

10.4. State Significant Development Submission - Walker Street, North Sydney

AUTHOR	Jim Davies, Executive Assessment Planner
ENDORSED BY	Marcelo Occhiuzzi, Director Community, Planning and Environment
ATTACHMENTS	1. Walker Street SSD Submission 1 August 2024 [10.4.1 - 12 pages]
CSP LINK	2. Our Built Infrastructure 2.2 Vibrant public domains and villages 2.3 Prioritise sustainable and active transport 2.4 Efficient traffic mobility and parking 3. Our Innovative City 3.3 Distinctive sense of place and design excellence 5. Our Civic Leadership 5.1 Lead North Sydney’s strategic direction 5.2 Strong civic leadership and customer focussed services 5.3 Community is engaged in what Council does

PURPOSE:

The purpose of this report is to seek Council’s endorsement of the submission made to the Department of Planning Housing and Infrastructure in relation to a State Significant Development Application for a proposed residential development of 228 apartments on the corner of Walker and Hampden Streets, North Sydney.

EXECUTIVE SUMMARY:

- A State Significant Development Application (SSDA) was lodged on 21 June 2024 with the Department of Planning Housing and Infrastructure. Council is a major stakeholder. The application is identified as a SSDA by virtue of its value exceeding \$75M.
- A submission was made on 1 August 2024 to meet the Department’s deadline. It was agreed that a later Council-endorsed submission could be made after the deadline of 1 August.
- The SSDA takes advantage of the potential to achieve bonus height and floor space ratio, being 30% more than permitted by the North Sydney LEP 2013, in exchange for the inclusion of 15% affordable rental housing enabled by recent amendments to the SEPP (Housing) 2021, introduced by the NSW Government.
- The proposed maximum height is RL 154.1, 4.1% above the maximum permitted by the LEP of RL 148m. This is well below the 30% maximum possible bonus provision enabled by the SEPP (Housing) 2021. The maximum floor space ratio (FSR) bonus of 30% is achieved, which equates to 7.93:1, or 30% above that permitted by the LEP, being 6.1:1.

- The submission made by staff has raised the following objections to the proposal:
 - the site has already benefited significantly by a recent uplift of height and FSR standards following the completion of a planning study and a parallel Planning Proposal process enabled by the Department of Planning. This represented a very significant increase in height which was underpinned by careful planning and consultation. The increases proposed are unplanned and ad hoc given the comprehensive planning undertaken by Council;
 - the 15-year limit on housing being retained as affordable is most inappropriate, being a temporary solution to what will be an ongoing and growing problem for Sydney, and would allow the affordable housing component to be traded on the open market after that time;
 - the amount of parking proposed is excessive, considering the site is a leisurely walk to both North Sydney railway station and Victoria Cross Metro Station - a “game-changing” transport link for Sydney, according to the NSW Government;
 - the number of cars capable of being parked on the site will increase traffic congestion in the area, exacerbating conditions already expected to worsen due to the Warringah Expressway upgrading and the dramatic growth of new and intensified development occurring in the precinct;
 - urban design can be improved for the built form, including an increase of the above-podium setback of Building A, legibility of entries, reconsideration of the porte cochere off Walker Street, and providing equitable access to recreation facilities for the affordable housing;
 - the clear difference in design approach between the build to rent and market-based housing, defining the former as a clear poor cousin to the latter;
 - the design quality of Building A compared to Building B1, in terms of detailing, finish, materials, and potentially environmental performance should be improved;
 - potential access difficulties for service (e.g., garbage collection) and emergency service vehicles etc.;
 - reduction of on-street parking and potential traffic flow inefficiencies;
 - the green travel plan submitted is inadequate and does not take full account of all public transport facilities and the evolving active transport network;
 - waste management arrangements do not comply with Council DCP requirements.
 - the loss of 33 mature trees cannot be supported;
 - the submitted arboriculture report fails to address the impacts of the loss of existing trees, tree canopy pruning, and the impacts thereof; and
 - no apparent assessment of the impact of the proposal on existing wildlife.

Before preparing this report, the Department of Planning Housing and Infrastructure were approached, and advised that no extension would be granted to enable the Council to consider this proposal prior to deadline. A submission detailing the issues described throughout this report was therefore made by the Director Planning and Environment on 1 August 2024.

RECOMMENDATION:

1. THAT Council endorse the submission made to the Department of Planning, Housing, and Infrastructure as attached to this report and consider any additions or amendments it considers are warranted.

2. THAT Council staff forward the endorsed submission (or supplementary submission) to the Department as soon as possible after Council's consideration.

Background

This site has a lengthy planning history, beginning with several planning proposals which were either rejected or objected to by Council over the last decade. A proposal was approved, and amendments made to planning controls for the site on 30 July 2021, to introduce an increased maximum height and floor space ratio for the site. The planning authority was Planning NSW.

In July 2022, development application 197/22 was lodged with Council for an apartment complex of three buildings containing 171 units. A deemed refusal appeal was later filed in the Land and Environment Court, which was discontinued in November 2023.

The State Significant Development Application (SSDA) process was commenced by the Department of Planning, Housing, and Infrastructure in February 2024. The exhibition period commenced on 5 July 2024 and concluded on 1 August 2024. This determination pathway of “State Significance” was introduced by the SEPP (Housing) in 2023, by the NSW Government.

Exhibition of the subject State Significant Development Application SSD-67175465 was commenced by the Department of Planning Housing and Infrastructure, on 5 July 2024 and concluded on 01 August 2024. A submission made by the Director Planning and Environment objecting to the proposal was submitted prior to the close of the exhibition (Attachment 1).

A supplementary submission confirming this objection will be made to the Department, together with any further issues that Council may raise following consideration of this report.

A Voluntary Planning Agreement was entered into between Council and the previous owner of the land in May 2022. It required that 5% of the total number of dwellings approved on the site be dedicated as affordable housing units in perpetuity as well as \$15,100 per additional dwelling constructed on the land over and above that on site (note that this was to be discounted by any other State Government Contribution that may be applicable at the time of approval – the Housing Productivity Contribution erodes this by \$10,000 per unit). This VPA is recognised in the Environment Impact Statement. The subject site is shown below.



Site Plan - SSD 67175465 East Walker Street North Sydney

Report

This report has been compiled in collaboration with various internal stakeholder within Council. Comments and recommendations/grounds for objection are provided below, regarding the development as proposed, in respects of

- strategic planning;
- urban planning and design;
- heritage;
- social impact and affordable housing;
- traffic and transport; and
- waste management.

Conditions of consent will be recommended in the post-exhibition phase of the development application's assessment to address the above, depending on whether the applicant responds to the various issues raised.

Standard conditions will also be recommended, should the application be recommended for approval by the Department, for:

- development and infrastructure engineering;
- landscape and tree protection;
- environment and health; and
- public art.

Proposed development – an overview

The proposal consists of three buildings A, B1 and B2, over a common 5 level basement.

Building A comprises the build to rent affordable housing, being 78 units (including the 11 units required to be provided by the Planning Agreement that applies to the land). The units are 33 x studios, 29 x one-bedroom, and 23 x two bedroom-apartments. A communal lounge, terrace ,and workspaces are also provided. The building is proposed to be 12 storeys above finished ground level. This building is located at the southwest corner of the site.

Building B1 comprises the build-to-sell apartments which total 161 units, with 18 x one-bedroom, 69 x two-bedroom, 18 x three-bedroom, 32 x three-bedroom (adaptable), 20 x four-bedroom apartments, and four penthouses (with 4 or more bedrooms). This building provides other communal spaces including a cinema, a work from home area and business centre, and a golf simulator. It is 30 storeys above finished ground level. This building is located at the northwest corner of the site.

Building B2 (four storeys) comprises plant and equipment, and amenities including a gym, sauna, lounge and dining areas, and a roof top pool. This building occupies the eastern (freeway) portion of the site.

