council in the Capacity and Land Use Strategy. Additionally, the building envelope has been thoroughly tested to support the orderly and viable future redevelopment of neighbouring properties to the north and produce an urban form that respects the emerging pattern of development and surrounding upgrades to the public domain.

The Planning Proposal includes a commitment to the provision of a publicly accessible, open-to-sky through-site link along the southern boundary of the site which will contribute towards the envisaged public domain and pedestrian network upgrades in Council's Public Domain Strategy. Together with activated frontages and an accessible ground floor lobby the future development of the site will create new attractive urban refuges and meeting spaces for the public to enjoy.

The LEP Amendment sought will provide a mechanism to ensure the orderly, consolidated future redevelopment of this important site in the heart of the CBD. It will facilitate the concept reference design and associated public benefits outlined in this report. Accordingly, we urge Council and the DPIE to support the proposed Amendment to the LEP.





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153 + 157 Walker Street

Planning Application Report

Prepared for: APP
Date: March 29th, 2021
(Issue D)



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Contents

1	Site Description	3
2	Site Analysis	7
	2.1 Urban Context	8
	2.2 Envelope	10
	2.3 Context Envelopes	11
	2.4 Urban Framework - CBD Vision	12
	2.5 Urban Framework - Street Hierarchy	13
	2.6 Context	14
	2.6 Street Elevations	15
	2.7 Street Sections	17
3	Proposed Envelope	19
4	Proof of Concept Design	29



1 Site Description

1.1 Site Description

153 + 157 Walker Street, North Sydney

The site is situated in premium location for a high quality commercial development, being in close proximity to public transport, including North Sydney Train Station (which is located 400m to the South), connecting the site to the whole metropolitan area, and the future Victoria Cross Station Metro Station that will link Barangaroo and Crows Nest. M1 freeway also gives the site car access to greater Sydney freeway network.

153-157 Walker Street is also close to public green areas such as Doris Fitton Park some 70m to north (along Little Walker Street) and St. Leonards Park further 500m away, as well as a green zone located 200m South in Alfred Street.



Caption

Legend

- Subject Site
- Walking Radius
- T Train Stations
- B Bus Stops
- F Ferry
- L Light Rail
- M Metro Stations

1.2 Site Description

1.2 Site Information

Address: 153 + 157 Walker Street, North Sydney
 Lot and Plan Number: DP799678 +DP84729
 Local Government Area (Council): NSC
 Planning Controls:
https://www.northsydney.nsw.gov.au/Building_Development/LEP_DCP/Development_Control_Plan
 Approx Site Area: 1928m² (641sqm+1287sqm)



- Legend
- Subject Site
 - Under Construction
 - Approved
 - Planning Assessment





2 Site Analysis

- Urban Context
- Envelope
- Context Envelopes
- Views
- Urban Framework - CBD Vision
- Urban Framework - CBD Street Hierarchy
- Street Elevations - Existing Conditions
- Street Sections - Existing Conditions

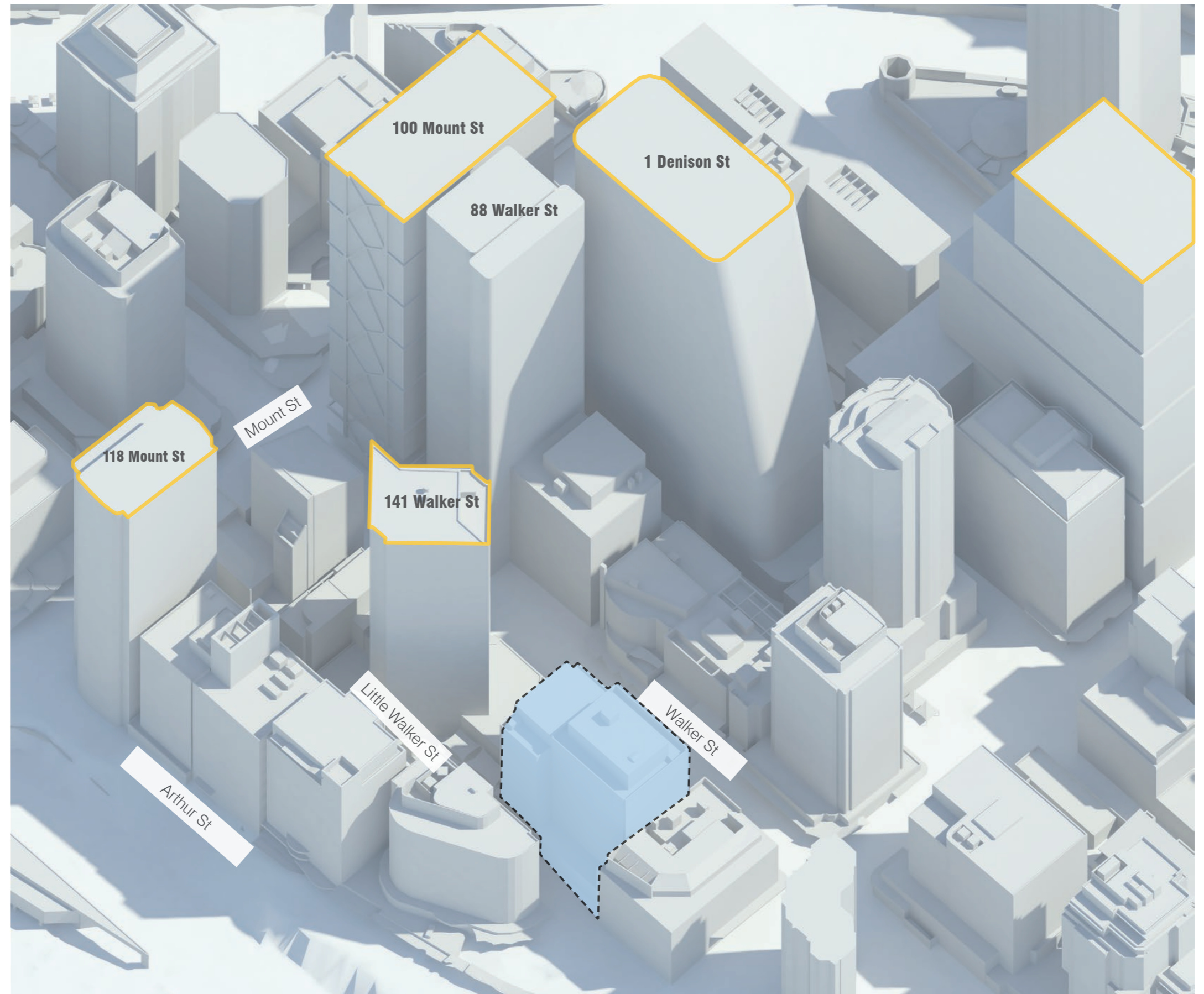
Site Analysis

2.1 Urban Context

Located between Walker Street in the West and Little Walker Street in the East, 153 Walker Street (640 m²) and 157 Walker Street (1287 m²) sites are situated in a premium location due to its proximity to the heart of North Sydney's CBD.

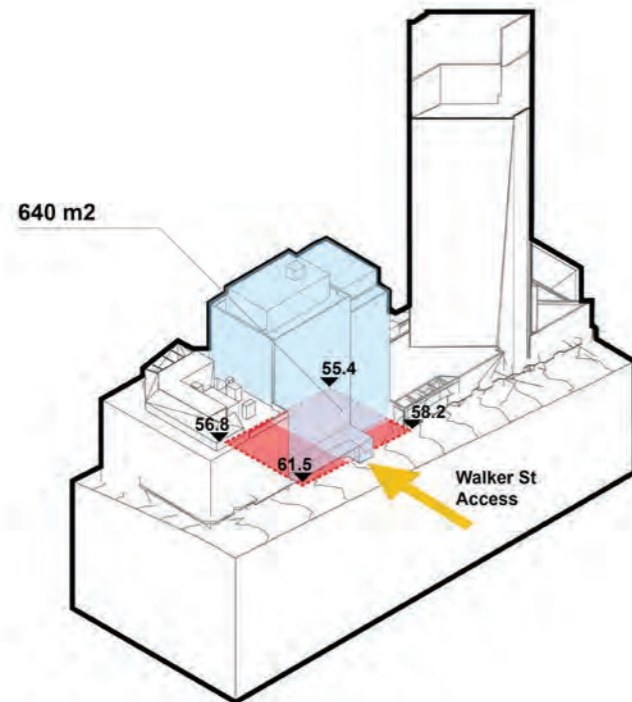
The future development of these sites will form part of a vibrant and rapidly increasing high rise development precinct, together with buildings like 118 Mount Street and 1 Denison Street which are under construction and 100 Mount Street which has been recently completed.

153-157 Walker Street represents an opportunity to become a landmark development that will provide an important contribution to North Sydney's CBD Skyline.



- Legend**
- Existing Buildings of 153 & 157 Walker Street
 - Urban Context

Site Analysis



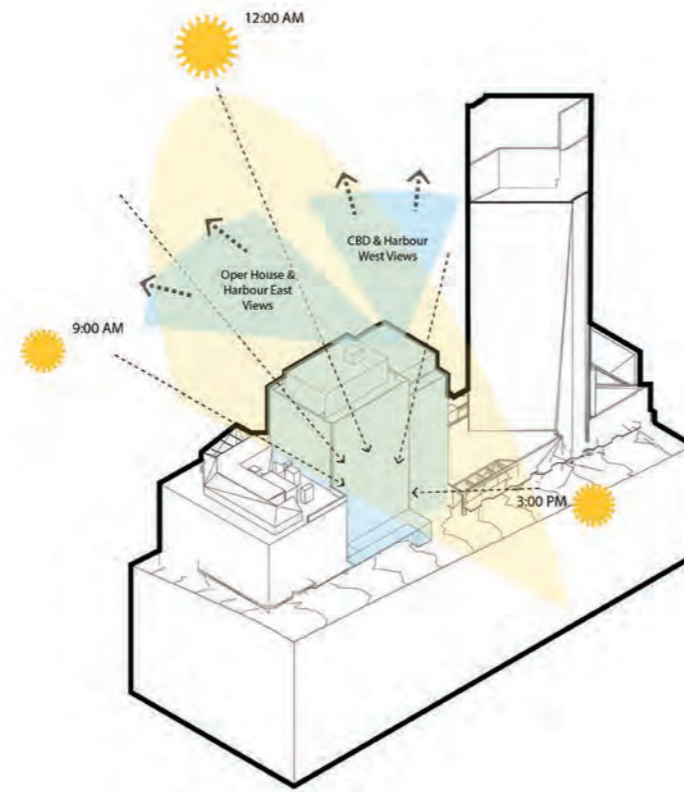
Physical Characteristics

The subject site is a cobined of two allotment totaling 1928sqm in area, which is sufficient for a development of a quality large office building with a viable floor plate.

The site in generally rectangular and falls around 2m South along both Walker Street and Little Walker Street. The site depth is around 42m, There is a 3m level difference in the East/West direction (between Little Walker and Walker Streets). The Little Walker Street currently is the primary service lane with Walker Street being the front address.

Site Information - No. 153 - 157 Walker Street.

- 45.6m Street Frontage (42m depth)
- 3m height difference between streets
- Approx. 2m fall across frontages



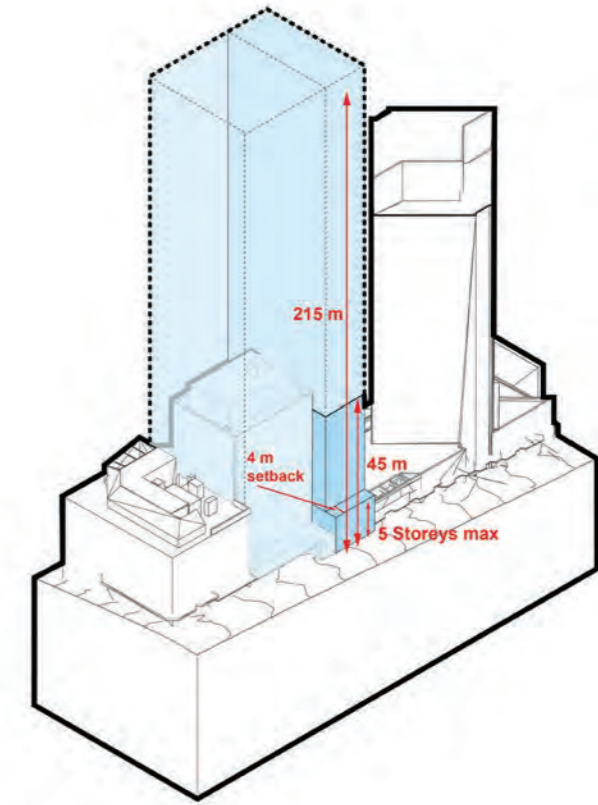
Environmental Characteristics

The site has enjoys solar exposure to East and West along its dual street frontages, allowing for good access to natural light.

