

# Submissions and Amendment Report

Residential Development  
with Affordable Housing  
at East Walker Street, North Sydney

173-179 Walker Street and  
11-17 Hampden Street, North Sydney

Submitted to the Department of  
Planning, Housing and Infrastructure  
on behalf of Cbus Property,  
Galileo Group, and  
Platform Property Services

SSD-67175465



**'Gura Bulga'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



**'Dagura Buumarri'**

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



**'Gadalung Djarri'**

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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## Executive Summary

This Submissions and Amendment Report has been prepared by Ethos Urban on behalf of Cbus Property, Galileo Group, and Platform Property Services (The Joint Venture) (the Applicant) to address the matters raised during the Public Exhibition of the Residential development with affordable housing – East Walker Street, North Sydney (SSD-67175465) located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

The State Significant Development Application (SSDA) was public exhibited from the 5<sup>th</sup> of July 2024 until the 1<sup>st</sup> of August 2024, with the subsequent request for response to submissions issued on the 2<sup>nd</sup> of August. The SSDA, as exhibited, sought approval for the demolition, early works, excavation, site remediation and construction of residential development with 239 apartments (78 affordable housing apartments).

### Overview of Submissions

In relation to the Public Exhibition of the SSDA, a total of 147 submissions were received. These included submissions made by relevant government agencies and organisations, while 140 submissions were received from members of the public.

Specifically, submissions were received from the following:

- Department of Planning, Housing and Infrastructure (DPHI);
- North Sydney Council;
- Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, the Environment and Water (DCCEEW);
- Heritage NSW;
- Ausgrid;
- Sydney Water;
- Civil Aviation Authority;
- Transport for NSW; and
- The public.

The submissions related to a range of issues that included:

- Traffic;
- Noise;
- Environmental Amenity;
- Construction Impacts;
- Social Impacts;
- Noise and Vibration;
- Structural/Dilapidation.
- Landscaping and the Public Realm;
- Affordable Housing;
- The Public Interest;
- Biodiversity;
- Heritage;
- Economic Impacts; and
- Infrastructure, Public Services and Servicing Demand.

### Project Amendments

Following the Public Exhibition of the SSDA, the Applicant has undertaken further engagement with the key relevant authorities being DPHI, North Sydney Council, Transport for NSW, Sydney Water, Registered Aboriginal Parties, Metropolitan Local Aboriginal Land Council and Heritage NSW, and the public.

In response to the submissions received, design refinements and have been made with respect to built form, stormwater diversion and car parking arrangements. In particular, one level of basement parking has been deleted, resulting in a reduction of 76 on-site car parking spaces. The proposed design changes made in response to submissions and as a result of further detailed design development are minor, and will not result in any substantive changes to the project, or any increases in environmental impacts, from those previously assessed and found to be acceptable in the EIS. Where required, further assessment of the impact of the proposed development has been undertaken.

### Further Assessment and Mitigation Measures

Further assessment of the amended proposed development has been undertaken by the expert project team as required. Revised and addendum technical studies have been prepared where required to respond to matters raise in submissions and/or to provide further assessment taking into account the proposed changes to the exhibited project. Where required, this assessment has informed updates to the project Mitigation Measures (**Appendix C**).

## Conclusion

This Submissions and Amendments Report outlines the design changes and amendments that have been updated since the exhibited Environmental Impact Statement and in response to the submissions received. The design amendments are minor in nature and do not give rise to any additional environmental impacts. The amended development remains consistent with the objectives of the exhibited development and is consistent with the project justification, including suitability of the site and the public interest.



## 1.0 Introduction

This Submissions and Amendment Report has been prepared by Ethos Urban on behalf of Cbus Property, Galileo Group, and Platform Property Services (The Joint Venture) (the Applicant) to address the matters raised in during the Public Exhibition of the Residential development with affordable housing – East Walker Street, North Sydney (the project/proposed development) (SSD-67175465) located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

The State Significant Development Application (SSDA) was public exhibited from the 5<sup>th</sup> of July 2024 until the 1<sup>st</sup> of August 2024, with the subsequent request for response to submissions issued on the 2<sup>nd</sup> of August. The SSDA, as exhibited, sought approval for the demolition, early works, excavation, site remediation and construction of residential development with 239 apartments (78 affordable housing apartments).

This Submissions and Amendment Report provides an analysis of submissions, actions taken since Public Exhibition, the Applicant's response to submissions, amendments to the development in order to respond to the submissions, additional environmental assessment, and provides an updated justification of the proposed development. It is accompanied by supporting information and technical reports (refer to the Table of Contents).

The components of this report relating to submissions, as required under section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), has been prepared in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*.

The components of this report relating to amendments, made pursuant to section 37 of the EP&A Regulation, has been prepared in accordance with DPHI's *State Significant Development Guidelines*, including *Appendix D – Preparing an Amendment Report*.