The basement of five levels is common to the three above-ground buildings and accommodates parking for 294 cars, including 35 accessible and 30 visitor spaces, 30

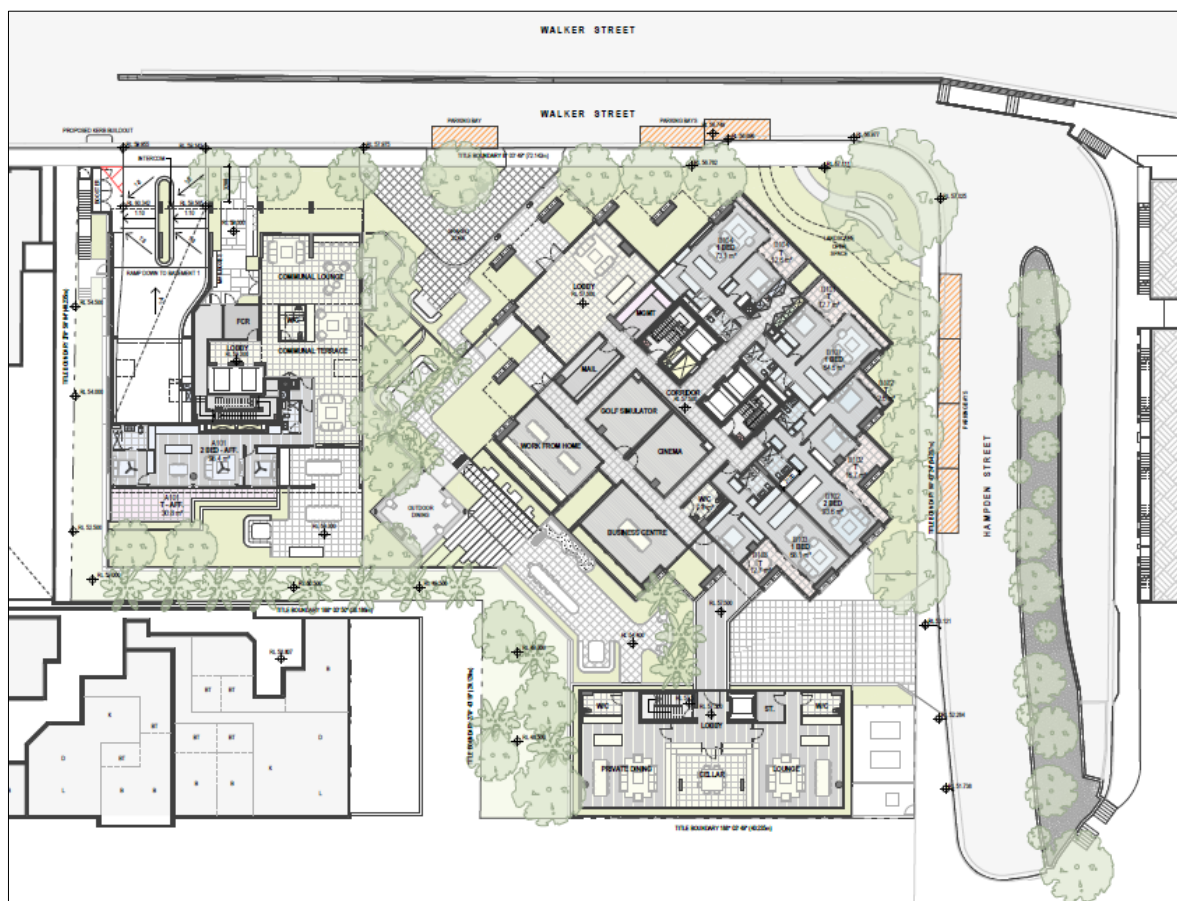
motorcycle spaces, and 263 bicycle spaces, with storage for apartments, garbage storage and a bin holding area, and mechanical plant and equipment. Parking has been provided in accordance with SEPP (Housing) 2021 and exceeds the parking requirements of Council’s DCP.

Common Open Space comprises a total landscaped area of approximately 1,830m², 998m² communal open space, and a 592m² deep soil zone.

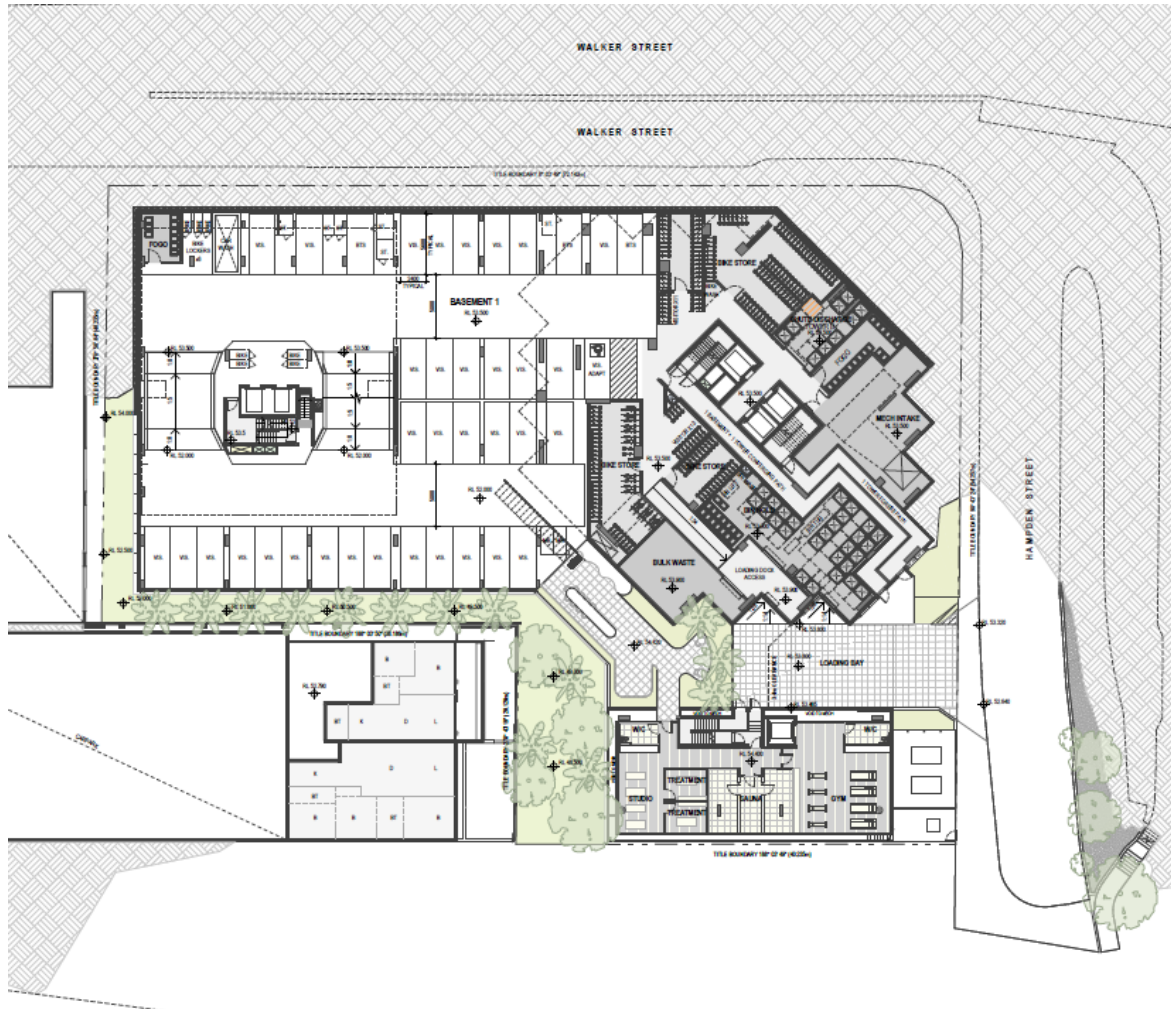
Private Open Space is provided in the form of wintergardens (included in gross floor area and floor space ration calculations) and terraces/balconies.

Vehicular access - the main entry to the car park is via a double driveway off Walker Street at the southern end of the site. A shared zone or porte cochere provides a second access for pick-ups from and deliveries to Building B1. A third access point is provided from Hampden Street in the site’s northeastern corner, to an open loading bay for service vehicles, including garbage trucks.

Below are extracts of architectural plans and the design report for the ground level, basement level 1, elevations and diagrams showing streetscapes.



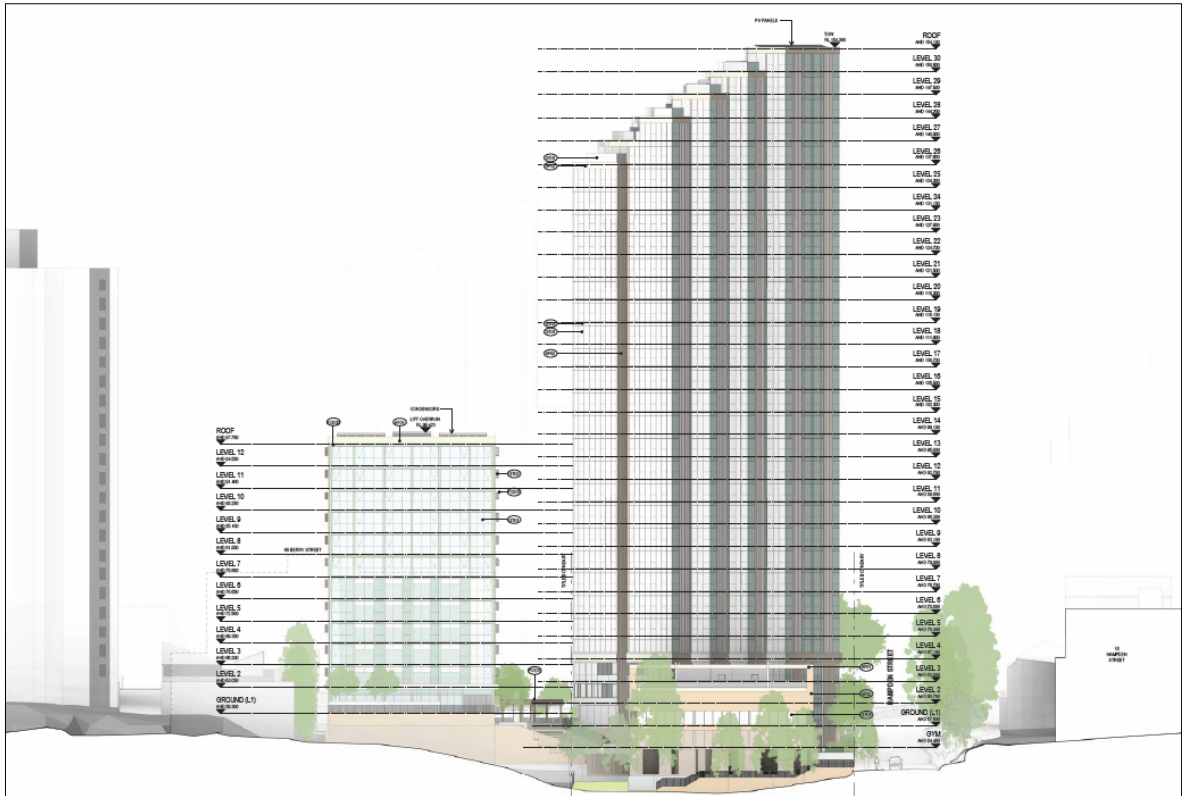
Ground level plan, showing the ground plane and layout of each building, vehicle access, and seven parking spaces on the street (Rothelowman Architects).