The 0m setback to North and South, with potential for adjacent sites of being developed, should be considered with respect to impacts on solar access and daylight amenity.

Solar

- East and West orientation
- 0m setback to side boundaries (blank facades)
- Eastern facade exposure
- Western facade overshadowed by neighbouring properties



Planning DCP

North Sydney DCP Section 2.1 relates to NS CBD. P9P9 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exceptions: (a) No podium to Arthur Street.... (c) A podium of between 2 and 3 storeys to ...Little Walker...Streets with a weighted setback of 4m above the podium.

As the subject site is less than required 1000sqm in area, the maximum LEP height (215m) cannot be achieved without amalgamation with adjacent sites, limiting the height to 45m.

Controls

- Site Area: 1928 sqm
- Maximum LEP building height: RL 215m.
- 5 max. podium of 5 storeys to Walker St with weighted setback of 5m.
- A podium of 2-3 storeys to Little Walker St, with a weighted setback of 4m above the podium.

Site Analysis

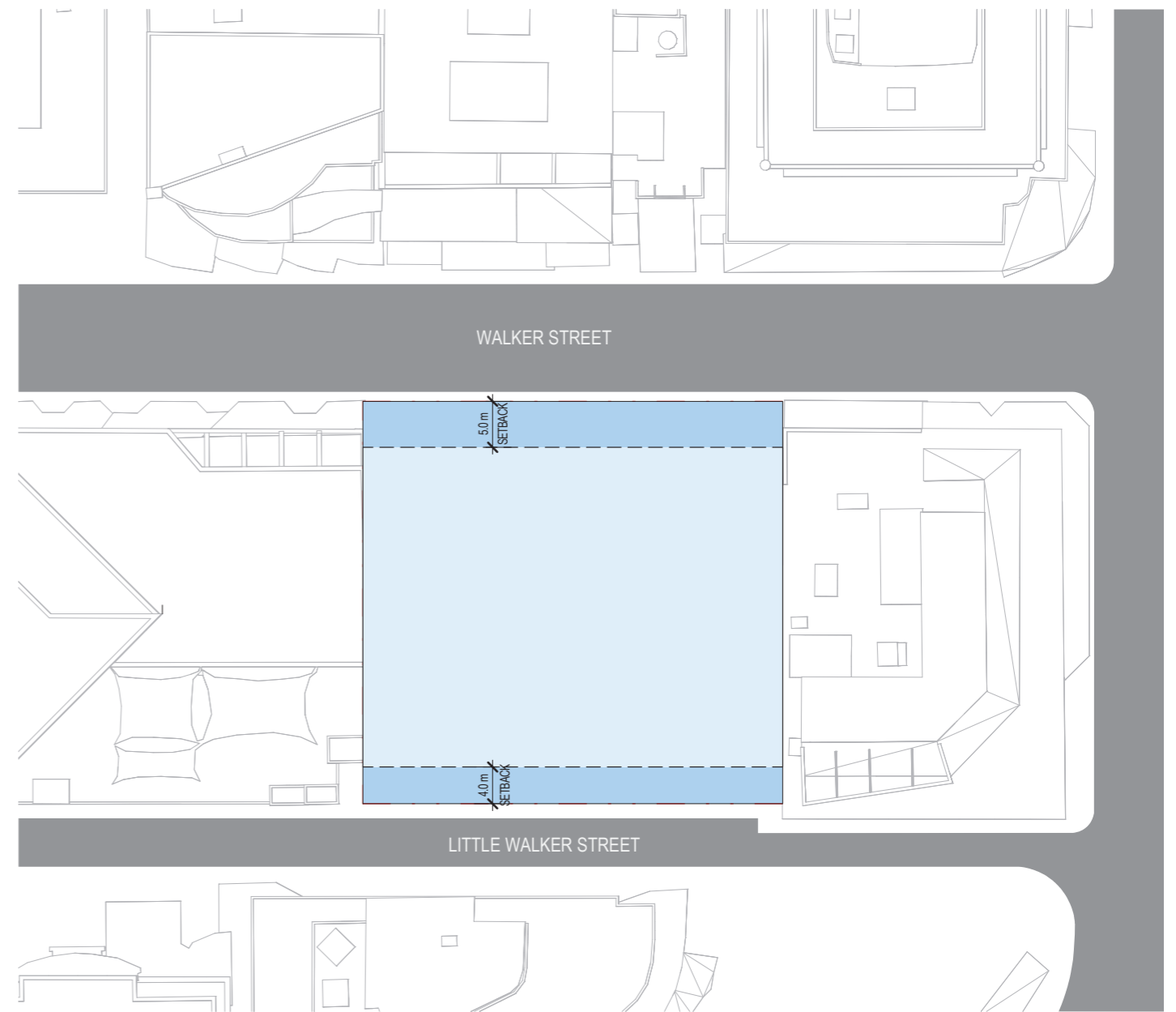
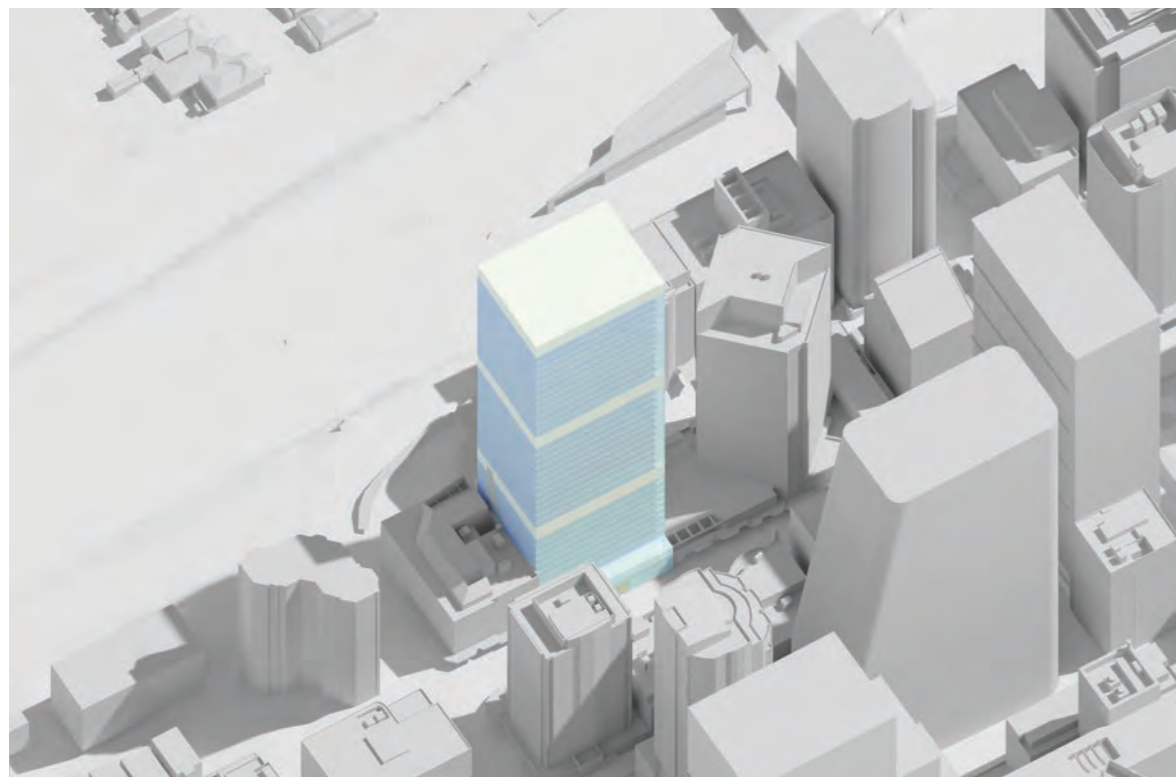
2.2 Envelope

Desired Built Form

North Sydney DCP Controls specifies podium height (max. 5 storeys) that can be varied to relate to existing street context or provide a transition in height between adjacent buildings. In this case a podium of 6 storeys would be considered as an appropriate solution.

Setbacks

A weighted setback of 5 m above the podium for Walker Street and a weighted 4 m setback for Little Walker Street.

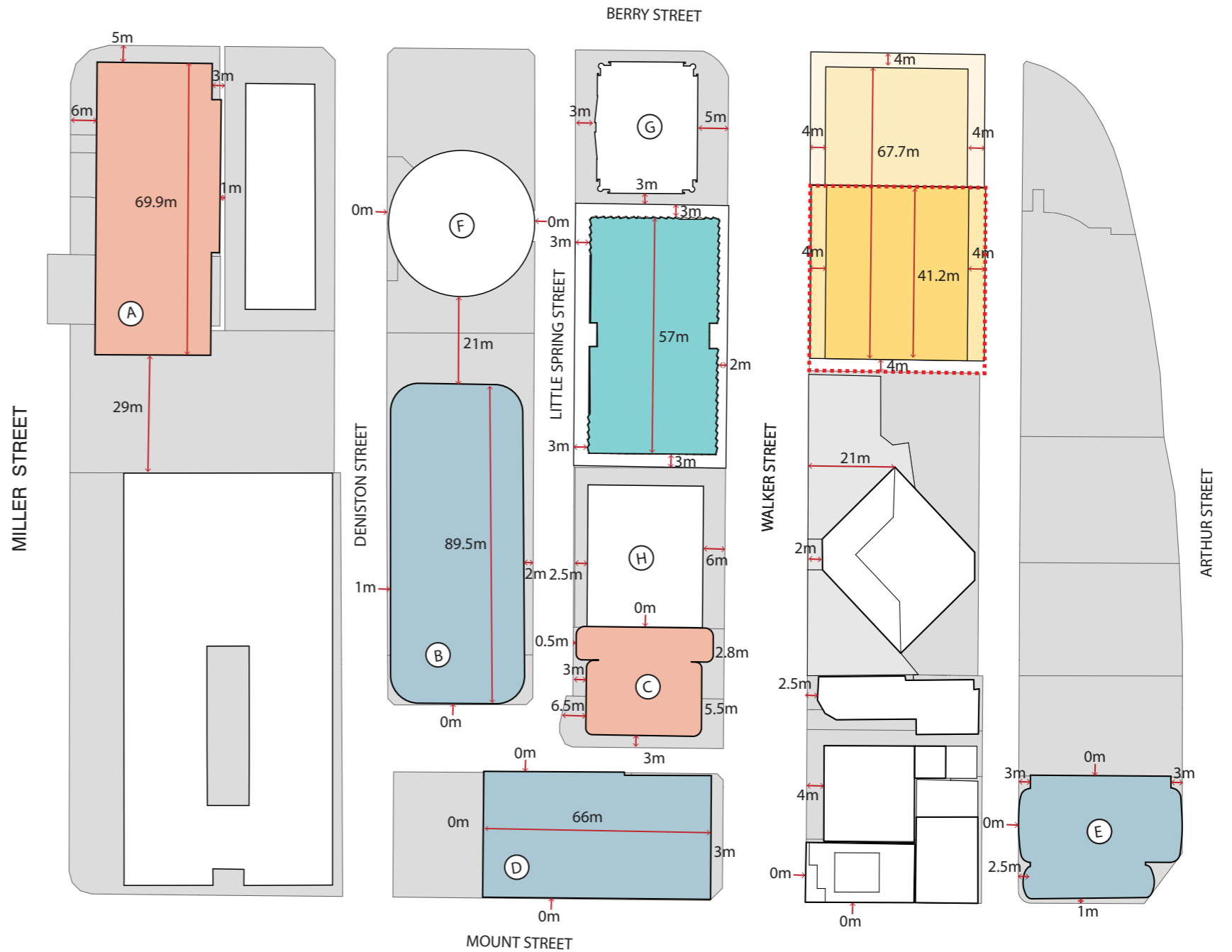


Site Analysis

2.3 Context Envelopes

Contextual Analysis of Setbacks

While DCP controls specify 5m street setback from Walker Street and 4m setback from Little Walker Street above podium, the existing urban context contains high level of inconsistencies resulting in myriad of different setback and street wall conditions.