### 1.1 Exhibited Development

The SSDA, as exhibited, sought approval for the demolition, early works, excavation, site remediation and construction of residential development with 239 apartments (78 affordable housing apartments) at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. Specifically, the exhibited development sought consent for the following:

- Site establishment and enabling works including:
  - Stormwater diversion.
  - Sewer diversion.
  - Lower Walker Street footpath and Hampden Street kerb and gutter modifications as required to accommodate service diversions.
  - Removal of all trees (26 trees) and existing vegetation on the site.
  - Demolition of all existing structures on the Site.
  - Disconnect and make-safe of existing services.
- Excavation and ground works including retention, bulk excavation and in ground services works.
- Building A - Construction of a 12-storey residential flat building containing affordable housing, comprised of:
  - 67 affordable housing dwellings required by the Housing SEPP.
  - 11 affordable housing dwellings required by the planning agreement that applies to the Site.
  - Ground floor indoor and outdoor communal recreation spaces
- Building B1 – Construction of a 30-storey residential flat building containing market build-to-sell dwellings, comprised of:
  - 161 market build-to-sell dwellings.
- Building B2 – Construction of a 4-storey ancillary residential building serving Building B1, containing:
  - Associated Building B1 services.
  - Indoor and outdoor communal recreation for Building B1.
- Construction of a 5-level shared basement, with primary vehicular access for residents and visitors from lower Walker Street and secondary vehicular access to the loading dock from lower Hampden Street. The basement is proposed to accommodate:
  - 259 car parking spaces for residents and 35 visitor spaces (294 total).
  - 2 loading bays.

- 30 motorbike / scooter spaces.
- 239 bicycle spaces for residents and 24 visitor spaces (263 total).
- 239 storage cages.
- Residential waste storage areas for Building A, B1 and B2.
- Associated plant, utilities, and servicing.
- Construction of a port cochere on lower Walker Street to service the Site.
- Associated landscaping across the Site and streetscape improvements within the Site.

## 2.0 Analysis of Submissions

This section analyses the submissions received by providing a breakdown of the type of submissions received and identifies the issues raised.

### 2.1 Breakdown of Submissions

In relation to the Public Exhibition of the SSDA, a total of 147 submissions were received which included submissions made by relevant government agencies/public authorities, organisations and members from the public. A breakdown of the government agencies and organisations submissions received is provided in **Table 1** below.

**Table 1** *Summary of Submissions Received from Government Agencies / Public Authorities and Organisations*

Submissions Received	Position
Government Agencies / Public Authorities	
Department of Planning, Housing and Infrastructure	Comments for consideration.
North Sydney Council	Objection.
Ausgrid	Comments for consideration.
Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, the Environment and Water (DCCEEW)	Comments for consideration.
Heritage NSW	Comments for consideration.
Transport for NSW	Comments for consideration.
Sydney Water	Comments for consideration.
Civil Aviation Safety Authority	Comments for consideration.
Organisations	
CASA	Objection.
Strata of 88 Berry Street, North Sydney	Objection.
Stanton Precinct (North Sydney Council)	Objection.
Strata Plan 93339	Objection.
SP84674 Bright & Duggan	Objection.

**Table 2** below provides a numerical breakdown of the submissions received including the number including the number of stakeholders who indicated objections, provided neutral comments or support or requested additional information and/or provided recommended conditions in relation to the Project.

**Table 2** *Submissions Received – Numerical Overview*

Submissions	Support	Oppose	Neutral Comments
Government Agencies	-	1	6
Organisations	-	5	-
DPE Key Issues Letter	-	-	1
Public Submissions	3	137	-
<b>Total:</b>	<b>3</b>	<b>143</b>	<b>7</b>

## 2.2 Categorising of Issues

A categorical summary of the issues raised in the submissions received is provided in **Table 3** below.

**Table 3** Summary of Issued Raised

Category	Issue	Stakeholder/Submitter
The Project	<b>Building Design Matters:</b>	<ul style="list-style-type: none"> <li>Public Submissions (54%)</li> <li>North Sydney Council</li> <li>Civil Aviation Safety Authority</li> <li>DPHI</li> </ul>
	<ul style="list-style-type: none"> <li>Building bulk, height and setbacks</li> <li>Inconsistent with surrounding context</li> <li>Site layout</li> <li>Comparison to previous DA</li> <li>Comparison to Planning Proposal Panel Comments</li> </ul>	
	<b>Land Use</b>	<ul style="list-style-type: none"> <li>Public Submissions (1%)</li> </ul>
	<ul style="list-style-type: none"> <li>Development should include retail/hospitality premises</li> </ul>	
	<b>Landscaping and Public Realm</b>	<ul style="list-style-type: none"> <li>Public Submissions (6%)</li> <li>North Sydney Council</li> </ul>
	<ul style="list-style-type: none"> <li>Preservation of trees</li> <li>Lack of public open space</li> <li>Site should be used solely as public open space</li> <li>Increased landscaping and planting needed for privacy and integration</li> </ul>	
	<b>Affordable Housing</b>	<ul style="list-style-type: none"> <li>Public Submissions (24%)</li> <li>North Sydney Council</li> <li>DPHI</li> </ul>
	<ul style="list-style-type: none"> <li>Pricing of affordable housing</li> <li>Affordable housing bonuses</li> <li>Affordable housing should be located elsewhere</li> <li>Understanding the need for public housing in the area</li> <li>Exploiting elements of affordable housing</li> <li>Little benefit to the local community</li> <li>Request for affordable housing within the development</li> <li>Access to open space</li> </ul>	
Procedural Matters	<b>Previous Development Application Rejected:</b>	<ul style="list-style-type: none"> <li>Public Submissions (19%)</li> </ul>
	<ul style="list-style-type: none"> <li>4 previous DAs have been rejected</li> <li>Proposal's documents and community engagement</li> <li>Compliance with the previous planning panel approval</li> <li>Prefer the previous design more</li> <li>Failure to recognise the previous PP and objections in this development and EIS</li> </ul>	
	<b>SEARs</b>	<ul style="list-style-type: none"> <li>Public Submissions (26%)</li> </ul>
	<ul style="list-style-type: none"> <li>SEARs must be upheld and properly measured.</li> <li>SEARs relating to Requirement 4 and Requirement 6</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
	<b>Community Engagement</b>	<ul style="list-style-type: none"> <li>Public Submissions (4%)</li> <li>DPHI</li> </ul>
	<ul style="list-style-type: none"> <li>Community engagement has not been fully undertaken</li> <li></li> </ul>	
	<b>Supporting Documents to the EIS:</b>	<ul style="list-style-type: none"> <li>Public Submissions (19%)</li> </ul>
	<ul style="list-style-type: none"> <li>Do not address previous submissions and objections</li> </ul>	