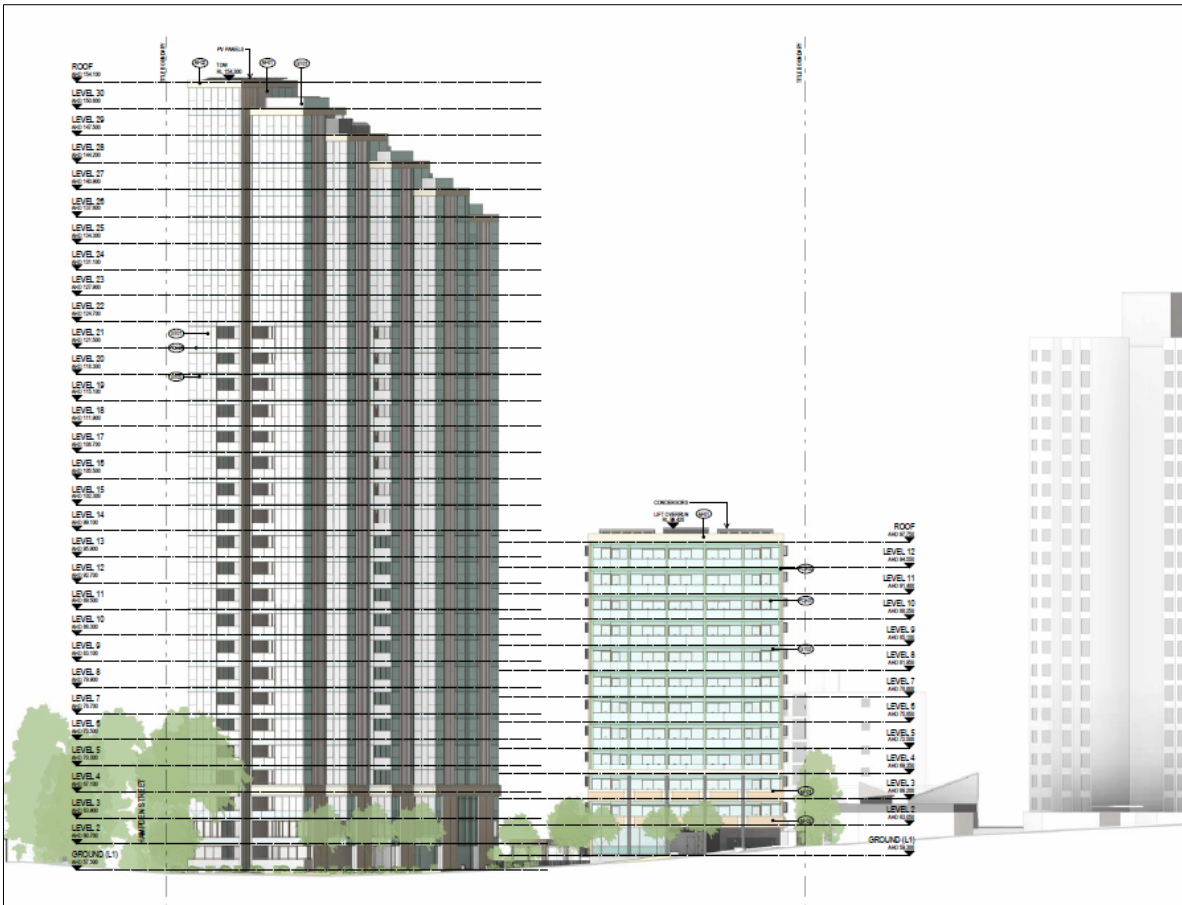
Basement level 1 plan showing the open loading bay to the right off Hampden Street, and the bin holding room above the loading bay (Rothelowman Architects).



Diagrams showing podium response to heritage items, Hampden Street (left) and Walker Street (right). The Walker Street view shows recently approved or constructed development forms behind the heritage buildings with dotted outline. (Rothelowman Architects).



East elevation, as viewed from Neutral Bay, across the Freeway. (Rothelowman Architects).



West elevation viewed across Walker Street (Rothelowman Architects)

Supporting documentation

The SSDA was supported by over 50 documents, necessary to comply with the Department's Secretary's Environmental Assessment Requirements.

Informing preparation of an environmental impact statement and the project's design, the studies and analyses have addressed issues including:

- traffic and transport;
- contamination;
- wind environment impacts;
- urban design;
- heritage, both Aboriginal and Non-aboriginal;
- acoustical impacts,
- site and development infrastructure;
- waste management;
- noise and vibration;
- landscaping;
- geotechnical engineering; and
- social impact.

These have been evaluated by Council staff and this has informed this report, which forms the basis of the submission to the Department of Planning Housing and Infrastructure.

The following link will take readers to the Department's website where the full bundle of information may be found: [Residential development with affordable housing - East Walker Street, North Sydney | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning-and-environment/planning-portal).

Public submissions

Before the formal exhibition period commenced (when the planning process began for the proposal), Council received seven local submissions from residents, mainly from the Century Plaza building directly south of the site, at 71 Walker Street, North Sydney. These submissions responded to the applicant who had corresponded with them directly, advising that the last day for submissions was 23 February 2024 (whether residents were advised that further opportunity to comment would be provided is unknown). It is understood that this was part of the mandatory pre lodgement consultation required for State Significant Developments.

In summary, residents' concerns related to:

- planning proposals not being supported by Council in the past;
- the way that early advice of the proposal was received;
- the development being "out of scale," "far more intrusive and out of character" than the previous proposal (DA 179/22, the subject of a discontinued appeal), and having unacceptable amenity impacts;
- affordable housing impairs views of existing residents;
- North Sydney having contributed enough to Sydney's need to densification around transport hubs;

- the proposal being an overdevelopment of the site;
- the cumulative impact of this and nearby developments on traffic and parking in the area, and pedestrian safety for the many school students who use the footpaths of the locality;
- privacy and overshadowing impacts on outdoor amenities, including the swimming pool of the apartments at 71 Walker Street, directly adjacent to the site's southern boundary;
- the amount of affordable housing being proposed is a "token gesture," with the developer's key aim being to maximise profit; and
- the applicant having not adequately addressed key issues is grounds for refusal.

One submission suggested that government should buy-back the site, provide open space, and restore the older (formerly heritage-listed) flat buildings on Walker Street,

EVALUATION

Preliminary notes

Except as discussed below, the proposed development responds to applicable planning instruments and the Apartment Design Guide. Development control plans are excluded from being applied to State Significant Development proposals. In these circumstances, the North Sydney DCP 2013 has been used not as a suite of assessment controls; rather it has been used as a guide, to allow an informed and well-considered evaluation of the proposal.

Making a submission

The contents of this report will form the basis of Council's formal objection to the application.

Before preparing this report, the Department of Planning Housing and Infrastructure advised that no extension would be granted, so a submission was made by the due date of 1 August 2024. A late submission by way of objection would not be considered and consequently the Independent Planning Commission would not determine the application. The submission requested that Council be invited to recommend and provide conditions of consent at the appropriate time.

The Department also advised that, due to the exhibition period closing before Council's 12 August meeting, Council may make a supplementary submission following formal closure of the exhibition period. Should Council resolve to make any additional comments and the resolution reflect or incorporate these, they will be included in a supplementary submission following the Council meeting.

Following consideration of submissions

The applicant will be instructed by the Department to respond to issues raised by submissions by amending the application, and/or provision of further reports and information.

This information will be considered by the Department and should a positive recommendation result from this, then Council should then be invited to submit conditions.

Determination pathway

Should Council's or any other statutory authority's submission be in the form of an objection, the application will be referred to the Independent Planning Commission (IPC) for determination. Otherwise, the application is likely to be determined by the Department officers under their delegation from the Minister for Planning.

