

30th July 2024

**SP84674 – 197 Walker Street, North Sydney NSW 2060  
("North Star")**

**NSW Government  
Planning Department  
Project Application Number SSD-67175465  
(East Walker Street, North Sydney)  
Sent via online portal:**

<https://www.planningportal.nsw.gov.au/major-projects/projects/residential-development-affordable-housing-east-walker-street-north-sydney>

Dear Sir / Madam,

The Owners Corporation of SP84674, 197 Walker Street, North Sydney NSW 2060 ("North Star") advise that we **object** to the proposed project, application number SSD-67175465.

### **Introduction**

This proposal is the fourth iteration of this development attempt in five years. This time under the guise of "affordable housing", the proposal attempts to impose a 30 storey highrise tower in the centre of a valley floor of lowrise housing. The proposed concept has already been dismissed in a detailed private report to North Sydney Council by a Planning Consultant, by the NSLPP which listed more than a dozen reasons for refusal, and in turn by North Sydney Council itself. There has also been a failed attempt by the applicant to further the case in the Land and Environment Court, which was subsequently withdrawn by the applicant. The proposal is completely out of character with the neighbourhood and imposes itself on more than 1000 dwellings in Walker, Hampden, and neighbouring McLaren, Miller and Berry Streets with loss of solar access, loss of residential amenity, major view loss and other issues, and is not in the public interest. It involves a major and significant increase over surrounding building heights with no attempt at height transition whatsoever.

### **Major Traffic Issues**

The existing road network is already under extreme pressure with constant traffic congestion and constant queuing at the major Walker/Berry intersection which is only 50 metres away from the development location. The traffic report does not come close to adequately analysing the impact of the extra vehicles generated nor does it acknowledge that Berry and Miller Streets are the only exit routes for the precinct. Key points:

- The site is on a one -way lane leading to a dead-end (see attached)

- Access to the site is extremely difficult northbound, and there is no access southbound. Residents need to make a u-turn in traffic southbound to enter the lane, or attempt to cross queued intersection traffic northbound
- There is no scope for a turning circle at the dead-end due to a heritage protected median garden strip
- The Walker Street/Berry Streets intersection is effectively Highway 1 with constant high traffic pressure
- Walker Street/Ridge Street/ McLaren Street is a gridlocked 'car park' during peak morning and afternoon school drop off / pick up
- At peak hours and school times there is existing gridlock
- Two major schools, Wenona (Walker St) and Monte's (Miller St) are within 100m
- The new Reddam School in McLaren Street commencing in January 2025
- Ingress and egress from the precinct is already difficult
- Garbage trucks currently have to reverse down the one way lane
- Construction vehicle access would be impossible

In addition, future traffic pressure has not been taken into account:

- The new Aqualand development at 168 Walker with 386 apartments is ignored
- 45 McLaren Street future development will add over 100 new apartments
- The Western Harbour Tunnel impacts and on-ramp and their effects on the intersection

Proper and detailed traffic analysis reports are required including access and intersection modelling and performance, because the existing road infrastructure does not cope with the vehicle traffic.

## **View Analysis**

There is a major view corridor to the west of the site resulting in major view loss to hundreds of apartments including Belvedere, The Heritage, McLaren Apartments, The Harvard, North, Vantage, The Miller , and our North Star's south-facing apartments.

For some apartments, this view loss is total. View analysis does not adequately respond to or understates this view loss. The proposal fails all four steps of the Tenacity principles (Tenacity Consulting v Warringah Council [2004] NSWLEC 140) which can be distilled as "Not properly assess moderate to severe standing view loss from front living areas by a non-complying development". In particular, step four emphasises that where view loss arises as a result of non-compliance even a moderate impact may be considered unreasonable.

## **First Responder Access**

This critical issue of extremely difficult first responder access or egress in any kind of emergency is a major health and safety and places a heavy burden on those involved in any approval. See attached photo showing the impossibility of access.

## Solar Access

The proposal inflicts excessive overshadowing to surrounding dwellings, particularly the 9 storey apartment building at 88 Berry Street, and also Century Plaza. It blocks eastern and northern sun to other dwellings in Walker Street.

## Heritage

The proposal is across the road from a row of heritage Victorian Terraces (Walker Street) to the north and ruins their neighbourhood. There are also Important heritage buildings to the west, and a heritage protected sandstone wall on Walker Street.

## Supporting Documents

Reports do not address previous submissions and objections, and do not fully or properly take into account new developments in this area which are yet to come on stream. Proper reports and investigations are required.

## Past Planning Panel Approval

Despite the above substantial issues, the Sydney North Planning Panel under then Minister Stokes and chairman Peter Debnam, approved a 29 storey building. In doing so, the Panel dismissed 145 detailed objections from surrounding residents, other developers, and North Sydney Council. The Panel did not adequately pose the objections to the developer, and its decision was cursory and highly undemocratic. The planning process has failed residents.

<https://www.planningportal.nsw.gov.au/ppr/lep-decision/173-179-walker-street-and-11-17-hampden-street>

Regardless, it is critical to note that the previous SNPP approval was highly specific and required the following:

- A slender built form – this proposal is not slender
- 12m building separations – this proposal does not provide 12m separation
- A reduction in length along Walker Street – this length has actually increased from previously
- Avoidance of overshadowing to the south – overshadowing is increased in this new proposal
- An 8 storey maximum for the secondary building – this has now increased to 12 storeys

These are critical points to consider in assessing this new proposal since they transgress the SNPP approval and the Department of Planning's own report. In addition, the Department's Urban Design team also raised serious concerns (attached) including floor plate sizes, solar access modelling, building bulk, design not appropriate to the important view corridor, and

they were not satisfied with the detail for the proposed level of change to the final LEP. It is evident that the Department of Planning did not support the proposal with conviction.

When the previous DA arrived at Council, the developer chose deemed refusal and lodged a case with the Land and Environment Court, later withdrawn by the applicant.

There is unanimous very strong local consensus that the proposal is unacceptable and inappropriate. The proposal cannot be justified on planning principles, policy or process and is fatally flawed on very many separate grounds and runs contrary to the public interest.

### **In-fill Affordable Housing SEPP**

Finally, this proposal attempts to use the in-fill affordable housing changes to increase its luxury building to 30 storeys and to increase the previous 8 storey approval to 12 storeys. But the SEPP which allows for bonuses in building height only applies to the building with the affordable housing. This proposal attempts to transfer this bonus to the luxury apartments which is disingenuous and cynical. A merit assessment of the above impacts will expose this ploy and isolate the affordable housing building.

The Planning Dept document "Planning Secretary's Environmental Assessment Requirements" which contains many highly specific requirements has not been adequately measured against by the proponent and needs to be upheld.

Sincerely,

*Michael Barsoum*

**Michael Barsoum**

**Strata Manager**

On behalf of Owners Corporation

**SP84674 – 197 Walker Street, North Sydney 2060 ("North Star")**

Enc. Attachment 1: Photos & NSW Government Plan finalisation report – PP-2020-141