Category	Issue	Stakeholder/Submitter
Economic, Environmental and Social Impacts	<b>Public Interest</b> <ul style="list-style-type: none"> <li>Not in the public interest</li> <li>The development is widely opposed by the community and inconsistent with planning principles and public interest</li> <li>Cumulative impacts for the community</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (10%)</li> </ul>
	<b>Amenity to Surrounding Residents</b> <ul style="list-style-type: none"> <li>View loss: <ul style="list-style-type: none"> <li>Evidence base: 45 Maclaren Street, North Sydney and 191-195 Walker Street were not assessed. Impact associated with the implementation of the Housing SEPP bonus was not identified.</li> <li>Questioning assessment of view impact in accordance with Tenacity, including 88 Berry Street, 138 Walker Street, 150 Walker Street, and 229 Miller Street.</li> <li>The development does not satisfy Tenacity, the test of skilful design, and results in other amenity impacts and inconsistencies with the North Sydney LEP 2013 and North Sydney DCP 2013</li> </ul> </li> <li>Visual Impact: <ul style="list-style-type: none"> <li>Impact on views from Walker Street</li> <li>Integration with the townscape</li> </ul> </li> <li>Overshadowing: <ul style="list-style-type: none"> <li>Overshadowing impacts to 171 Walker Street, 138 Walker Street, and 88 Berry Street</li> </ul> </li> <li>Loss of natural ventilation</li> <li>Wind tunnels</li> <li>Loss of privacy and associated impacts</li> <li>General Amenity, including overcrowding and over development</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (43%)</li> <li>DPHI</li> </ul>
	<b>Traffic</b> <ul style="list-style-type: none"> <li>Increased traffic congestion</li> <li>Site access constraints</li> <li>Loss of on street parking</li> <li>First aid responder access</li> <li>Road safety issues</li> <li>Increased pollution</li> <li>Insufficient parking for the number of units proposed</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (80%)</li> <li>North Sydney Council</li> <li>Transport for NSW</li> <li>DPHI</li> </ul>
	<b>Biodiversity:</b> <ul style="list-style-type: none"> <li>Tree preservation and retainment</li> <li>Impacts on local wildlife</li> <li>Removal and reduction in the area's tree canopy</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (5%)</li> <li>BCS on behalf of DCCEEW</li> <li>Sydney Water</li> </ul>
	<b>Construction Impacts:</b> <ul style="list-style-type: none"> <li>Impact on parking during construction</li> <li>Dust management</li> <li>Construction Noise Management</li> <li>Construction vehicle access</li> <li>Mitigation measures of construction to protect surrounding properties</li> <li>Construction management plan is too simplistic</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (7%)</li> <li>Ausgrid</li> <li>Civil Aviation Safety Authority</li> </ul>



Category	Issue	Stakeholder/Submitter
	<b>Heritage:</b> <ul style="list-style-type: none"> <li>Impacts on the Victoria Terraces</li> <li>Heritage items including buildings to the west of the development and the heritage-protected sandstone wall</li> <li>Impact on heritage significance</li> <li>Heritage items to be reviewed</li> <li>Cultural and natural heritage</li> <li>Close proximity to heritage items</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (21%)</li> <li>Heritage NSW</li> </ul>
	<b>Social Impact:</b> <ul style="list-style-type: none"> <li>Disruption to Social cohesion in North Sydney</li> </ul>	<ul style="list-style-type: none"> <li>Public Submission (1%)</li> </ul>
	<b>Economic Impact:</b> <ul style="list-style-type: none"> <li>Loss/decrease of property value</li> <li>Impact on local businesses and their income</li> <li>Number of apartments including the provision of affordable housing will depreciate the value of properties</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (13%)</li> </ul>
	<b>Noise and Vibration</b> <ul style="list-style-type: none"> <li>Construction noise</li> <li>Cumulative construction noise</li> <li>Operational noise</li> <li>Vibration impacts during construction</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (14%)</li> </ul>
	<b>Infrastructure, Public Services and Servicing Demand</b> <ul style="list-style-type: none"> <li>Servicing existing residents and pressure on the systems</li> <li>Impact on public infrastructure, hospitals and schools</li> <li>Access to television reception</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (8%)</li> <li>Ausgrid</li> <li>BCS on behalf of DCCEEW</li> <li>Sydney Water</li> <li>Transport for NSW</li> <li>DPHI</li> </ul>
	<b>Structural/Dilapidation</b> <ul style="list-style-type: none"> <li>Dilapidation Report to be provided to adjoining residents</li> </ul>	<ul style="list-style-type: none"> <li>Public Submissions (1%)</li> <li>Transport for NSW</li> </ul>

## 3.0 Actions taken since Exhibition

This section summarises the further engagement undertaken by the Applicant, describes any refinements or amendments to the Proposal and further impact assessment undertaken.