STRATEGIC PLANNING

The key strategic planning and policy concerns regarding the project are as follows.

The site has already received a significant uplift in height and FSR following several planning proposals and exhaustive review and planning. Previous proposals and the final scheme, approved by the Sydney North Planning Panel were either refused by or objected to by Council.

Accordingly, the subject application seeking to exploit additional floor space ratio, and, to a lesser extent height, to achieve a greater yield than may have been otherwise possible, is objected to.

This is contrary to locally responsive place-based strategic planning principles, developed by Council in consultation with the community, and is not without negative cumulative impact.

The outcome of the planning proposal process that led to the current planning controls should be regarded as the maximum development outcome for the site based on sound planning principles and stakeholder consultation.

Exploiting bonuses as proposed erodes community trust and understanding of the planning process, and counters transparent community participation principles.

URBAN PLANNING & DESIGN

Council's Urban Designers have reviewed the project having focussed on the proposed built form and its consistency with DCP guidelines.

Podium

The site-specific DCP provisions require a continuous podium height of two storeys to Walker Street and two-three storeys to Hampden Street. Podiums frame public space, ameliorate wind impacts, promote human scale, and contribute to the scale and character of streets.

The proposal incorporates a three-storey podium expression to Walker Street and Hampden Street. Despite non-compliance with the DCP control, the proposed podium is positively informed by the scale and rhythm of surrounding built form, through its incorporation of vertical proportions.

Further, the transitional podium expression aligns with the architectural datums of adjacent buildings along Walker Street and Hampden Street, reinforcing a human scale to the street.

The three-storey podium element is supported.

Above Podium Setback

The DCP requires 3m above podium setbacks to Walker Street and Hampden Street to manage the scale and bulk of buildings and ensure it achieves comfortable public domain conditions for pedestrians.

The proposal provides an above-podium setback of 850mm to Building A and 270mm to Building B1. Despite non-compliance with the DCP, the serrated articulation to Building B1's tower and podium helps to visually mitigate the scale and bulk of its basic shape. Its corner location may allow some flexibility in a reduced above-podium setback to Building B1 and is therefore considered acceptable.

In contrast, Building A (the 12-storey affordable rental housing building) presents a continuous podium and tower form to Walker Street. The lack of above-podium setback, particularly to the street, increases its perceived bulk and mass, which is not in keeping with the desired street character. Increasing the podium setback to 3m on the western façade of Building A along Walker Street is recommended to enhance the human-scale quality of the streetscape.

Building Separation

Adequate building separation distances are important to achieve reasonable levels of external and internal visual privacy. Part 3F of the Apartment Design Guide (ADG) recommends minimum separation distances from buildings to the side and rear boundaries.

Buildings A and B1 provide varying separation distances, some of which do not meet the ADG criteria. While angled windows and blank walls are proposed to address these non-compliances, it is crucial that this approach is undertaken with careful consideration. The ADG's separation provisions are minimum standards, and numerical compliance is generally expected. In addition to addressing privacy concerns, appropriate separation distances ensure adequate light, space, and sky access in a dense urban environment. It is recommended that ADG separation requirements be complied with.

Main Entrances into Buildings

The proposed main entries to Buildings A (affordable housing) and B1 (market housing) are located along Walker Street. Building A features an entry that does not directly front the street, potentially causing confusion for visitors. Building B1, on the other hand, utilises layered entry sequences, which may obscure its clarity and legibility from the street.

Additionally, the transition between public and private areas at the front of Building B1 lacks clear delineation. Creation of clearly defined and legible entrances for both buildings is

required, as is ensuring a distinct separation between public and private areas to enhance accessibility and ease of navigation for all users. This would improve wayfinding, create a more welcoming environment, and reduce the potential for conflicts between different user groups.

Vehicular entry

The proposed vehicular entries include a shared zone, or porte cochere, in the central area along Walker Street for pick-up/drop-off, deliveries, and turnarounds, as well as a driveway and loading bay off Hampden Street for service vehicles.

The design of the porte cochere undermines the public domain and detracts from the civic qualities of this central space. Furthermore, it conflicts with the entrance to Building B1, creating potential safety and accessibility issues. To enhance the pedestrian environment and better utilise the area for waiting and informal gatherings, it is recommended to reconsider the vehicle turning layout and provide a kerbside drop-off in place of the proposed configuration.

Affordable Housing Access to Landscaped Open Spaces

Building A, designated as the affordable housing component, offers fewer amenities compared to the market housing, Building B1. While concentrating affordable housing for better management is a reasonable approach, this rationale doesn't fully justify the disparity in amenities provided.

The central communal open space includes a landscaped area with various recreational zones. However, access to these amenities is restricted to residents of Building B1. Building A residents can appreciate the landscaped areas visually but do not have direct access to them, limiting their ability to enjoy landscaped open spaces available in the development.

Further comment on urban design

Before the foregoing critique was made, during earlier stages of the process for preparing the subject application, Council officers observed that the affordable housing building's exterior (Building A) was the 'poor cousin' of Building B1, the apartments of the latter intended for sale on the open market. These earlier iterations were for a simpler, less environmentally responsive design, exhibiting a lack of articulation in the facades and, as noted above, poorer access to planned resident amenities.

The montage on the next page illustrates the contrast between the form of both podium and tower in Building A (to the right) and Building B1 (to the left). What seeks to unify the two buildings is the use of the stamped materials in the same colour at podium level, and hard and soft landscaping of the ground plane. Deeply recessed balconies in Building A should provide adequate summer-afternoon shade (also affected by other buildings to the west of Walker Street), whereas orientation and materials provide more effective environmental performance for the western façade of Building B1. The sawtooth façade of Building B1 and the flat face of Building A still mark them as distinct from one another, and

the recommended increasing of the above podium setback to 3m will assist in softening the appearance and bulk and scale of Building A.



View of the proposal from Walker Street southwest of the site (Rothelowman Architects)

Overshadowing of Dorris Fitton Park.

A review of the shadow diagrams provided indicates that this proposal will not overshadow Dorris Fitton Park during the critical times between 12 pm and 2 pm from the March equinox to the September equinox, and thus complies with cl 6.3.2 of NSLEP 2013.

URBAN DESIGN RECOMMENDATIONS

1. Increase to 3 metres the above-podium setback provided to Building A's western façade.
2. The design be reviewed to clarify and make more legible and usable, the main entrances to Buildings A and B1, and clearly delineate between public and private spaces.
3. For the reasons outlined above and other reasons described elsewhere in this report, the porte cochere must be replaced with an on-street kerbside delivery and pick-up space, and the vehicular entry and loading bay on Hampden Street must be revised.
4. Consideration being given to enhancing the amenity provision for Building A, including equitable access to communal recreational spaces in Building B2, to ensure parity within the development overall.
5. ADG separation requirements should be fully complied with both within the site and to adjoining properties.

HERITAGE

Heritage Status and Significance

The subject site is not heritage listed, nor is it located with a heritage conservation area:



Map showing location of heritage items (brown) and the location of the subject site (dotted in blue).
Source: Weir Phillips Heritage & Planning Heritage Impact Statement, Page 6, 2024.

However, the subject project is located within the vicinity of the following heritage items:

- stone wall, Walker Street (near Hampden Street) (I0996)
- house, 144 Walker Street, North Sydney (I0984)
- house, 146 Walker Street, North Sydney (I0985)
- house, 148 Walker Street, North Sydney (I0986)
- house, 150 Walker Street, North Sydney (I0987)
- Simsmetal House, 41 McLaren Street, North Sydney (I0889)
- house, 2 Hampden Street, North Sydney (I0840)
- house, 4 Hampden Street, North Sydney (I0841)
- house, 6 Hampden Street, North Sydney (I0842)
- house, 8 Hampden Street, North Sydney (I0843)
- house, 10 Hampden Street, North Sydney (I0844)
- house, 12 Hampden Street, North Sydney (I0845)
- house, 14 Hampden Street, North Sydney (I0846)
- house, 185 Walker Street, North Sydney (I0988)

Heritage Impact Assessment

The following heritage provisions are of relevance to the assessment of the application.

North Sydney LEP 2013 Clause 5.10

An assessment of the proposal, with reference to the following Clause of the North Sydney LEP 2013 has been made:

5.10 Heritage conservation

(1) the objectives of this Clause are as follows:

(a) to conserve the environmental heritage of North Sydney

(b) to conserve the heritage significance of heritage items and conservation areas, including associated fabric, settings and views

There will be no physical works to the nearby heritage items. The double rail fence and central vegetated island in Hampden Street will be retained. The setting of the heritage-listed Hampden Street terraces and the dwellings 144, 146, 148, and 150 Walker Street will be impacted. These heritage items are only one or two storey in scale, while the proposed development will be four, 12, and 30 storeys in height. The site is subject to three height standards under the NSLEP (North Sydney Local Environmental Plan) that already allow for increased storey height that will over-scale the heritage items. The proposed additional height in this application will therefore have little additional accumulative impact on the heritage items.