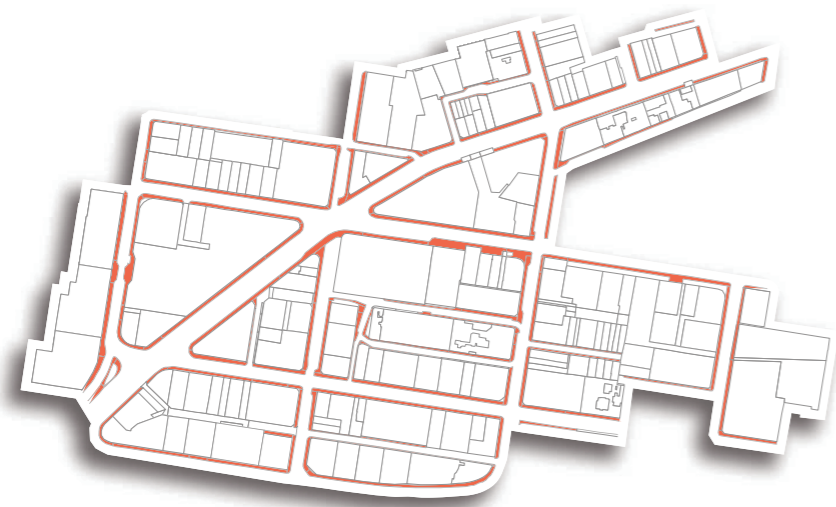


		Street Setbacks	Setbacks to Adjacent Buildings
A	Victoria Cross OSD	5m - 12m	1m - 29m
B	1 Denison Street	0m - 2m	21m+
C	88 Walker Street	2.8m - 6.5m	0m
D	110 Mount Street	0m - 3m	0m
E	118 Mount Street	0m - 6m	0m
F	'The Alexander' Apartments	0m - 28m	0m
G	124 Walker Street	3m - 5m	3m
H	100 Walker Street	2m - 6m	0m - 4.2m (existing through site link)

- Project Boundary
- Proposed Envelope
- Lodged DA Project
- Under Construction
- Recently Completed

Site Analysis

2.4 Urban Framework - CBD Vision



EXISTING PUBLIC FOOTPATH AREAS

Existing Public Footpaths

North Sydney's CBD vision looks at a comprehensive upgrade and extension of existing public footpath network through a series of safety and visual footpath improvements.

The vision for Little Walker Street is a conversion to a public shareway that will create safe pedestrian zones linking to existing and future public spaces.



EXISTING ROAD SPACE

Existing Road Space

The network of existing road spaces has been analysed in the Council vision document to with view to increase the amount of pedestrian public spaces. Little Walker street has been identified as one such area where a future shareway zone with a strong priority given to creation of safe pedestrian environment.

Little Walker Street

Currently Little Walker Street is a 10m wide and 300m long service lane that runs north-south parallel to Walker and Arthur Street between Pacific Highway and Berry Street. It is a standard service lane environment that is dominated by car park access points, loading docks, blank walls and building servicing.



EXISTING PUBLICLY ACCESSIBLE SPACES AND PROPOSED PUBLIC SPACES

Existing Public Accessible Space

The Council vision document identifies that only 6% of public domain is actually accessible to public, with vision to more than double (additional 20,000sqm) the accessible public space through creation of public piazzas and pedestrian links.

Doris Fitton Park

Doris Fitton Park on the Northern end of Little Walker street has been identified as an accessible public space that is in need of integration into the overall network through upgrade of Little Walker Street into a publically accessible shareway.

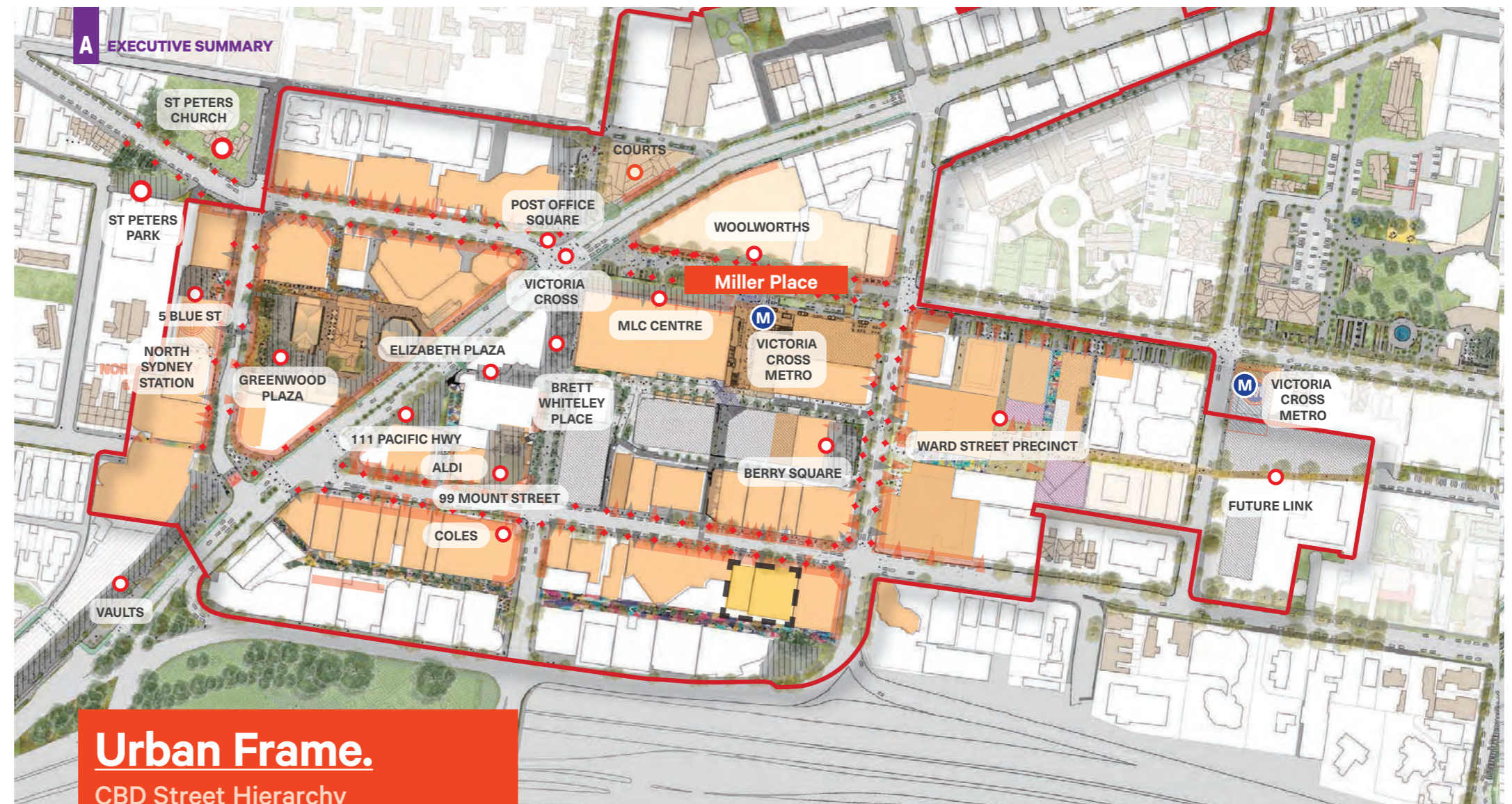
Site Analysis

2.5 Urban Framework - CBD Street Hierarchy

The concept of the 'Urban Frame' is to establish a hierarchy of streets that creates a core of urban amenity and focus for the CBD. The four streets of Miller, Berry, Walker and Blue are all relatively level, have a similar width, an even street wall, mature street trees and a consistent network of awnings that protect pedestrians and shop fronts from wind, sun and rain. Together they can create a legible and consistent frame around the core of the centre.

Continuity of Activity

New projects should be designed to provide a continuity of activity and protected awning spaces that cover the footpath space. Projects that infill the existing setbacks should be encouraged, with everything from pop ups, outdoor dining, public art and new paving and furniture using the council's public domain palette.



Urban Frame.
 CBD Street Hierarchy
 Creating an attractive, consistent, and legible grid of streets using granite paving with more public seating, street trees, lined with shops and services and dining on the footpath.

High quality streets, lanes and public spaces.

KEY

- ▲ Cafe/Shop/Business Entry
- ▲ Building/Commercial Foyer
- Frontages on Urban Frame
- ◆ Smartpole

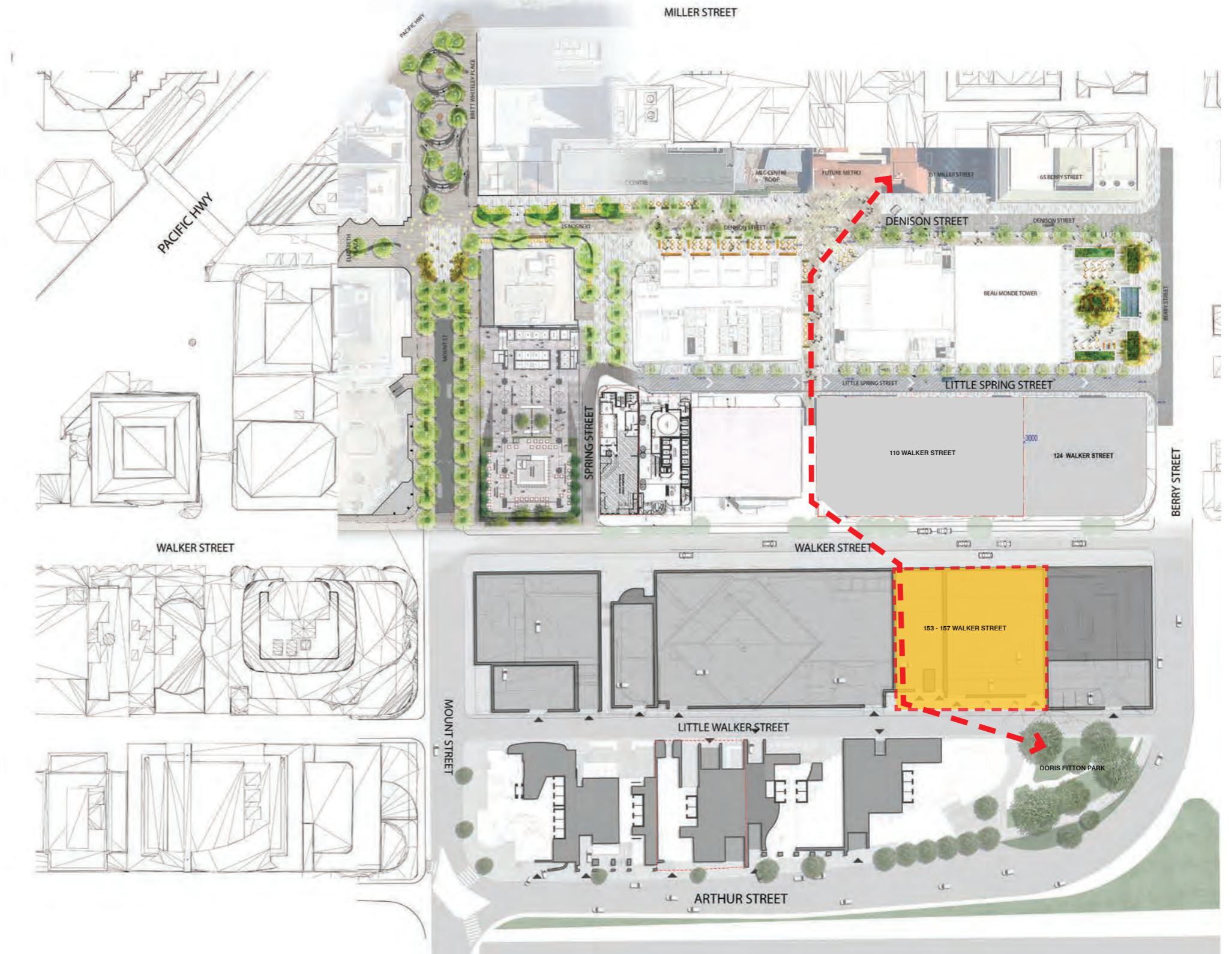
Site Analysis

2.6 Context

Emerging Context

The introduction of new Metro station together with a number of key developments either recently completed (100 Mount) or under construction (1 Denison, Victoria Cross, 88 Walker) will substantially transform the existing precinct.