### 3.1 Further Engagement Undertaken Post Exhibition of the EIS

Following the Public Exhibition of the SSDA, the Applicant has undertaken further engagement with the key relevant authorities, as described in **Table 4** below.

The Applicant is committed to ongoing consultation through the project lifecycle. The approach to community engagement is informed by the DPHI's *Undertaking Engagement for State Significant Projects* (2024). The project team recognises the need to genuinely consider feedback received as part of the planning and design process.

The Applicant remains committed to working closely with all stakeholders throughout the upcoming Response to Submissions public exhibition period to address any issues raised. Additionally, the Applicant will continue to consult with all relevant stakeholders through the final planning stages and during project delivery.

For further detail and assessment see the Consultation Outcomes Addendum at **Appendix S**.

**Table 4** Summary of Further Engagement Undertaken

Stakeholder	Engagement Undertaken
Department of Planning, Housing and Infrastructure	<ul style="list-style-type: none"><li>Meeting took place with DPHI on 15 August 2024, the meeting was used to discuss the items raised in the Key Issues Letter.</li><li>A further briefing was held with DPHI on October 16 to discuss proposed design amendments in response to the public submissions and DPHI Key Issues Letter.</li></ul>
North Sydney Council	<ul style="list-style-type: none"><li>Correspondence on the flood modelling led by TTW Civil. Includes confirmation from North Sydney Council that the assessment is adequate.</li><li>Correspondence on stormwater design led by Logic Projects. Included meeting with Council on 29 October 2024 during which Council provided in principle support for the revised alignment through the north-western corner of site</li><li>Correspondence on waste management led by Cbus Property.</li></ul>
Transport for NSW (TfNSW)	<ul style="list-style-type: none"><li>A variety of correspondence has been undertaken between TfNSW, Logic Projects and Ethos Urban.</li><li>Logic Projects contacted TfNSW between the 10<sup>th</sup> of September and 2<sup>nd</sup> of October regarding TfNSW temporary access to Warringah Freeway site to enable construction of the amended stormwater alignment. TfNSW requested the design for amended stormwater design and Logic provided these plans. TfNSW responded on 30<sup>th</sup> October providing in-principle support for temporary site access to the Western Harbour Tunnel site (following demobilisation of the Acciona site sheds) to allow construction of the 45 degree stormwater connection beyond the eastern site boundary.</li></ul>
Sydney Water	<ul style="list-style-type: none"><li>Correspondence on the approval process for the sewer diversion has been commenced between Sydney Water and the WSCE team.</li><li>On 30<sup>th</sup> October, Sydney Water also provided approval for the amended design of the Sydney Water Potable Water diversion.</li></ul>
Registered Aboriginal Parties (RAPs), including Metropolitan Local Aboriginal Land Council (MLALC) and Heritage NSW	<ul style="list-style-type: none"><li>Additional correspondence between RAPs was led by GML Heritage to support the further investigation of the Walker Street Rock engravings.</li><li>Consultation resulted in 5 RAPs (including the MLALC) providing a response to GML Heritage accepting GML's findings. The ACHAR Addendum Letter was provided to Heritage NSW on the 16<sup>th</sup> of October.</li></ul>
Public	<ul style="list-style-type: none"><li>Outreach for view and visual impact analysis for owner-occupants of identified neighbouring properties for addition VVIA photography and surveyor work. An additional 30 views were captured.</li><li>Initial correspondence with AURA Strata Manager and scheduling of a future project briefing to Strata Committee to create an open dialogue.</li><li>Ongoing frontline engagement 1800 phone number and project email and enquiry database for stakeholders, and monitor and respond to enquiries up until lodgement.</li></ul>

## 3.2 Refinements to the Proposed Development

Following the Public Exhibition of the proposed development, a number of design refinements and amendments have been made in response to the submissions received and further design development, as set out in **Section 4.0**.

## 3.3 Further Assessment Undertaken

In response to the submissions received as well as the design refinements made, further assessment of the impact of the proposed development has been undertaken with the following documents provided:

- Updated Project Description (**Appendix A**).
- Updated Statutory Compliance Table prepared by Ethos Urban (**Appendix B**).
- Updated Consolidated Mitigation Measures prepared by Ethos Urban (**Appendix C**).
- Submissions Register prepared by Ethos Urban (**Appendix D**).
- Updated Estimated Development Cost Report prepared by WTP (**Appendix E**).
- Amended Architectural Drawings (including Notification Plans) prepared by Rothelowman (**Appendix F**).
- RTS Design Report prepared by Rothelowman (**Appendix G**).
- Updated Design Verification Statement prepared by Rothelowman (**Appendix H**).
- Amended Landscape Plans prepared by Arcadia (**Appendix I**).
- Updated Landscape Report prepared by Arcadia (**Appendix J**).
- Updated Building Code of Australia Compliance Report prepared by Credwell (**Appendix K**).
- Updated Accessibility Report prepared by Credwell (**Appendix L**).
- Visual Impact Assessment Addendum prepared by Ethos Urban (**Appendix M**).
- Wind Statement Addendum prepared by Windtech (**Appendix N**).
- Crime Prevention through Environmental Design Addendum prepared by Ethos Urban (**Appendix O**).
- Updated Arboricultural Impact Assessment prepared by TMS (**Appendix P**).
- Updated Biodiversity Development Assessment Report Waiver prepared by SLR (**Appendix Q**).
- Aboriginal Cultural Heritage Assessment Report Addendum prepared by GML Heritage (**Appendix R**).
- Consultation Outcomes Addendum prepared by Ethos Urban (**Appendix S**).
- Social Impact Addendum prepared by Ethos Urban (**Appendix T**).
- Transport and Accessibility RTS Addendum prepared by PTC (**Appendix U**).
- Updated Transport and Accessibility Impact Assessment prepared by PTC (**Appendix V**).
- Noise and Vibration Impact Addendum prepared by Arup (**Appendix W**).
- Updated Geotechnical Assessment prepared by Douglas Partners (**Appendix X**).
- Updated Stormwater Management Plan prepared by TTW (**Appendix Y**).
- Updated Flood Impact and Risk Assessment prepared by TTW (**Appendix Z**).
- Flood Emergency Response Plan prepared by TTW (**Appendix AA**).
- Updated Operational Waste Management Plan prepared by Elephants Foot (**Appendix BB**).
- Updated Preliminary Construction and Environmental Management Plan prepared by Elephants Foot (**Appendix CC**).
- Updated Fire Engineering Statement prepared by Holmes Fire (**Appendix DD**).
- Updated Structural Statement prepared by TTW (**Appendix EE**).

4.0 Description of Project Amendments

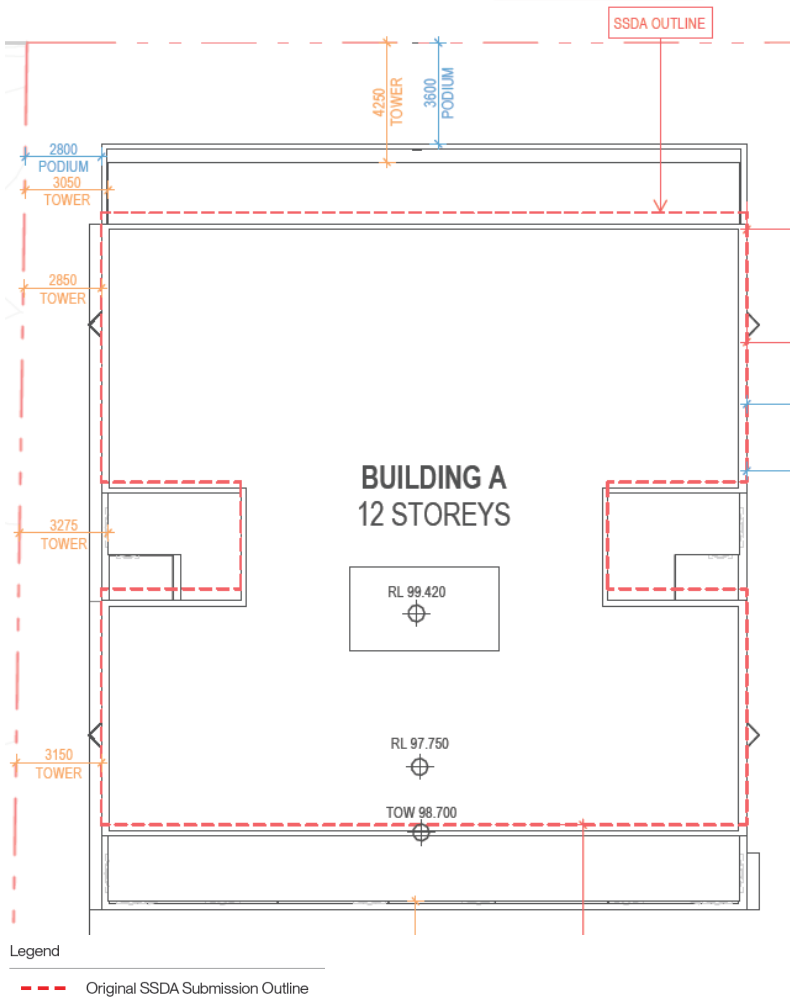
This section sets out the amendments made to the project since public exhibition of the EIS, which have been made as a result of ongoing design development and project refinement, and in response to matters raised in submissions.

4.1 Project Amendments Since Exhibition

Pursuant to section 37 of the *Environmental Planning and Assessment Regulation 2021*, an applicant may, at any time before a development application is determined, apply to the consent authority for an amendment to a development application. In order to respond to matters raised in the submissions received, as well as a result of ongoing design development, a number of amendments to the project are proposed.

The proposed amendments to the development are described below in **Table 5** and illustrated in the Architectural Plans at **Appendix F** (amendments are identified in red clouding). Where required, these amendments are explained in more detail in the Amended Architectural Design Report prepared by Rothelowman (**Appendix G**). Design changes are illustrated in the Architectural Plans at **Appendix F**.