The proposed 30-storey tower will be angled so it addresses the corner at a splay with broken masses that will be sympathetic to the rhythm of the nearby heritage items. The proposed setbacks of 2.4m, 5.1m, and 9.9m from Hampden Street are considered to be adequate, particularly given that there is also physical separation by the split in the road and the central vegetated island.

The proposed setbacks of 2.15m, 4.85m, and 8.7m from Walker Street are also considered to be acceptable, as again Walker Street is a split level road and the building is highly articulated with a series of stacked masses that will ameliorate the impact of the difference in scale between the tower and the heritage items on Walker Street. The top of the podium of the 30-storey tower will be similar in height to the eaves line of the heritage houses on Walker Street. The proposed landscaping will also be at street level whilst the existing landscaping is set below the road. This is a positive heritage outcome.

North Sydney DCP 2013

Objectives

O1 Ensure that new work is designed and sited to not detrimentally impact upon the heritage significance of the heritage item and its setting.

The northern setback of Building B2 requires softening with landscaping as it will be hardened by the two substation kiosks, the stormwater pit, and the driveway. The photomontage below does not adequately portray the outcome:



*View from Hampden Street looking south-east towards the proposed gym building.
The substation kiosks and extent of hardscape are not clearly shown.*

No objection is raised to the proposed materials as described on page 77 in the Design Review Report. It is recommended that they be re-submitted as part of the architectural package.

DCP Provisions

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

The setback of the eastern building B2 is on the boundary. It is recommended that this be amended to allow for a landscape buffer to ameliorate the visual impact of the scale of the eastern wall of the building.

P2 Maintain significant public domain views to and from the heritage item.

Compliant.

P3 Ensure compatibility with the orientation and alignment of the heritage item.

The orientation of the 30m tower will differ from the orientation of all nearby heritage items, however no objection is made as the articulated form and splayed design will remove the perceived bulk from the corner of Walker and Hampden Streets.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

Compliant.

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

The landscaped space in the centre of Hampden Street provides a landscape setting to the Hampden Street terraces and will be retained.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

The application was referred to the Aboriginal Heritage Office who confirmed that the site is unlikely to contain relics of cultural heritage significance to Aboriginal people. In the event of a relic being found during development, it would be protected under provisions of the National Parks and Wildlife Act 1974.

HERITAGE RECOMMENDATIONS

1. Increase the side setback on the eastern boundary of Building B2 to allow for a landscape buffer.
2. Improve the public presentation of the northern front setback of Building B2 that is opposite the Hampden Street-heritage items as the two substation kiosks, stormwater pit, and driveway entry will result in a large area of hardscape rather than a soft landscaped setting.
3. The materials schedule on Page 77 of the Design Report being added to the architectural plans so it is included in the stamped plans should development consent be issued.

SOCIAL IMPACT AND AFFORDABLE HOUSING

In summary, the key points and recommendations are:

- 11 units are to be dedicated to Council as affordable rental housing in perpetuity, in accordance with the Planning Agreement applicable to the site. These are four x studio apartments, four x one-bedroom and three x two-bedroom apartments.
- these apartments are in Building A with the 67 affordable rental units proposed with a 15-year time limit, which fully exploits the Housing SEPP's floor space ratio bonus.
- the overall mix of housing provided is appropriate given the range of household types in the North Sydney Council area, which has higher numbers of couples without children and lone person households, compared to the Greater Sydney region.
- the adaptable housing mix is consistent with Council's DCP guidelines, which require at least 20% of units to be adaptable. 48 units are adaptable across the development which is 20% of the total.
- regarding loss of affordable housing, Council's social planner accepts the application's proposal for providing the number and types of dwellings to be affordable rental housing, noting that three Tier 1 Community Housing Providers have provided letters of support

for the application, stating that the proposal “... will provide much needed affordable rental housing in North Sydney.”

Notwithstanding the discussion above, in the current housing climate, it is most inappropriate to provide for a 30% FSR bonus for the provision of 67 affordable housing units which will only perform this affordability role for 15 years. This is short-sighted and inconsistent with the stated objectives of all levels of government in tackling the affordability crisis in Sydney and more widely. Council has been able to negotiate 11 affordable units to be dedicated in perpetuity, as a result of VPA negotiations that ultimately led to the rezoning of the land by the NSW Government. It is regrettable that as a result of the bonus provisions of the Housing SEPP, that affordable housing is only provided for such a limited timeframe.

SOCIAL IMPACT AND AFFORDABLE HOUSING RECOMMENDATIONS

1. That the applicant follows the guidance provided by the submitted qualified Access Consultant’s Report as conditions of the development. Furthermore, that the applicant provides an additional assessment to be submitted with the relevant Construction Certificate application, to demonstrate compliance with the Disability Discrimination Act 1992 and Disability (Access to Premises – Buildings) Standards 2010.

(Reason: To comply with anti-discrimination laws and maximise inclusion for people with disabilities.)

2. That the applicant provides for community housing in perpetuity, the following apartment types and numbers:

Apartment Type	Number
Studio	4
1 Bedroom	4
2 Bedroom	3

(Reason: compliance with the Planning Agreement applicable to the subject land)

3. That the applicant undertakes an open tender process with Tier 1 Community Housing Providers (CHP) operating in NSW able to apply to manage the community housing project.

(Reason: To ensure that the affordable housing stock is managed appropriately)

TRAFFIC AND TRANSPORT

In summary Council’s senior transport engineer advises:

- parking is compliant with Transport for NSW Guidelines;
- adequate accessible car and motorcycle parking and bicycle storage is proposed;
- waste collection arrangements are unacceptable and should allow for entering and leaving the site in a forward direction;

- Fire and Rescue NSW should be consulted regarding the ability of fire truck to make a three-point turn on streets adjacent to the site;
- road safety measures are acceptable, except as discussed below; and
- the Green Travel Plan submitted with the application lacks detailed initiatives, stakeholder engagement provision and does not allow for user-feedback, for continuous improvement.

Number of car parking spaces

The number of car parking spaces proposed (which is consistent with the Housing SEPP's minimum requirements) exceeds the maximum specified by Council's DCP, which was adopted in 2022. New parking rates were devised based upon detailed analysis of likely private-vehicle travel demand, resulting from the planned Metro extension from Chatswood to Sydenham, Warringah Freeway upgrades, and likely future development in 'highly accessible areas', being locations within walking distance of heavy rail and Metro train stations.

Emergency services access

Fire and Rescue NSW and the NSW Ambulance Service were consulted during the appeal for the previous development application. Both declined to comment, as they reserve their assessment until construction certificate stage.

Vehicle access

There are three separate vehicle access points:

- the basement entry and exit ramps off Walker Street in the site's southwestern corner;
- the porte cochere for resident and small service vehicle delivery and drop off to the north of the basement ramps; and
- the open loading bay off Hampden Street.

Four vehicle-pedestrian conflict points would be introduced to a high-pedestrian path on Walker Street, the use of which will increase as development in the neighbourhood further densifies.

The loading/unloading arrangements in Hampden Street are likely to impact neighbourhood and residential amenity of the proposed development and adjacent housing in Hampden Street. Amenity would also be affected if garbage collection was provided, with vehicles turning and parking on the street while bins were emptied from a bin-holding area no more than 2m from the kerb, as the DCP requires.

The number and width of the vehicle entry/exits result in the loss of on-street parking. Aerial imagery indicates there are up to 18 parking spaces on the Walker and Hampden Street opposite site frontages. The proposed ground floor plan shows only seven spaces will remain.

TRAFFIC AND TRANSPORT RECOMMENDATIONS

1. The number of car parking spaces should be reduced to no more than the maximum permitted by the North Sydney Development Control Plan 2013. This would be consistent with Council's and the NSW Government's integrated transport and land use policies, and investment to reduce private vehicle travel, improve and promote public transport, traffic congestion and pollution, and make access in and around Sydney easier, safer, and more comfortable and equitable.
2. A condition being applied should consent be granted, for a Green Travel Plan to be submitted with the final Occupation Certificate, prepared in accordance with the methodology provided in the submitted traffic impact assessment report.
3. Vehicle access arrangements are unacceptable as discussed above and should be improved before consent is granted.

WASTE MANAGEMENT

According to the submitted waste management plan:

Prior to collections, the Building Manager/Caretaker will be responsible for transporting the bins from chute discharge rooms and each residential level to the allocated collection point located on the basement level 1. The Building Manager/Caretaker is also responsible for ensuring that the bins are adequately arranged for an efficient collection. It is recommended that an additional 1100L service bin be placed under the chute in Building A to collect discharge while the other bins are being serviced.

It is the responsibility of the caretaker to ensure that the loading area is clear of any vehicles or obstructions prior to waste collection.

To service the bins, a council collection vehicle will utilise the site loading area to turn around before parking at the end of Hampden Street adjacent to the bin holding room. Waste collection staff will access the bin holding room and service the bins via a collect and return arrangement. Once servicing is complete, the Building Manager/Caretaker will return the bins to their operational location to resume use.