The subject site has an important role in how it ties into the overall precinct and into council vision for a vibrant and exciting public domain.

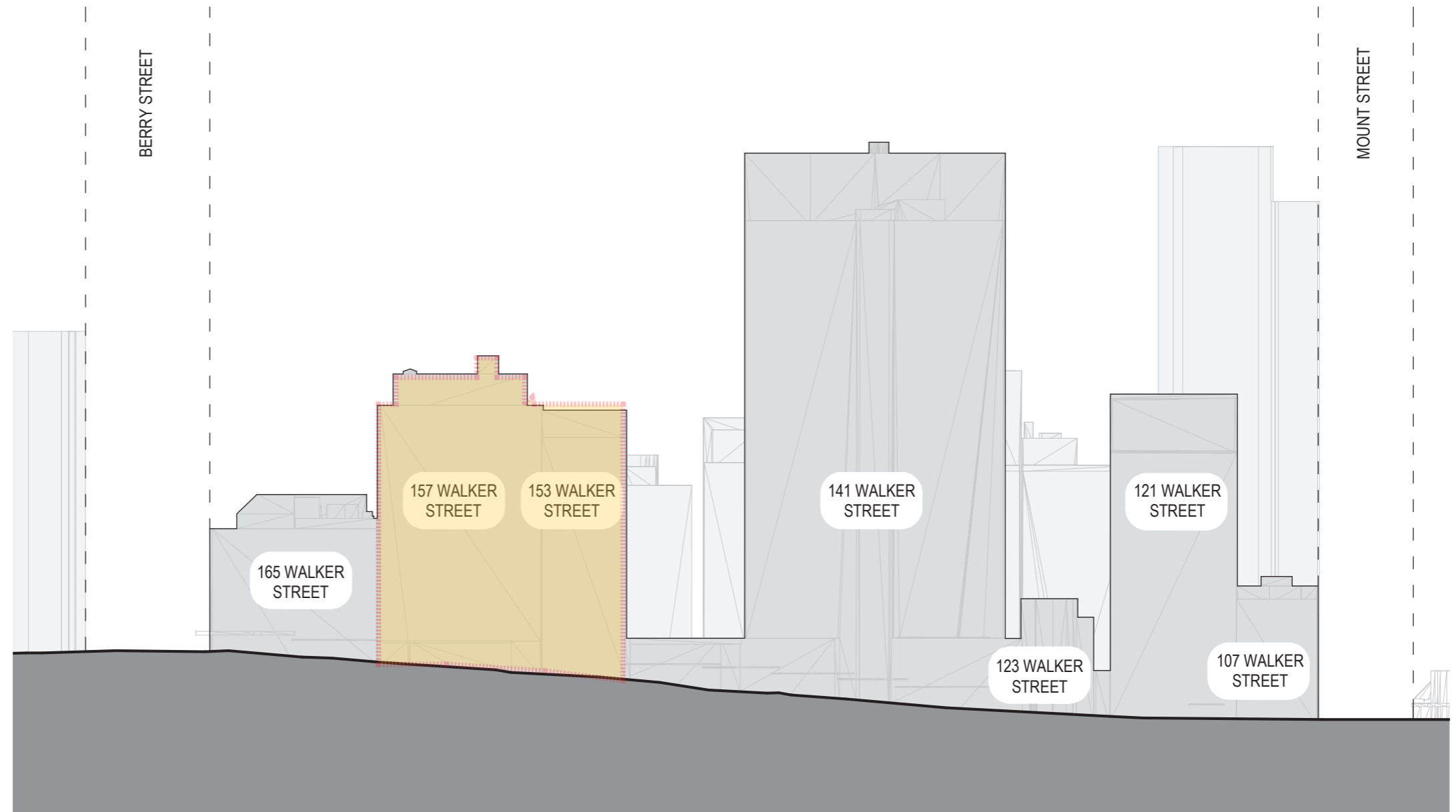


Site Analysis

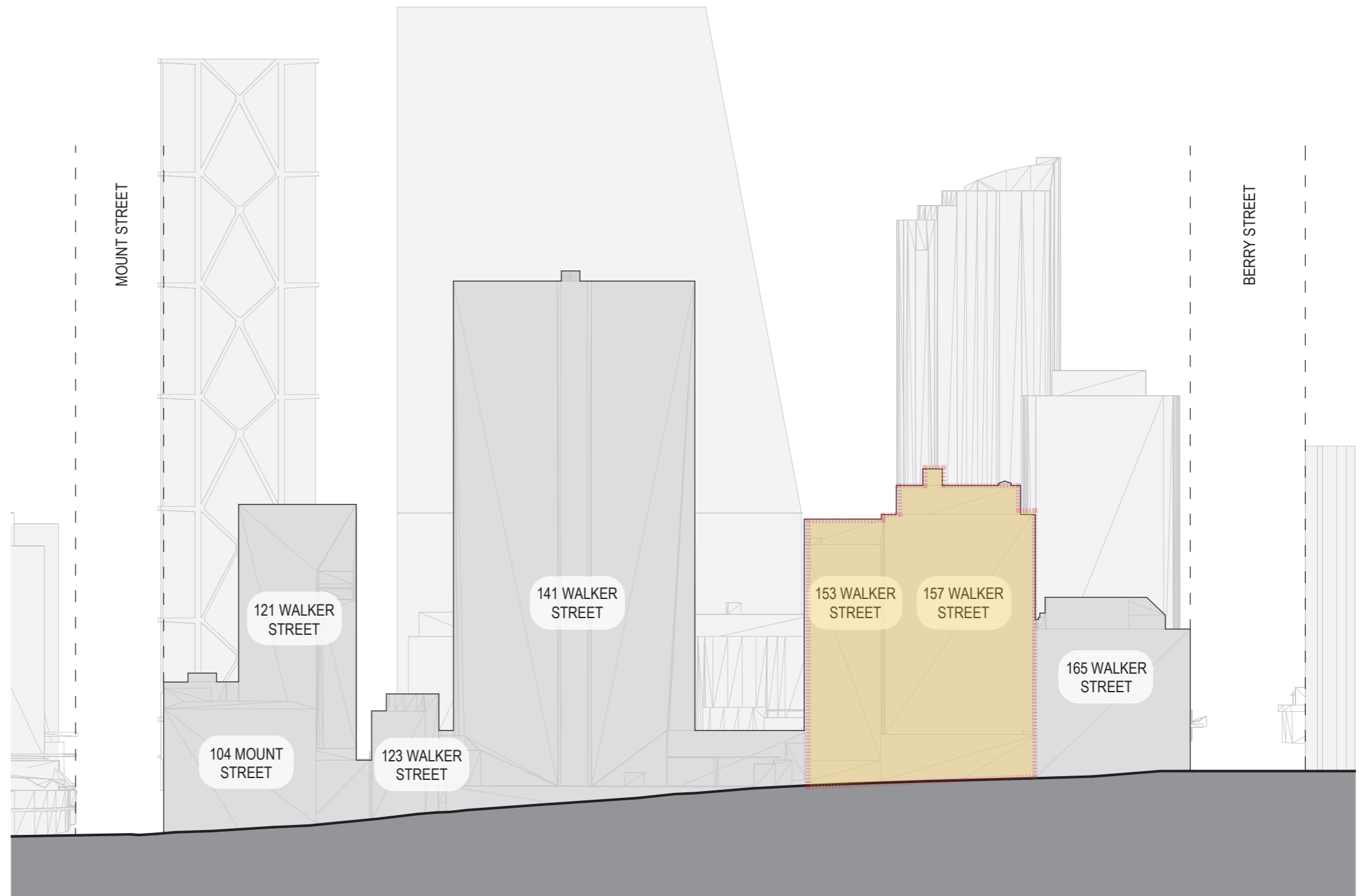
2.7 Street Elevations - Existing Conditions

Walker Street & Little Walker Street

The street elevation shows the subject site in its context demonstrating a great degree of inconsistency in urban form.



Site Information



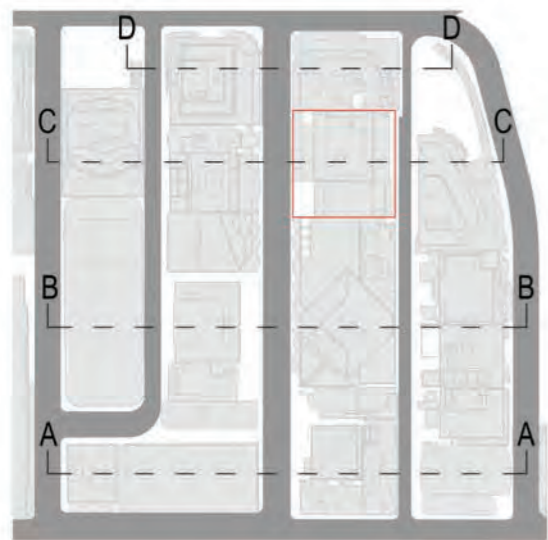
Site Analysis

2.8 Street Sections

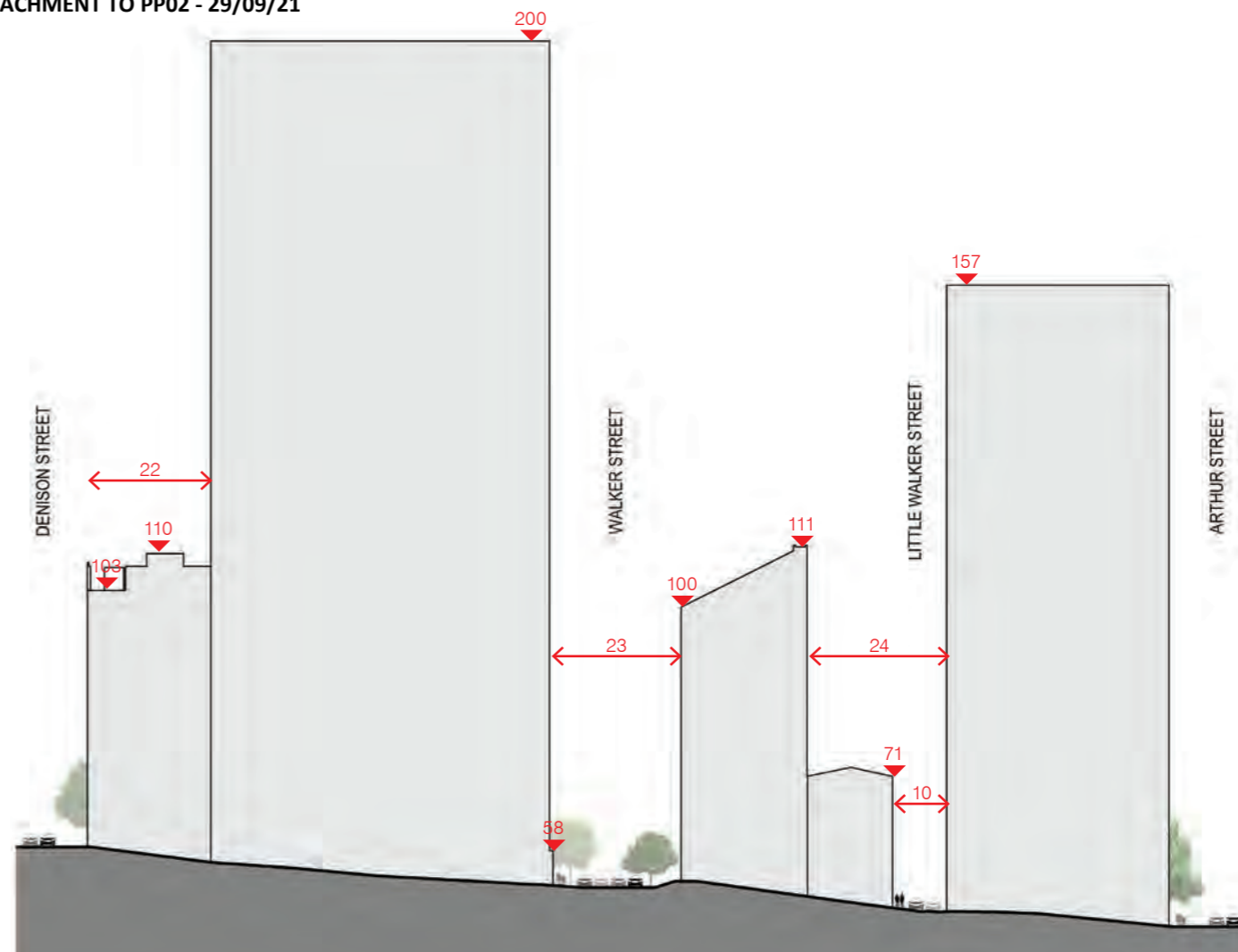
Existing Conditions

The street sections in the immediate precinct show a great degree of inconsistency in building heights, street wall heights and corresponding setbacks that would provide a definite alignment for the subject site.