Table 5 Summary of Design Changes

Design Change	Explanation
Building A	
Opaque Spandrel Glazing	Adopted for the eastern façade to assist with thermal comfort and to increase visual privacy to 88 Berry Street. The glazing composition will ultimately provide visual privacy, while creating ornament and detail into the building form on the interface with 88 Berry Street. This includes updated façade design.
Building A shifted 400mm	<div>Building A shifted 400mm to the east to provide a commensurate increase in the podium and tower setback to Walker Street. This is illustrated below.</div> <div></div>

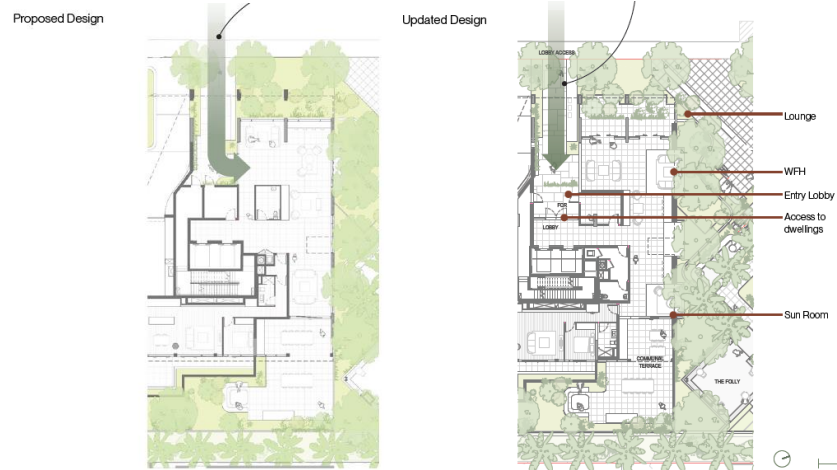
## Design Change

## Explanation

### Common Area and Lobby Layout

Changes to the design of the communal area and lobby layout on the ground floor of Building A. The lobby entrance has been repositioned to improve legibility and accessibility from the street. An outdoor terrace to Walker Street has been added to provide additional outdoor communal space. It can be accessed from the lobby via automatic sliding doors. The outdoor terrace to Walker Street will enhance street presence, passive surveillance and provide more outdoor functional space.

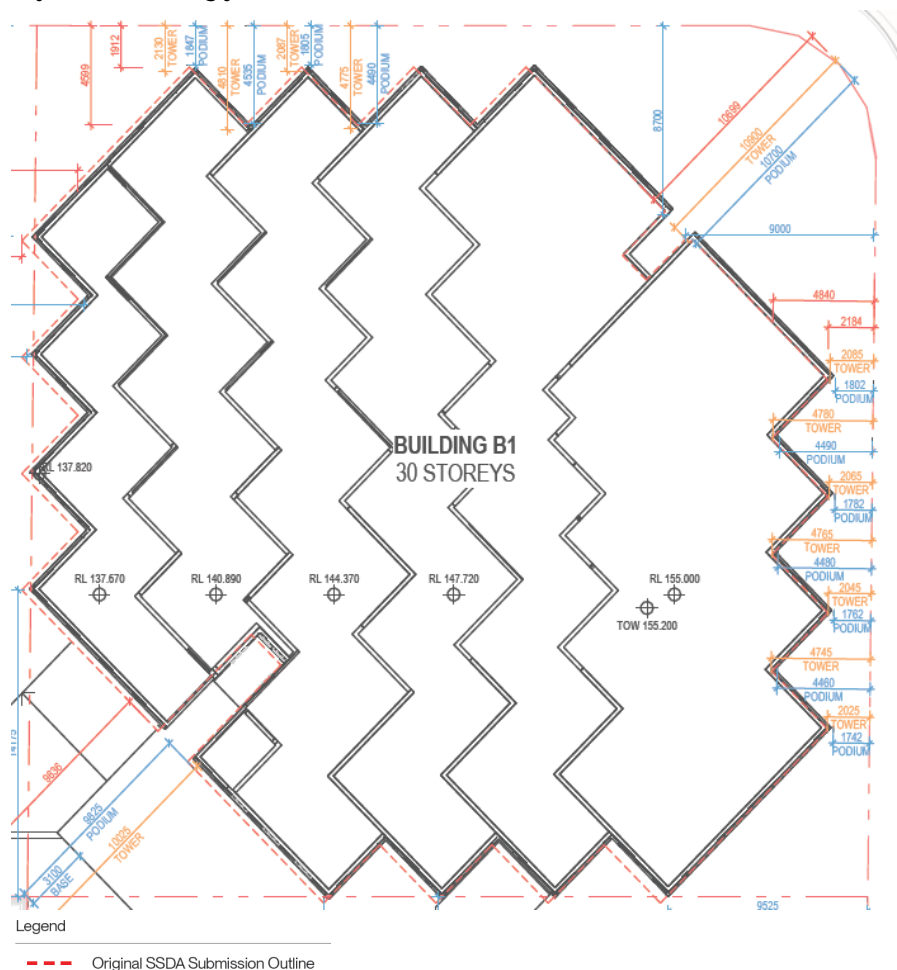
Façade protrusions on the northern side of the communal area have been introduced to increase the visual link to the outdoor landscaped spaces between Building A and B.