Use of the loading bay by Council vehicles to make a three-point turn to exit Hampden Street is not compliant with Council's DCP guidelines nor current contractual arrangements for garbage collection, which do not allow Council staff and vehicles to enter private property to collect waste materials.

It is noted state significant development does not need to be consistent with DCP controls. However, approval should not be granted to a scheme that would contravene current business contracts and procedures established to ensure safe work practices.

Objection should be raised to the current proposed collection method, and if approval is contemplated the developer should liaise with Councils environmental team to ensure an acceptable outcome.

Consultation requirements

Community engagement is not required.

It is noted that the Department of Planning is the authority responsible for notification. The area notified by the Department is considered inadequate having regard to the fact that the high-rise buildings on the eastern side of Miller Street between Berry and McLaren Streets were not notified and the proposal has significant potential to impact on views to the east including those of Sydney Harbour, the eastern suburbs and beyond.

Financial/Resource Implications

Apart from officers' time taken to assess and provide their evaluation, there are no financial or resource implications in adopting the recommendation.

Legislation

The following legislation is relevant to the proposal, including a brief description of key provisions:

- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2021
- State Environmental Planning Policy (Planning Systems) 2021.



**NORTH SYDNEY
COUNCIL**

200 Miller Street, North Sydney, NSW 2060 | ABN 32 353 260 317

All correspondence PO Box 12, North Sydney, NSW 2059

P (02) 9936 8100 | **E** council@northsydney.nsw.gov.au

W www.northsydney.nsw.gov.au

1 August 2024

Secretary
Dept of Planning, Housing & Infrastructure
12 Darcy Street
PARRAMATTA NSW 2150

SSD 67175465
JD6 (P&E)

ATTENTION: Mr J Martinez, Planning Officer
Infill Affordable Housing

STATE SIGNIFICANT DEVELOPMENT APPLICATION 67175465
APPLICANTS: CBUS PROPERTY, GALILEO GROUP, PLATFORM PROPERTY SERVICES

Dear Sir,

I refer to the recent public exhibition of the application and advise that following a review of the documents provided Council objects to the approval of this development proposal.

In summary, the grounds for objection are:

- The site has already benefited significantly by recent uplift of height and FSR standards following the completion of a planning study and parallel Planning Proposal processes enabled by the Department of Planning. This represented a very significant increase in height which was underpinned by careful planning and consultation. The increases proposed are unplanned and ad hoc given the comprehensive planning undertaken by Council.
- The 15-year limit on housing being retained as affordable is most inappropriate, being a temporary solution to what will be an ongoing problem for Sydney, allowing the affordable housing component to be traded on the open market after that time. In the current housing climate, it is regrettable that a 30% FSR bonus for the provision of 67 affordable housing units could be contemplated. This will only perform an affordability role for 15 years. This is short sighted and inconsistent with the stated objectives of all levels of government in tackling the affordability crisis in Sydney and more widely.
- The amount of parking proposed is excessive, especially when considering the site is a leisurely walk to both North Sydney and Victoria Cross Metro Stations, a new "game-changing" transport link for Sydney, according to the NSW Government.
- The number of cars capable of being parked on the site will increase traffic congestion in the area, exacerbating conditions expected to worsen because of Warringah Expressway upgrading and the dramatic growth of new and intensified development occurring in the precinct.
- Urban design can be improved, for built form by including an increase of the above podium setback of Building A, which accommodates the built-to-rent affordable housing, legibility of entries, increasing building separation, reconsidering the porte-cochere off Walker Street and loading bay off Hampden Street, and providing equitable access to recreation facilities for the affordable housing.
- The clear difference in design approach between the build to rent and market-based housing defining the former as a clear poor cousin to the latter, despite attempts to unify the buildings on the ground plane. The design quality of Building A compared to Building B1, in terms of finish, materials and potentially environmental performance should be improved.
- Potential access difficulties for service (garbage collection) and emergency service vehicles.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

Page 2 of 12

- Reduction of on-street parking and potential traffic flow inefficiencies.
- The green travel plan submitted is inadequate and does not take full account of all public transport facilities and the evolving active transport network.
- Waste management arrangements do not comply with Council DCP requirements.
- The loss of 33 mature trees cannot be supported.
- The submitted arboriculture report failing to address the impacts of the loss of existing trees, tree canopy pruning and impacts thereof.
- No apparent assessment of the impact of the proposal on existing wildlife.
- The notification area used by the Department was inadequate as it did not include properties on the eastern side on Miller Street between Berry and McLaren Streets which overlook the site and have potential to lose valuable views to the east.

Detailed Submission

Detailed commentary follows, in which several positive aspects of the proposed development are canvassed, in addition to reasons for objection. This submission has been prepared with input from across Council's departments, and addresses:

- Strategic Planning,
- Urban Planning and Design,
- Heritage,
- Social Impact and Affordable Housing,
- Traffic and Transport, and
- Waste Management

Development-specific and standard conditions will be recommended, should the application be recommended for approval, for the following matters in addition to the above issues:

- Development and Infrastructure Engineering,
- Landscape and Tree Protection,
- Environment and Health, and
- Public Art.

Accordingly, Council is prepared to assist the Department with preparing detailed conditions of consent, should a positive recommendation be made to the Independent Planning Commission.

Background

This site has a lengthy planning history, beginning with several planning proposals, all of which were either rejected or objected to by Council, over the last decade. A planning proposal was approved by the Department following due consideration and amendments made to controls for the site on 30 July 2021, allowing an increased height and floor space ratio maximum for the site.

In July 2022, Development Application 197/22 was lodged with Council for an apartment complex of three buildings containing 171 units. A deemed refusal appeal was later filed in the Land and Environment Court, which was discontinued in November 2023.

Pre-application public submissions received by Council

Before the formal exhibition period commenced Council received seven submissions from residents of the site's locality, mainly from the Century Plaza building, 71 Walker Street, which is directly south of the site.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

Page 3 of 12

These submissions responded to the applicant having corresponded with them advising that the last day for submissions was 23 February 2024 (whether residents were advised that further opportunity to formally comment on the proposal is unknown).

In summary, residents' concerns related to:

- Planning proposals not being supported by Council in the past,
- The manner in which early advice of the proposal was received,
- The development being "out of scale," "far more intrusive and out of character" than the previous proposal (DA 179/22, the subject of a discontinued appeal), and having unacceptable amenity impacts,
- Affordable housing impairs views of existing residents west of Walker Street,
- North Sydney has contributed enough to Sydney's need to densify around transport hubs,
- The proposal being an overdevelopment of the site,
- Cumulative impact of this and nearby developments on traffic and parking in the area, including pedestrian safety, especially for the many school students who use the footpaths of the locality,
- Privacy and overshadowing impacts on outdoor amenities, including a swimming pool, of the apartments at 71 Walker Street, directly adjacent to the site's southern boundary,
- Government buying back the site, to provide open space and restore the older (formerly heritage listed) flat buildings on Walker Street,
- The amount of affordable housing proposed is a "token gesture," the developer's key aim is to maximise profit.
- The applicant having not adequately addressed key issues is grounds for refusal.

Preliminary Notes

Except as discussed below, the proposed development performs satisfactorily in response to applicable planning instruments and the Apartment Design Guide. It is noted that development control plans are excluded from being applied to State significant development proposals. In these circumstances, the North Sydney DCP 2013 has been used not as a suite of assessment controls, rather it has been used as a guide, to allow an informed and well-considered evaluation of the proposal.

Timing of Submission

Before preparing this submission, the Department of Planning Housing and Infrastructure advised that no extension would be granted, so this submission was made on the due date.

The Department also advised that the elected Council may make a supplementary submission following formal closure of the exhibition period. The Council will consider this application at its meeting of 12 August 2024. Should Council resolve to make any additional comments, they will be included in a supplementary submission as soon as practicable after the Council meeting.

STRATEGIC PLANNING

Key strategic planning and policy reasons for objecting to the application:

- The site has already received a significant uplift in height and FSR following several planning proposals and exhaustive review of same. Previous proposals and the final scheme, approved by the Sydney North Planning Panel were either refused by or objected to by Council.
- Accordingly, the subject application seeking to exploit additional floor space ratio and to a lesser extent height to achieve a greater yield than may have been otherwise possible is objected to.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

Page 4 of 12

- This is contrary to locally responsive place-based strategic planning principles, developed by Council in consultation with the community, and is not without negative cumulative impact.
- The outcome of the planning proposal process that led to the current planning controls should be regarded as the maximum development outcome for the site based on sound planning principles.
- Exploiting bonuses as proposed erodes community trust and understanding of the planning process and counters transparent community participation principles.

URBAN PLANNING AND DESIGN

Council's urban designers have reviewed the project having focussed on proposed built form and its consistency with DCP guidelines:

Podium

The site-specific DCP provisions require a continuous podium height of two storeys to Walker Street and 2-3 storeys to Hampden Street. Podiums frame public space, ameliorate wind impacts, promote human scale and contribute to the scale and character of streets.

The proposal incorporates a three-storey podium expression to Walker Street and Hampden Street. Despite non-compliance with the DCP control, the proposed podium is positively informed by the scale and rhythm of surrounding built form, through its incorporation of vertical proportions.