Furthermore there are a number of recently approved developments (such as 100 Mount Street) that don't include tower podium typology and feature virtually no setbacks.



Section A

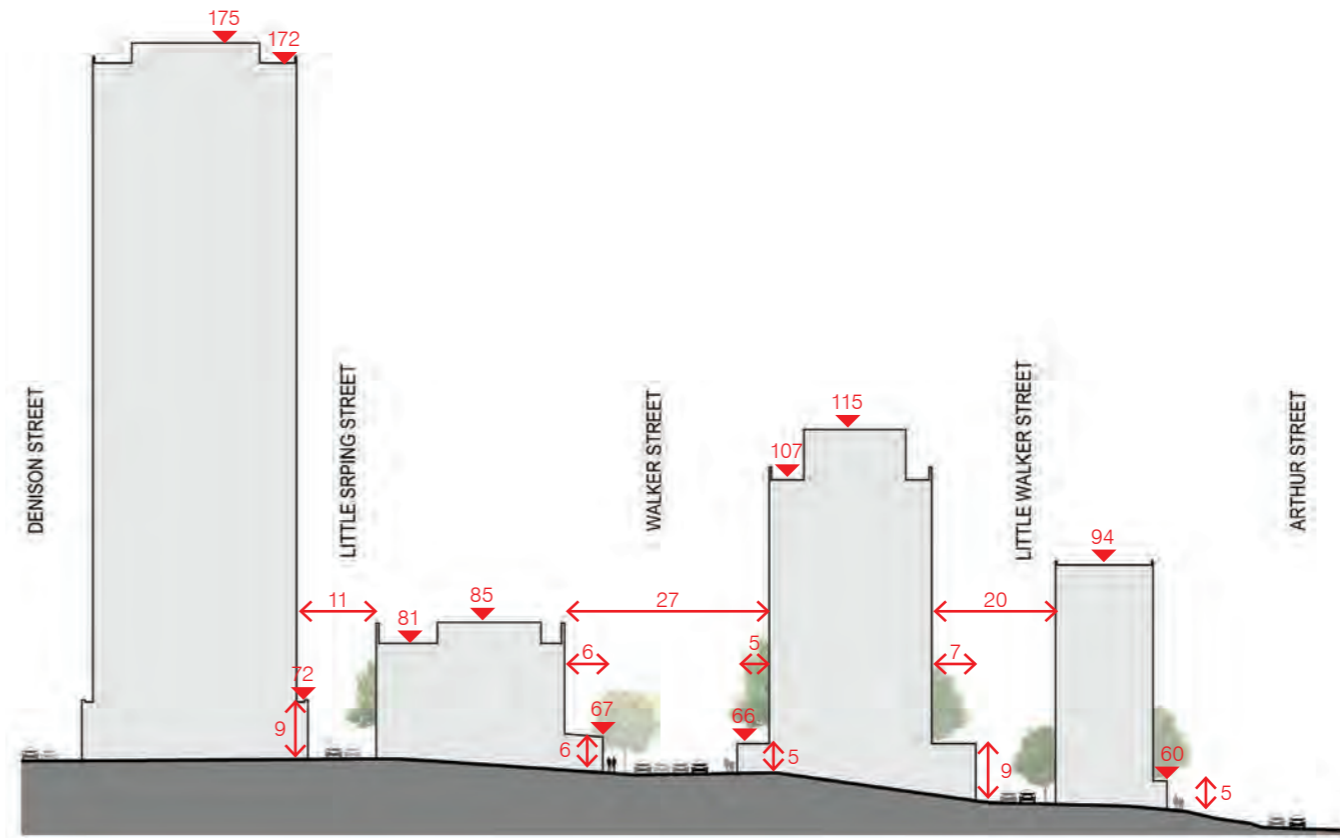


Section B

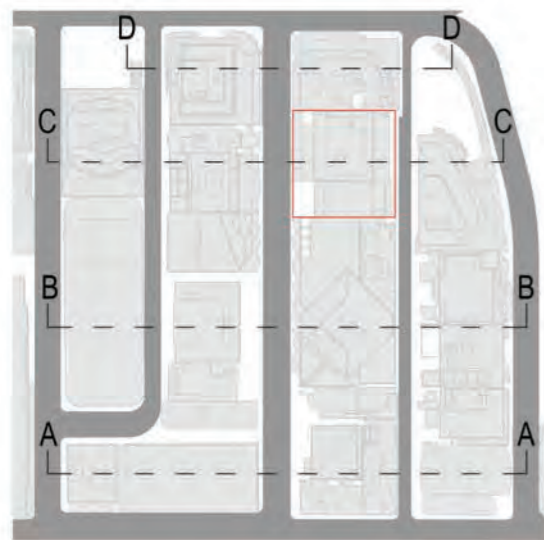
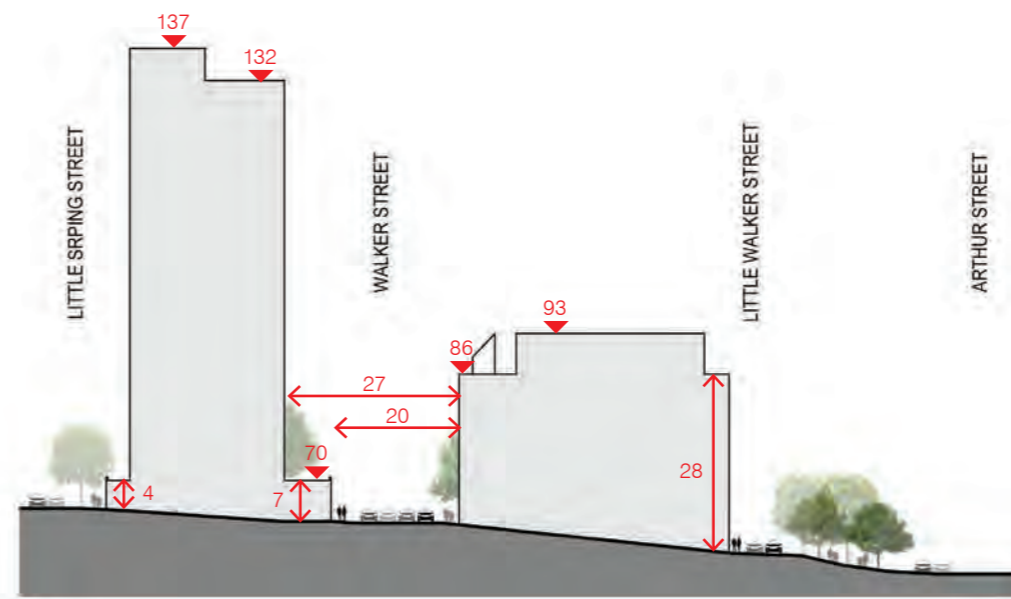


Site Analysis

Section C



Section D





3 Proposed Envelope

Proposed Envelope

3.1 Site Plan

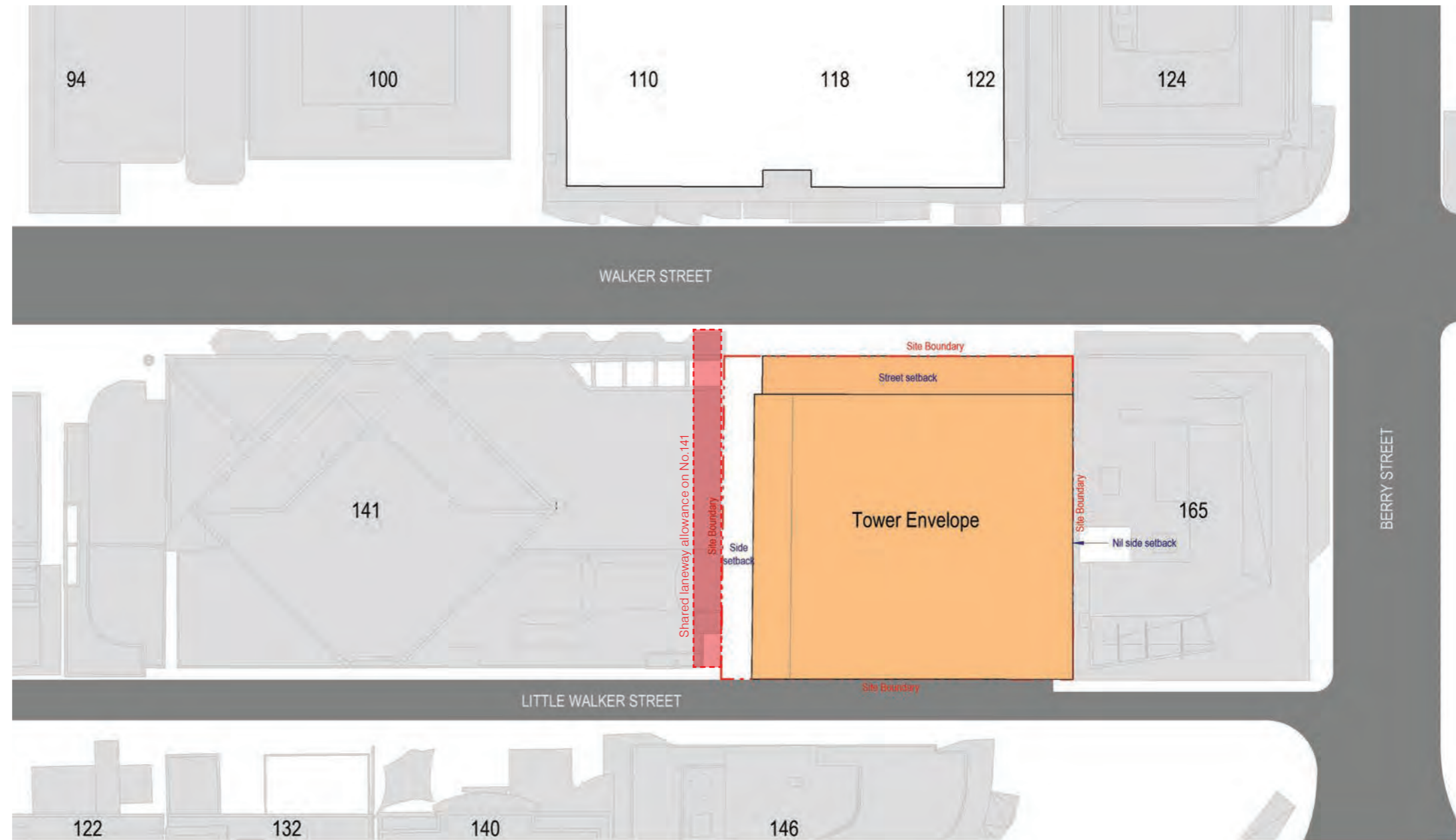
Reduced Walker Street Setbacks

The proposed concept design further refines the setback controls following the pre-planning meeting with the Council officers on Wednesday 14th October 2020 and subsequent discussions.

The Council requested further increase to through-site link tower setback with shared laneway arrangement with No.141 Walker Street.

Additionally further investigation of site setbacks has been conducted in particular to No.165, however the conclusion of this investigation has been that No.165 will require a South side core arrangement when it is developed.

Following council discussion, a compliant setback to Walker Street has been created as well as DCP compliant podium height. The south setback (through site link) has been retained as 4m (5m top of podium) in accordance with previous discussions. Little Walker Street setback has been revised to 4m at podium and 0m to tower to compensate for area loss due to south setback increase and to better align with the existing context along Little Walker Street.