## Building B1

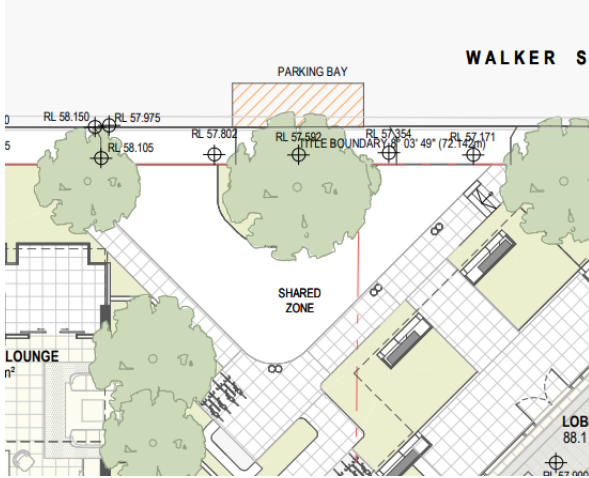
### Building B1 shifted

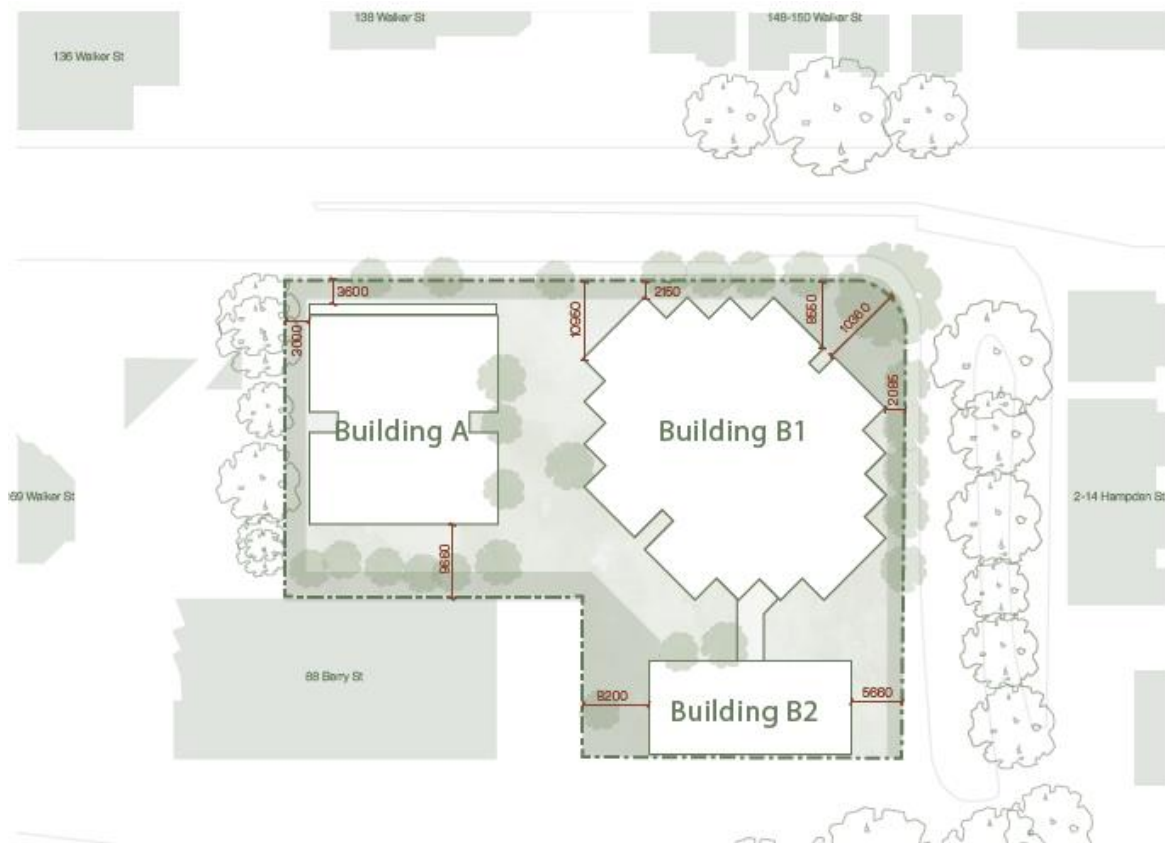
Building B1 shifted up to 442mm north and up to 107mm west to allow for setback tolerances to the southern and eastern vertical height plane, with the building footprint adjusted accordingly. This is illustrated below.