Further, the transitional podium expression aligns with the architectural datums of adjacent buildings along Walker Street and Hampden Street, reinforcing a human scale to the street.

The three-storey podium element is supported.

Above Podium Setback

The DCP requires above podium setbacks of 3.0m to Walker Street and Hampden Street to manage the scale and bulk of buildings and ensure it achieves comfortable public domain conditions for pedestrians.

The proposal provides an above podium setback of 850mm to Building A and 270mm to Building B1. Despite non-compliance with the DCP, the serrated articulation to Building B1's tower and podium helps to visually mitigate the scale and bulk of its basic shape. Its corner location allows some flexibility in a reduced above podium setback to Building B1 and is therefore considered acceptable.

In contrast, Building A (the 12-storey affordable rental housing building) presents a continuous podium and tower form to Walker Street. The lack of above podium setback, particularly to the street, increases its perceived bulk and mass, which is not in keeping with the desired street character. Increasing the podium setback to 3.0 metres on the western façade of Building A along Walker Street is recommended to enhance the human-scale and quality of the streetscape.

Building Separation

Adequate building separation distances are important to achieve reasonable levels of external and internal visual privacy. Part 3F of the Apartment Design Guide (ADG) recommends minimum separation distances from buildings to the side and rear boundaries.

Buildings A and B1 provide varying separation distances, some of which do not meet the ADG criteria. While angled windows and blank walls are proposed to address these non-compliances, it is crucial that this approach is undertaken with careful consideration. The ADG's separation provisions are minimum standards, and numerical compliance is generally expected. In addition to addressing privacy concerns, appropriate separation distances ensure adequate light, space, and sky access in a dense urban environment.

Compliance with ADG requirements is recommended.

Main Entrances into Buildings

The proposed main entries to Buildings A (affordable housing) and B1 (market housing) are located along Walker Street. Building A features an entry that does not directly front the street, potentially causing confusion for visitors. Building B1, on the other hand, utilises layered entry sequences, which obscures the clarity and legibility of its primary entry from the street.

Additionally, the transition between public and private areas at the front of Building B1 lacks clear delineation. Creation of clearly defined and legible entrances for both buildings is required, to ensure a distinct separation between public and private areas to enhance accessibility and ease of navigation for all users. This would improve wayfinding, create a more welcoming environment, and reduce the potential for conflicts between different user groups.

Vehicular Entry

Proposed vehicular entries include a shared zone, or porte cochere, in the central area along Walker Street for pick-up/drop-off, deliveries, and turnarounds, as well as a driveway and loading bay off Hampden Street, for service vehicles.

The design of the porte cochere undermines the public domain and detracts from the civic qualities of this central space. Furthermore, it conflicts with the entrance to Building B1, creating potential safety and accessibility issues. To enhance the pedestrian environment and better utilize the area for waiting and informal gatherings, it is recommended to reconsider the vehicle turning layout and provide a kerbside drop-off in place of the proposed configuration.

Affordable Housing Access to Landscaped Open Spaces

Building A, designated as the affordable housing component, offers fewer amenities compared to the market housing, Building B1. While concentrating affordable housing for better management is a reasonable approach, this rationale does not fully justify the disparity in amenities provided.

The central communal open space includes a landscaped area with various recreational zones. However, access to these amenities is restricted to residents of Building B1. Building A residents can appreciate the landscaped areas visually but do not have direct access to them, limiting their ability to enjoy landscaped open spaces available in the development.

Further Comment on Urban Design

Before the foregoing critique was made, during earlier stages of the process for preparing the subject application, Council officers observed that the affordable housing building's exterior (Building A) was the 'poor cousin' of Building B1, the apartments of the latter intended for sale on the open market. These earlier iterations were for a simpler, less environmentally responsive design, exhibiting a lack of articulation in the facades and as noted above, poorer access to planned resident amenities.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

Page 6 of 12

The montage below illustrates the contrast between the form of both podium and tower in Building A (to the right) and Building B1 (to the left). What seeks to unify the two buildings is the use of the stamped materials in the same colour at podium level and hard and soft landscaping of the ground plane. Deeply recessed balconies in Building A should provide adequate summer-afternoon shade (also affected by other buildings to the west of Walker Street), whereas orientation and materials provide arguably more effective environmental performance for the western façade of Building B1. The sawtooth façade of Building B1 and the flat face of Building A still mark them as distinct from one another, and the recommended above podium setback increase to 3.0m will assist in softening the appearance, bulk and scale of Building A.



View of the proposal from Walker Street south-west of the site (Rothelowman Architects)

Overshadowing of Dorris Fitton Park

A review of the provided shadow diagrams indicates that this proposal will not overshadow Dorris Fitton Park during the critical times between 12.00 pm and 2.00 pm from the March equinox to the September equinox and thus complies with clause 6.3.2 of NSLEP 2013. This issue should be carefully reviewed by the Department in its assessment of the proposal.

URBAN DESIGN RECOMMENDATIONS

1. Increase to 3 metres the above podium setback provided to Building A's western façade.
2. The design be reviewed to clarify and make more legible and useable, the main entrances to Buildings A and B1, and clearly delineate between public and private spaces.
3. For reasons outlined above and other reasons described elsewhere in this report, the porte cochere must be replaced with an on-street kerbside delivery and pick-up space and the vehicular entry and the loading bay on Hampden Street must be revised.
4. Consideration being given to enhancing the amenity provision for Building A, including equitable access to communal recreational spaces in Building B2, to ensure parity within the development, overall.
5. Increasing building separation distances to comply with the Apartment Design Guide.

HERITAGE***Heritage Status and Significance***

The subject site is not heritage listed, nor is it located with a heritage conservation area.



Map showing location of heritage items (brown) and the location of the subject site (dotted in blue).

Source: Weir Phillips Heritage and Planning Heritage Impact Statement , Page 6, 2024

The subject project is located within the vicinity of the following heritage items.

- Stone Wall, Walker Street (near Hampden Street) (I0996)
- House, 144 Walker Street, North Sydney (I0984)
- House, 146 Walker Street, North Sydney (I0985)
- House, 148 Walker Street, North Sydney (I0986)
- House, 150 Walker Street, North Sydney (I0987)
- Simsmetal House, 41 McLaren Street, North Sydney (I0889)
- House, 2 Hampden Street, North Sydney (I0840)
- House, 4 Hampden Street, North Sydney (I0841)
- House, 6 Hampden Street, North Sydney (I0842)
- House, 8 Hampden Street, North Sydney (I0843)
- House, 10 Hampden Street, North Sydney (I0844)
- House, 12 Hampden Street, North Sydney (I0845)
- House, 14 Hampden Street, North Sydney (I0846)
- House, 185 Walker Street, North Sydney (I0988)

Heritage Impact Assessment

The following heritage provisions are of relevance to the assessment of the application:

NSLEP 2013 Clause 5.10

An assessment of the proposal, with reference to the following Clause of the NSLEP 2013 has been made:

5.10 Heritage Conservation

(1) *The objectives of this Clause are as follows:*

- (a) *to conserve the environmental heritage of North Sydney*
- (b) *to conserve the heritage significance of heritage items and conservation areas, including associated fabric, settings and views*

There will be no physical works to the nearby heritage items. The double rail fence and central vegetated island in Hampden Street will be retained. The setting of the heritage-listed Hampden Street terraces

and the dwellings 144, 146, 148 and 150 Walker Street will be impacted. These heritage items are only one or two storeys in scale while the proposed development will be 4, 12 and 30 storeys in height. The site is subject to three height standards under the NSLEP (North Sydney Local Environmental Plan) that already allow for increased storey height that will over-scale the heritage items. The proposed additional height in this application will therefore have little additional accumulative impact on the heritage items. The proposed 30 storey tower will be angled so it addresses the corner at a splay with broken masses that will be sympathetic to the rhythm of the nearby heritage items. The proposed setbacks of 2.4m, 5.1m and 9.9m from Hampden St are considered to be adequate particularly given that there is also physical separation by the split in the road and the central vegetated island.

The proposed setbacks of 2.15m, 4.85m and 8.70m from Walker Street are also considered to be acceptable as again Walker Street is a split-level road, and the building is highly articulated with a series of stacked masses that will ameliorate the impact of the difference in scale between the tower and the heritage items on Walker Street. The top of the podium of the 30-storey tower will be similar in height to the eaves line of the heritage houses on Walker St. The proposed landscaping will also be at street level whilst the existing landscaping is set below the road. This is a positive heritage outcome.

NSDCP 2013

Objectives

- O1** *Ensure that new work is designed and sited so as to not detrimentally impact the heritage significance of the heritage item and its setting.*

The northern setback of Building B2 requires softening with landscaping as it will be hardened by the two substation kiosks, the stormwater pit and driveway. The photomontage below does not adequately portray the likely outcome.



View from Hampden Street looking south-east towards the proposed gym building. The substation kiosks and extent of hardscape are not clearly shown.

No objection is raised to the proposed materials as described by Rothelowman on page 77 in the Design Review Report. It is recommended that they be resubmitted as part of the architectural package.