Proposed Envelope

3.2 Area Redistribution

Reduced Walker Street Setbacks

The current combined sites DCP floorplate results in a typical tower area of 1517sqm GBA which, depending on efficiency (say 70% NLA to GBA - low rise), will result in approx. 1060 sqm NLA.

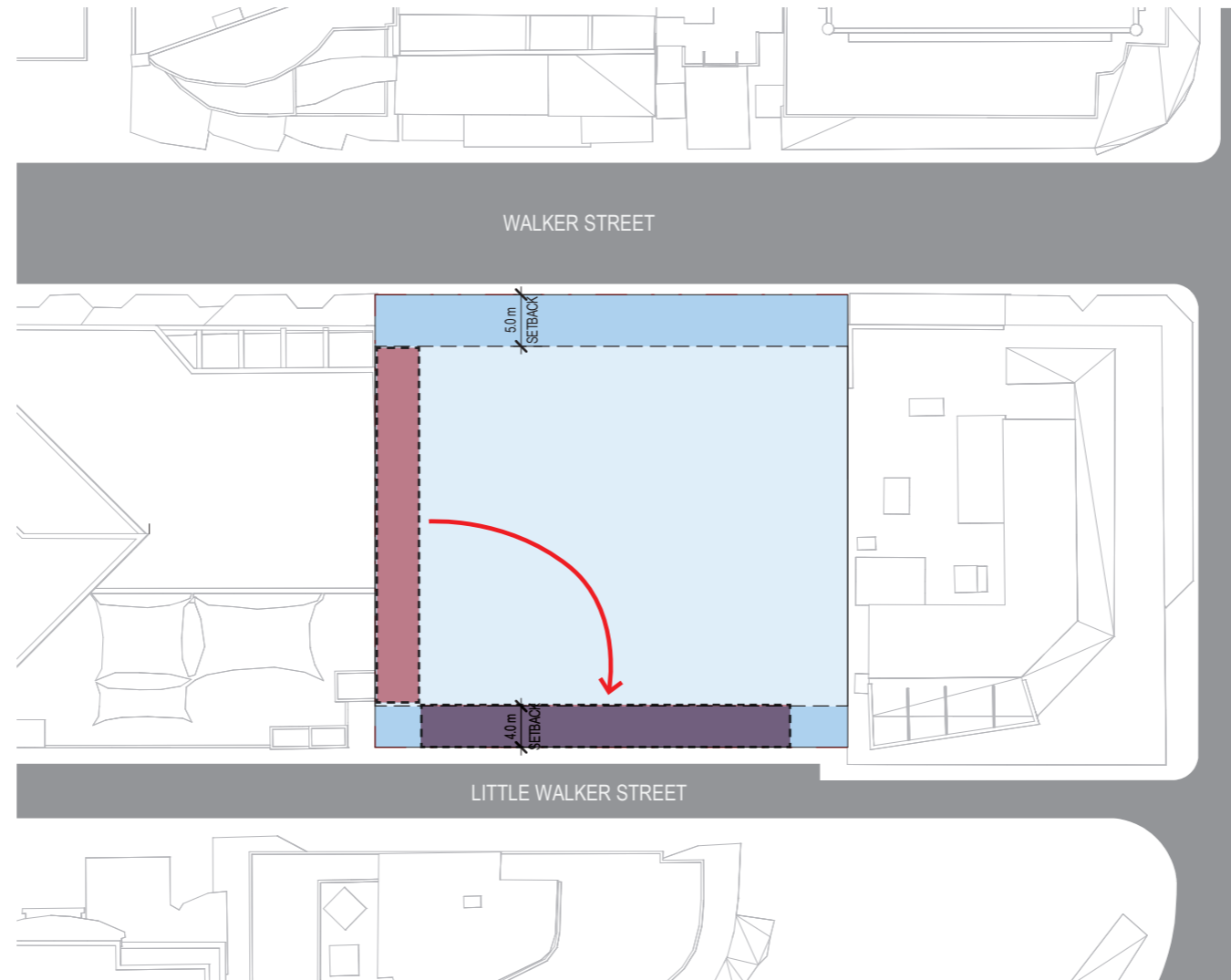
Following pre-lodgment consultation, the North Sydney planning officers requested that if a through site link is to be created on a subject site, that a minimum 4m 'open to sky' clearance is maintained in the proposed building form.

Furthermore, PCA requires for a minimum of 1000sqm NLA floorplate size (75% of floors) in CBD zones in order to achieve PCA A-grade commercial rating (clause B1 - Building Configuration).

Therefore in order to comply with this planning requirement and maintain the ability of consolidated sites to provide a high quality commercial development, the floorplate area needs to be redistributed.

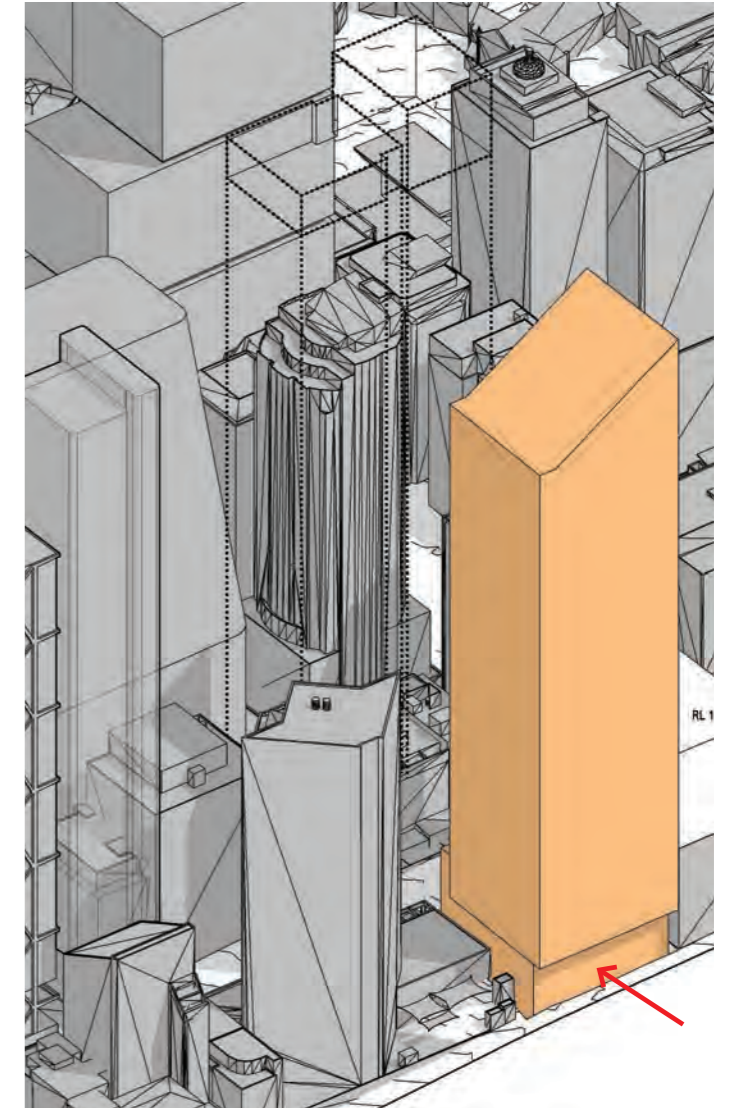
Following further consultation with North Sydney Council, the design team has proposed a building envelope that maintains street setback and podium height compliance to Walker Street with a 'negative' setback to Little Walker Street which results in the following key features:

- Appropriate floorplate necessary for a high quality development (PCA-A grade)
- Compliant podium and setback to Walker Street
- Through site open to sky pedestrian link in accordance with council request;
- Street widening and extension of public realm on narrow Little Walker Street



Relocate Volume

The floorplate area has been transferred from the through-site link zone to the Little Walker Street frontage, which is consistent with predominant setbacks along Little Walker in the immediate context.



Increase Ground Plane

The Little Walker Street features extremely narrow (if any) footpath zones creating quite a hostile pedestrian environment. The proposal recesses the podium space 4m from the boundary line allowing for ample space for street activation and extension of the public domain.

Proposed Envelope

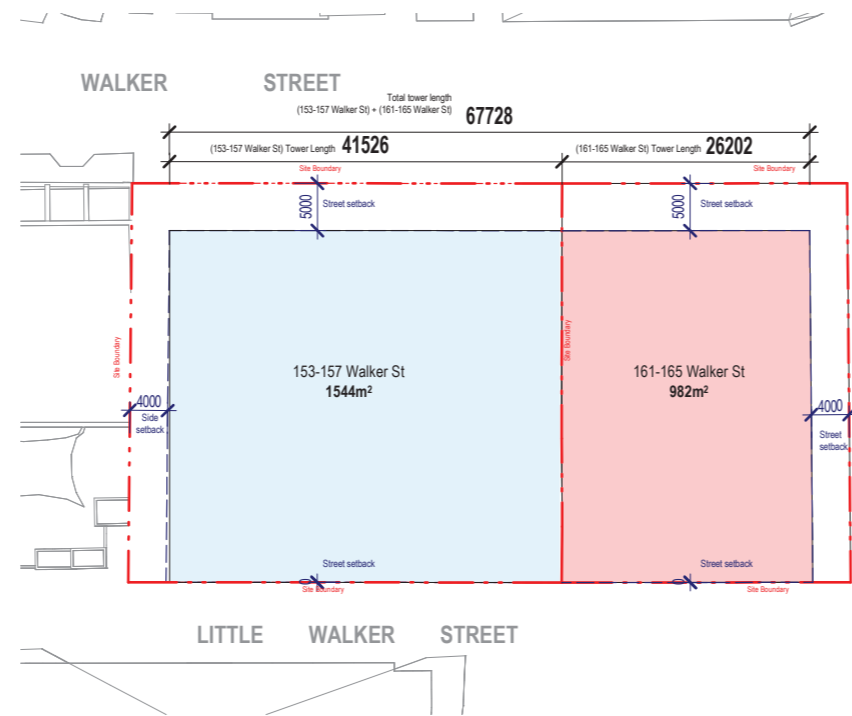
3.3 No.165 Setback Investigation

Floorplate Size

Following council feedback, design team investigated viability of increased setback to 3m given no. 165 development potential.

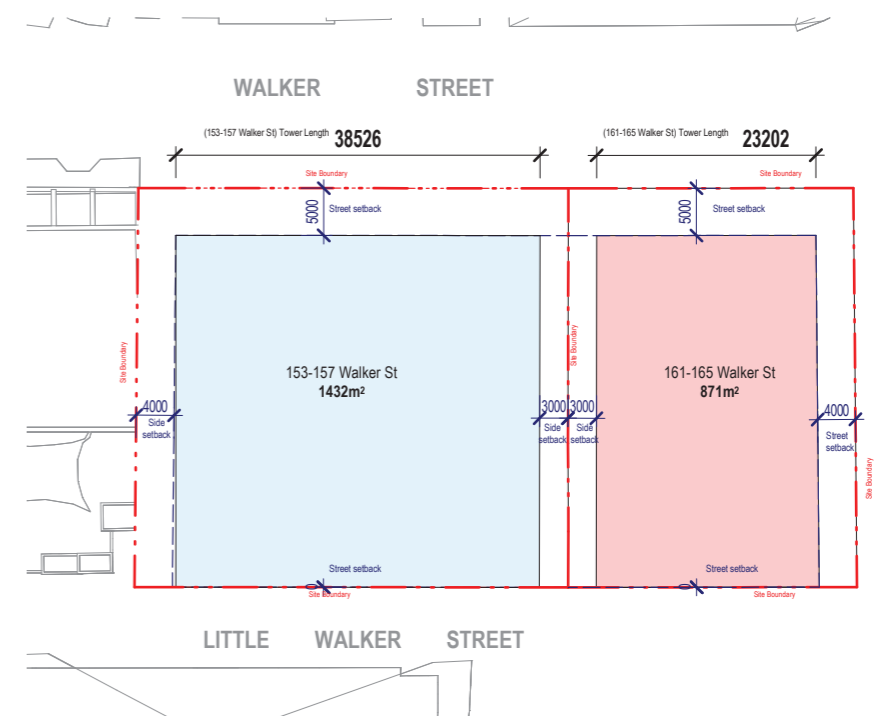
The following study investigates the viability of various floorplate options for No.165 given the core arrangement and resultant flooplate design.

As it can be seen, purely from floorplate size viability, the reduction in floorplate on No.165 would result in further decrease in already small commercial floorplate size, substantially below PCA-A grade requirements.



Nil Tower Side Setback

- 5m street setback
- Nil side setback



3m Tower Side Setback

- 5m street setback
- 3m side setback

Proposed Envelope

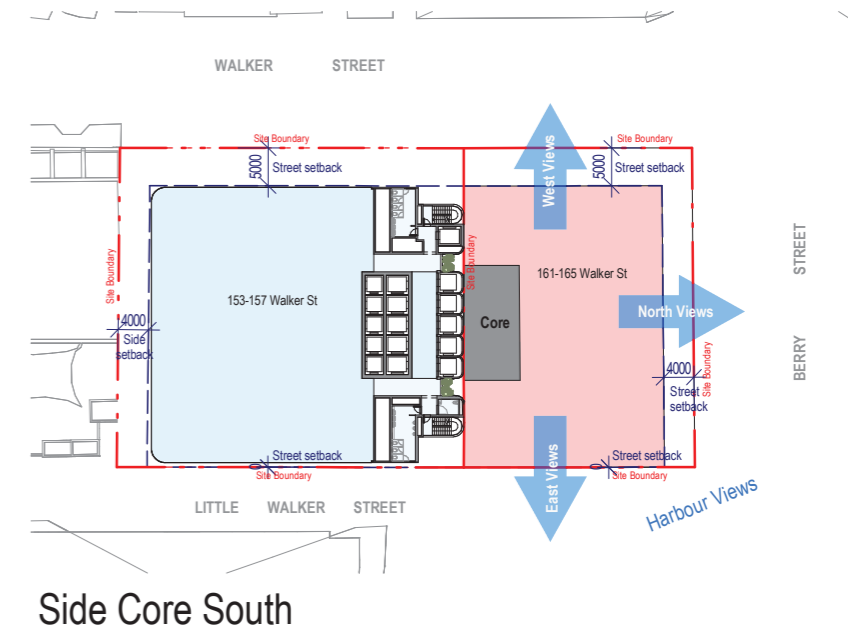
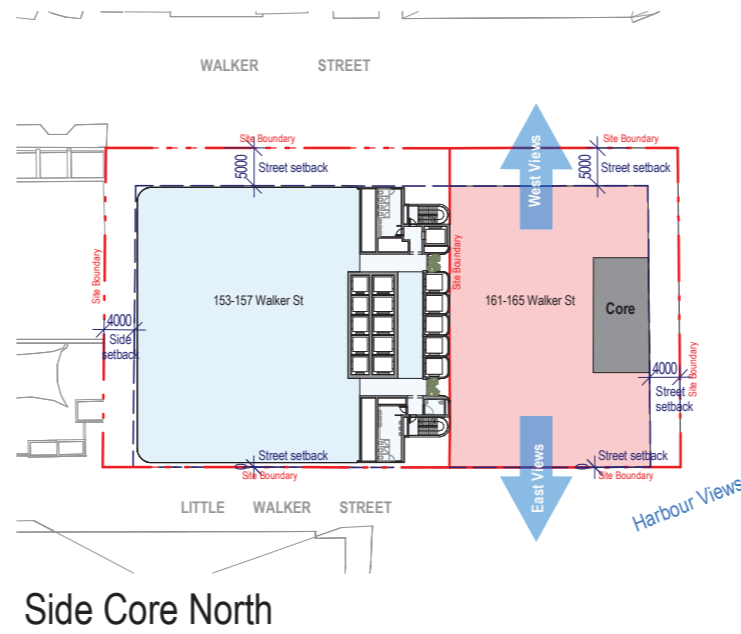
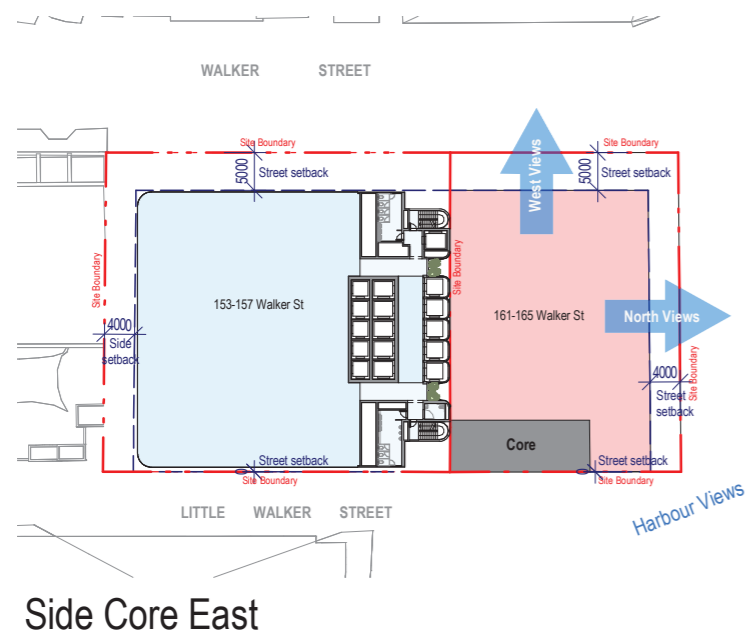
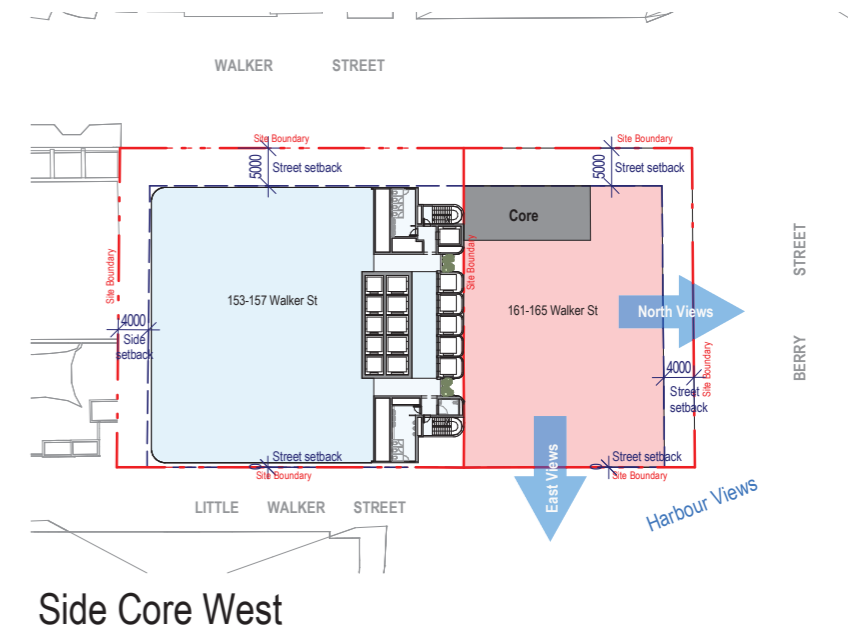
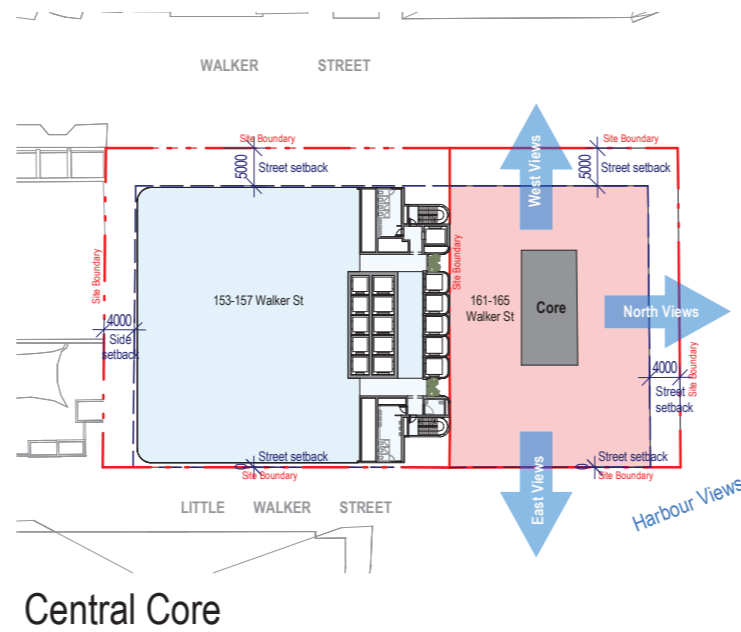
3.3 No.165 Setback Investigation

Core Location

The investigation of the No.165 clearly shows that due to small floorplate size and 3-sided orientation of the site, the only viable core location would be a Side Core South option.

The 3m setback along southern boundary would further erode already small footprint size and would result in floorplate area loss for no benefit.

In terms of streetscape, given the relatively small size of these two sites, a 6m setback between buildings would not result in improvement to the streetscape. Moreover, the building length of the combined towers is considered to be quite appropriate given the precedents in the immediate context.



Proposed Envelope

3.3 No.165 Setback Investigation

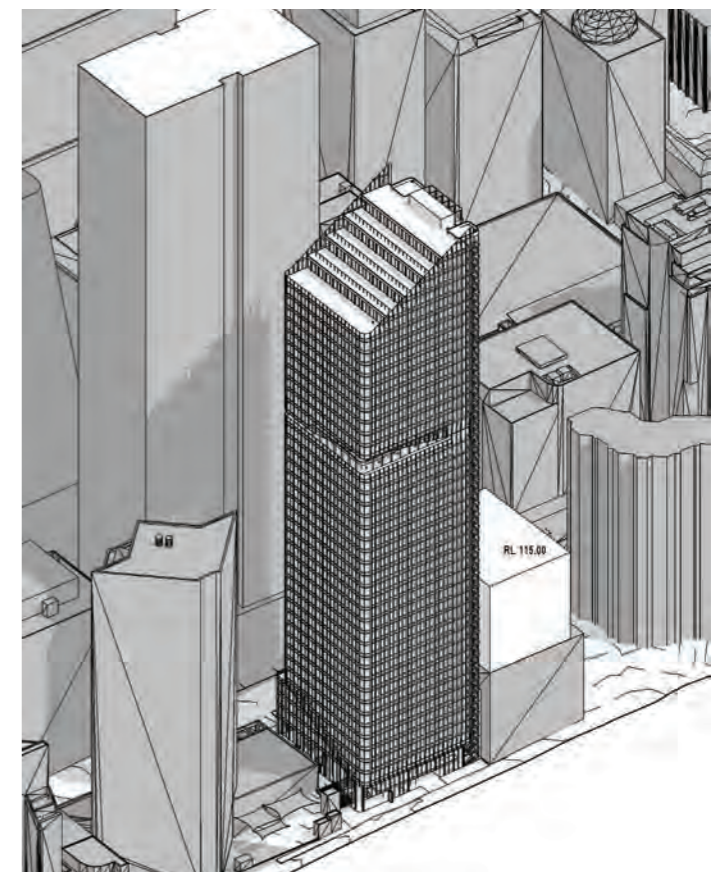
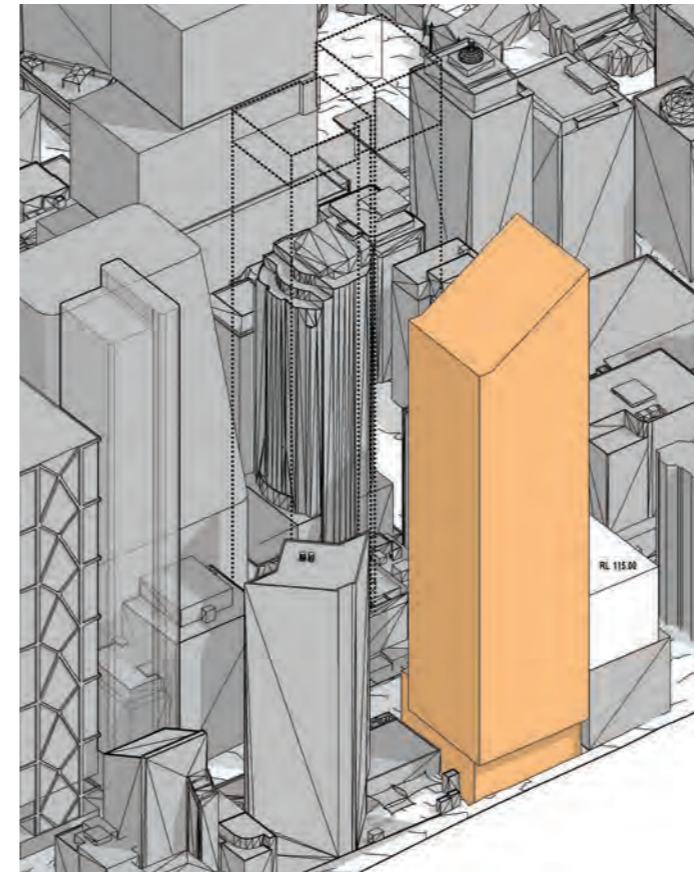
Building Length

The council raised concerns with the current proposed 0m setback to No.165 in terms of perceived building length and facade possible facade treatment.