DCP Provisions

- P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.*

The setback of the eastern Building B2 is on the boundary. It is recommended that this be amended to allow for a landscape buffer to ameliorate the visual impact of the scale of the eastern wall of the building.

- P2 Maintain significant public domain views to and from the heritage item.*

Compliant.

- P3 Ensure compatibility with the orientation and alignment of the heritage item.*

The orientation of the 30m tower will differ from the orientation of all nearby heritage items. However, no objection is made as the articulated form and splayed design will remove the perceived bulk from the corner of Walker and Hampden Streets.

- P4 Provide an adequate area around the heritage item to allow for its interpretation.*

Compliant.

- P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.*

The landscaped space in the centre of Hampden Street provides a landscape setting to the Hampden Street terraces and will be retained.

- P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).*

The application was referred to the Aboriginal Heritage Office, who confirmed that the site is unlikely to contain relics of cultural heritage significance to Aboriginal people. In the event of a relic being found during development, it would be protected under provisions of *the National Parks and Wildlife Act 1974*.

HERITAGE RECOMMENDATIONS

1. Increase the side setback on the eastern boundary of Building B2 to allow for a landscape buffer.
2. Improve the public presentation of the northern front setback of Building B2 that is opposite the Hampden Street heritage items as the two substation kiosks, stormwater pit and driveway entry will result in a large area of hardscape rather than a soft landscaped setting.
3. The materials schedule on Page 77 of the Design Report being added to the architectural plans so it is included in the stamped plans should development consent be issued.

SOCIAL IMPACT AND AFFORDABLE HOUSING

A summary of key points and recommendations is provided below.

- 11 units are to be dedicated to Council as affordable rental housing, in accordance with the Planning Agreement applicable to the site. These are 4 x studio apartments, 4 x 1 bedroom and 3 x 2 bedroom apartments.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

- These apartments are in Building A with the 67 affordable rental units proposed, which fully exploit the Housing SEPP’s floor space ratio bonus.
- The overall mix of housing provided is appropriate given the range of household types in the North Sydney Council area, which has higher numbers of couples without children and lone person households, compared to the Greater Sydney region.
- The adaptable housing mix is consistent with Council’s DCP guidelines, which require at least 20% of units to be adaptable. 48 units are adaptable across the development which is 20% of the total.
- Regarding loss of affordable housing, the social planner accepts the application’s proposal for providing the number and types of dwellings to be affordable rental housing, noting that three Tier 1 Community Housing Providers have provided letters of support for the application, stating that the proposal “... will provide much needed affordable rental housing in North Sydney.”

Notwithstanding the discussion above, in the current housing climate, it is most inappropriate to provide for a 30% FSR bonus for the provision of 67 affordable housing units which will only perform this affordability role for 15 years. This is short sighted and inconsistent with the stated objectives of all levels of government in tackling the affordability crisis in Sydney and more widely.

SOCIAL IMPACT AND AFFORDABLE HOUSING RECOMMENDATIONS

1. That the applicant follows the guidance provided by the submitted qualified Access Consultant’s Report as conditions of the development. Furthermore, that the applicant provides an additional assessment to be submitted with the relevant Construction Certificate application, to demonstrate compliance with *the Disability Discrimination Act 1992* and *Disability (Access to Premises - Buildings) Standards 2010*.

(Reason: To comply with anti-discrimination laws and maximise inclusion for people with disabilities)

2. That the applicant provide for community housing in perpetuity, the following apartment types and numbers:

Apartment Type	Number
Studio	4
1 Bedroom	4
2 Bedroom	3

(Reason: Compliance with the Planning Agreement applicable to the subject land)

3. That the applicant undertakes an open tender process with Tier 1 Community Housing Providers (CHP) operating in NSW able to apply to manage the community housing project.

(Reason: To ensure that the affordable housing stock is managed appropriately)

TRAFFIC AND TRANSPORT

In summary Council’s senior transport engineer advises as follows:

- Parking is compliant with Transport for NSW Guidelines.
- Adequate accessible car and motorcycle parking and bicycle storage is proposed.
- Waste collection arrangements are unacceptable and should allow for entering and leaving the site in a forward direction.
- Fire and Rescue NSW should be consulted regarding the ability of fire truck to make a three-point turn on streets adjacent to the site.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

Page 11 of 12

- Road safety measures are acceptable, except as discussed below.
- The Green Travel Plan submitted with the application lacks detailed initiatives, stakeholder engagement provision and does not allow for user-feedback, for continuous improvement.

Further Observations

Number of Car Parking Spaces

The number of car parking spaces proposed (which is consistent with the Housing SEPP's minimum requirements) exceeds the maximum specified by Council's DCP, which was adopted last year. New parking rates were devised based upon detailed analysis of likely private-vehicle travel demand, resulting from the planned Metro extension from Chatswood to Sydenham (planned to be opened in August 2024), Warringah Freeway upgrades and likely future development in 'highly accessible areas', being locations within walking distance of heavy rail and Metro train stations.

Emergency Services Access

Fire and Rescue NSW and the NSW Ambulance Service were consulted during the appeal for the previous development application. Both declined to comment, as they reserve their assessment until construction certificate stage.

Vehicle Access

There are three separate vehicle access points, the basement entry and exit ramps off Walker Street in the site's southwestern corner, the porte cochere for resident and small service vehicle delivery and drop off to the north of the basement ramps, and the open loading bay off Hampden Street.

Four vehicle-pedestrian conflict points would be introduced to a high-use pedestrian path on Walker Street, the use of which will increase as development in the neighbourhood further densifies.

The loading/unloading arrangements in Hampden Street are likely to impact neighbourhood and residential amenity of the proposed development and adjacent housing in Hampden Street. Amenity would be affected too, if compliant garbage collection was provided, with vehicles turning and parking on the street while bins were emptied from a bin holding area no more than 2.0m from the kerb, as the DCP requires.

The number and width of the vehicle entry/exits result in the loss of on-street parking. Aerial imagery indicates there are up to 18 parking spaces on Walker and Hampden Streets opposite site frontages. The proposed ground floor plan shows only seven spaces will remain.

TRAFFIC AND TRANSPORT RECOMMENDATIONS

1. The number of car parking spaces should be reduced to no more than the maximum permitted by the North Sydney Development Control Plan 2013. This would be consistent with Council's and the NSW Government's integrated transport and land use policies and investment, to reduce private vehicle travel, improve and promote public transport, reduce traffic congestion and pollution, and make access in and around Sydney easier, safer, more comfortable and equitable.
2. A condition being applied should consent be granted, for a Green Travel Plan to be submitted with the final Occupation Certificate, prepared in accordance with the methodology provided in the submitted traffic impact assessment report.
3. Vehicle access arrangements are unacceptable as discussed above and should be improved before consent is granted.

**RE: 173 WALKER STREET, NORTH SYDNEY
SSDA 67175465**

Page 12 of 12

WASTE MANAGEMENT

According to the submitted waste management plan:

Prior to collections, the Building Manager/Caretaker will be responsible for transporting the bins from chute discharge rooms and each residential level to the allocated collection point located on the basement level 1. The Building Manager/Caretaker is also responsible for ensuring that the bins are adequately arranged for an efficient collection. It is recommended that an additional 1100L service bin be placed under the chute in Building A to collect discharge while the other bins are being serviced. It is the responsibility of the caretaker to ensure that the loading area is clear of any vehicles or obstructions prior to waste collection.

To service the bins, a council collection vehicle will utilise the site loading area to turn around before parking at the end of Hampden Street adjacent to the bin holding room. Waste collection staff will access the bin holding room and service the bins via a collect and return

arrangement. Once servicing is complete, the Building Manager/Caretaker will return the bins to their operational location to resume use.

Use of the loading bay by Council vehicles to make a three-point turn to exit Hampden Street is not compliant with Council's DCP guidelines, or current contractual arrangements for garbage collection, which do not allow Council staff and vehicles to enter private property to collect waste materials.

That State significant development does not need to be consistent with DCP controls, is noted. However, approval should not be granted to a scheme that would contravene current business contracts and procedures established to ensure safe work practices.

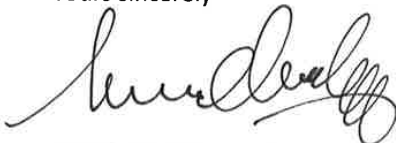
Objection is raised to the current proposed collection method, and if approval is contemplated the developer should liaise with Council's environmental team to ensure an acceptable outcome.

Conclusion

In conclusion, Council appreciates the opportunity to make this submission and the prior consultation of the applicant with Council's staff. Further involvement in project planning and engagement is positively anticipated, with amendments recommended to be made to the proposal as detailed herein, to resolve Council's grounds for objecting to the application.

Should you wish to discuss the contents of this submission, please contact Mr Jim Davies, Executive Assessment Planner, on 9336 8378, or at jim.davies@northsydney.nsw.gov.au.

Yours sincerely



**MARCELO OCCHIUZZI
DIRECTOR, PLANNING & ENVIRONMENT**