The proposed context features many buildings that have comparable or even greater building length with similar core arrangement.

In addition the difference in LEP heights between two sites will result in substantial volume articulation without perceiving the development as a singular form.

Finally the proposal features an articulation zone by recessing the core element from east and west facade, assuring high quality design response without impact on the development potential of the neighbouring site.



Building length and Side Core

The combined floorplates results in 67.7m total building length which is either smaller or at least comparable to similar recent developments in the immediate area. Furthermore many of these also include side core which features facade treatment in order not to present a 'blank' facade.

These include the following:

1. Victoria Cross Station: 70m length + Side Core
2. No.1 Denison St: 89.5m length +Side Core
3. 100 Mount St: 66m length + Boundary Side Core
4. 118 Mount St: Boundary Side Core (similar location)

Envelope Heights

The more than 100m difference in envelope heights will assure that the two developments will not be perceived as a singular building form.

The difference in heights creates a good urban relationship that breaks the perception of bulk of building masses and transitions towards lower scale developments to north of the subject site.

Building Articulation

The proof of concept reference design sculpts the core element and creates a shadow gap between the two building volumes.

While it is quite unlikely that No.165 can be developed beyond its LEP height due to overshadowing impact on Dorris Fitton Park, the proposed building articulation future proofs the concept in context of maintenance of development potential to neighbouring site.

The proof of concept design creates activation through glass lifts, landscaped break-out spaces and glazed circulation stairs that clearly demonstrate that a high quality architectural facade treatment can be achieved despite the core location and the 0m setback.

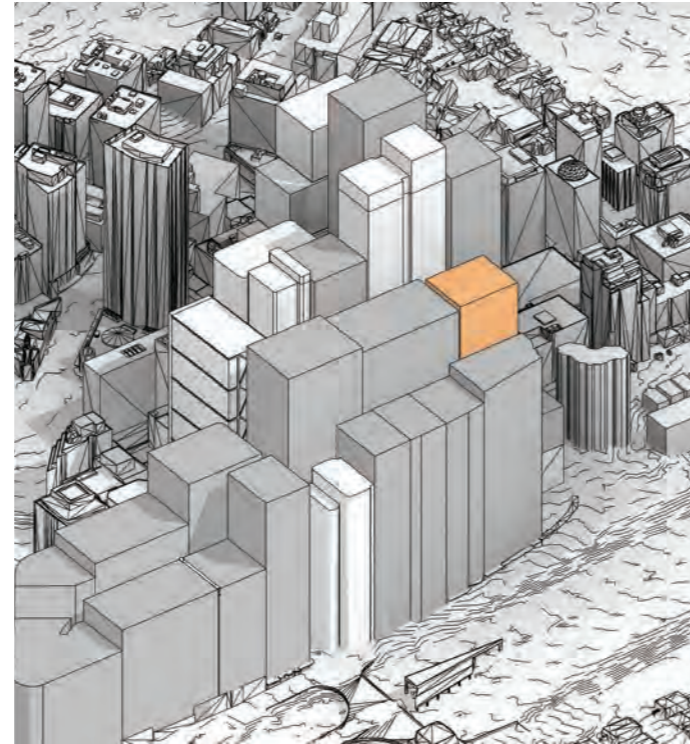
Proposed Envelope

3.4 Envelope Testing

The design team tested a range of envelope options based on overshadowing impacts.

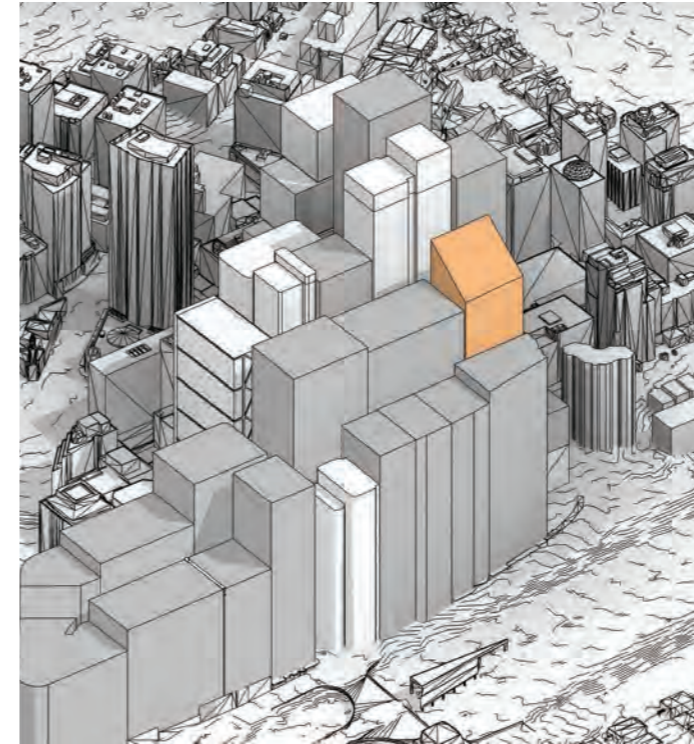
Due to the nature of shadow profile there are a number of options that do not create any additional shadows to the protected public landscape areas.

The option study looked to assure no overshadowing while extrapolating optimum commercial envelope that would have sufficient yield to encourage amalgamation of the two sites.



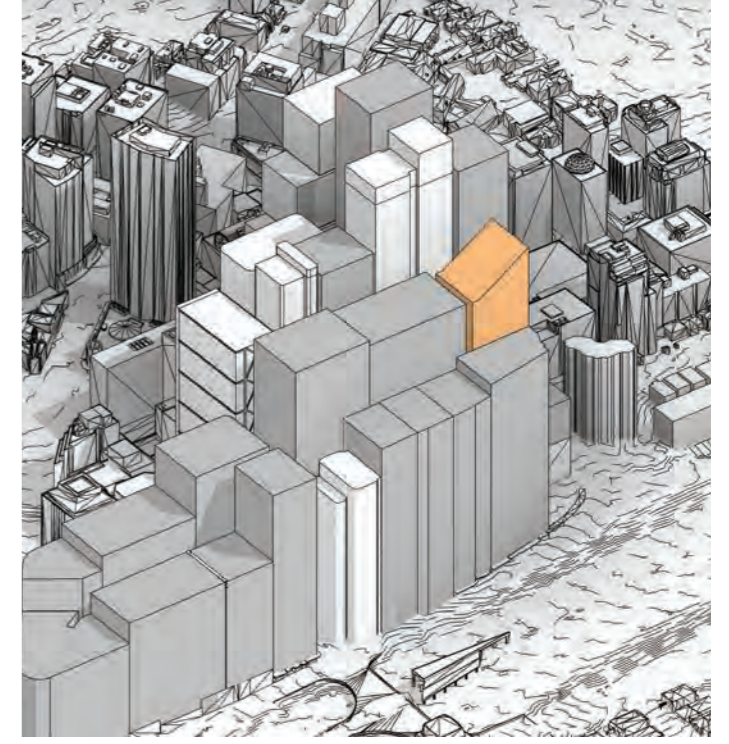
RL. 215 LEP Envelope

The shadow modeling of LEP envelope in the overall LEP context has determined that there is small additional envelope potential without any additional overshadowing impact of protected zones (in this particular case solar amenity protection of a small park on the corner of Alfred St and Whaling Rd).



Solar Envelope

The solar plane can be simply applied to the LEP envelope that results in identical shadow profile with small increase in building volume.



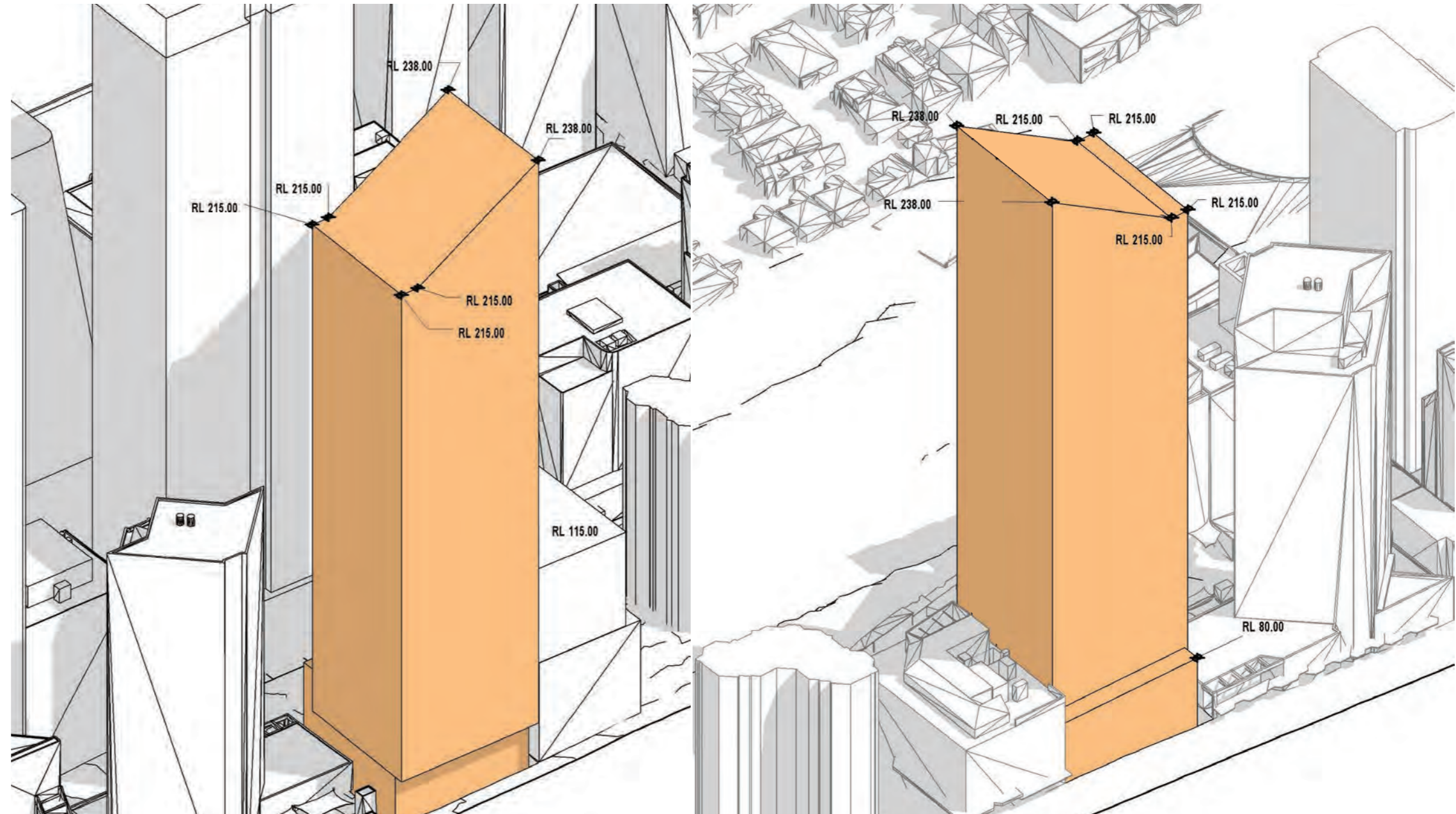
Proposed Optimised Envelope

The solar plane can be further optimised extending from the protected park area (located on the corner of Alfred St and Whaling Rd).that maximises development potential and assures maintenance of solar amenity as per LEP controls.

Proposed Envelope

3.5 Proposed Envelope

The preferred envelope strikes the best balance in maintaining good commercial floorplates (even in the stepped zones within the crown) while assuring no additional overshadowing.



Envelope Mass – South East

Envelope Mass – North West