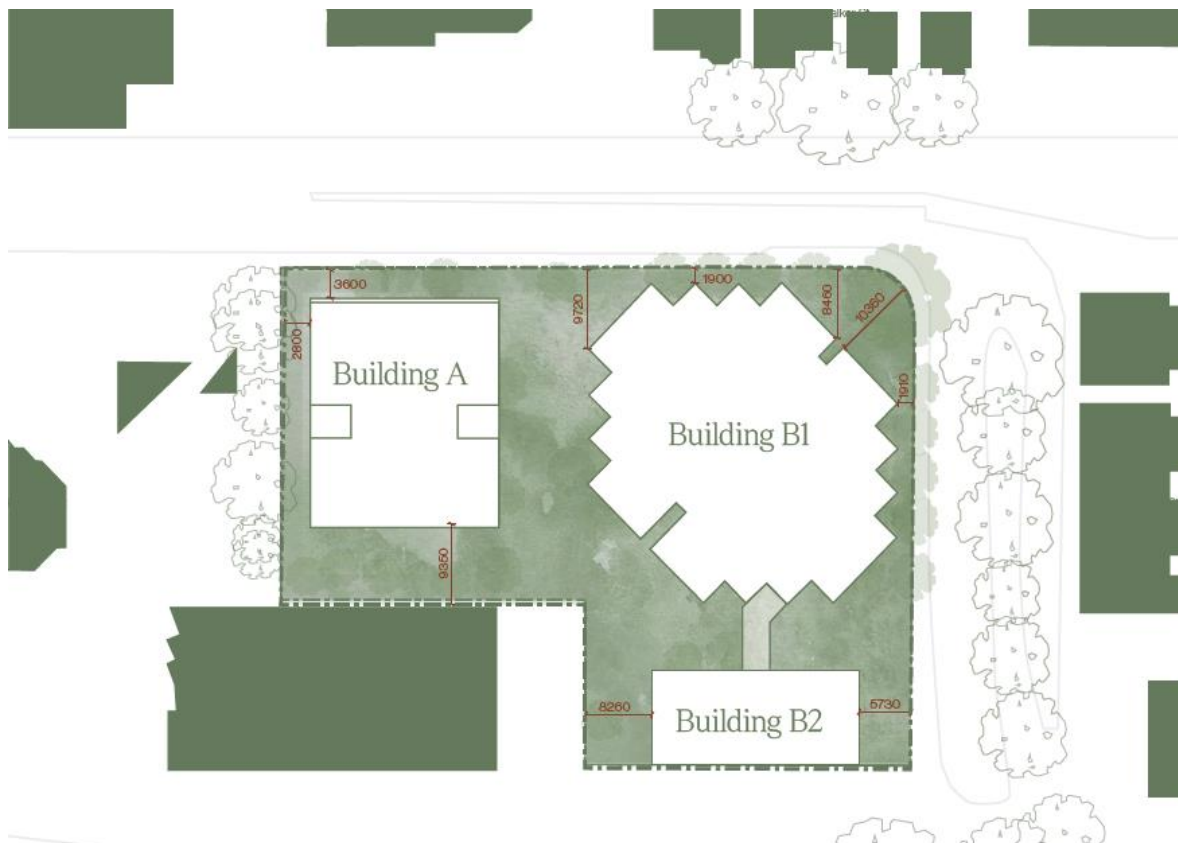
Design Change	Explanation
Wintergarden Design	Updated winter garden design and the operability of windows.
Reduced Clear Glazing	Adjustment of facade glazing in the penthouse (Levels 26-30) to assist with thermal comfort compliance.
Floor-to-floor Heights Increased for Levels 25-28	An increase in floor-to-floor heights for Levels 25-28 to 3.35m to accommodate services and structure coordination.
Ceiling Height Increased for Levels 29-30	An increase in ceiling height for Levels 29-30 to 3m and therefore, the building parapet height has been raised accordingly from RL 154.3 to RL155.2, and the overall building height has increased from RL 154.3 to RL 156.2.
Façade Glazing Line for Level 26-30	Updated façade glazing line for Levels 26-30 to fit below the Dorris Fitton Park Solar Access Plane due to the increased building heights.
Lower-level Unit Layout	A revised lower-level unit layout and an updated podium façade.
Updated Materiality	Updated materiality to spandrels to conceal the mechanical exhausts.
Lobby Floor Level Raised	The lobby finished floor level (FFL) has been raised to sit above the probable maximum flood (PMF) level. Entry stairs and ramp access have been designed to lead up from the porte-cochere to the lobby down to the apartments, lifts and fire stair door access levels.
Lobby Entry Façade	Pushed back the lobby entry facade to align with lobby FFL and PMF coordination. Lobby FFL has been raised above the PMF level. Re-grading of the external landscaping and hardscape areas to accommodate the change in levels required.
<b>Building B2</b>	
Increased Building Height and Floor-to-Floor Height	Increased building height from RL 66.25 to RL 68.2 and floor-to-floor heights for lift overrun, pool, structure, and service coordination, with an increased ceiling height for the dining level.
Plantroom	Plantroom amended to ensure passive protection to basement levels in case of a PMF event.
Access to the Plantroom is now External	Primary access and egress to the plantroom is now located externally, with a secondary egress stair provided that leads to the loading dock level on the western facade.
Basement Exhaust Duct	Accommodated basement exhaust duct running up through the studio level to the façade to coordinate with PMF levels.
<b>Basement</b>	
Basement 5 Omitted	Basement Level 5 has been omitted to reduce car parking provision on the site in accordance with the Housing SEPP non-discretionary development standards.
Carparking Reduced and No Visitor Parking	Residential carparking spaces reduced to the non-discretionary development standards car parking rates in the Housing SEPP to have a total of 218 car parking spaces. Visitor car parking has been deleted.
Updated Parking, Storage and Bicycle Provisions in Basement	Updated parking, storage, and bicycle rack provisions for all basement levels.
Façade Openings	Façade openings including louvres amended to sit above governing flood levels and ensure passive protection to all basement levels.
<b>External</b>	
Configuration of the Porte-Cochere	Updated RLs and configuration of the porte-cochere and adjacent surfaces for alignment with the B1 entry.
Pedestrian Path adjacent to Porte-Cochere	A pedestrian path has been added to the perimeter of the porte-cochere.

Design Change	Explanation
	
Landscape Design	Updated landscape design to coordinate with architectural changes and proposed Northwest stormwater easement at the ground plane.
<b>Stormwater Diversion</b>	
Alignment of Stormwater Diversion	<p>Updated alignment of the stormwater diversion to run within a proposed new easement located on the Northwest corner of the site. The alignment of the stormwater diversion is proposed to sit within the existing rock level. Landscaping above is limited to seating which can be removed by lifting hooks.</p> <p>The updated alignment also proposes a stormwater diversion that traverses the adjacent TfNSW owned land (Warringah Freeway/Western Harbour Tunnel works) site at a 45-degree angle to connect into the existing stormwater pit on the TfNSW site.</p> <p>A comparison of the originally proposed and amended stormwater diversion alignment is shown in <b>Figure 3</b> and <b>Figure 4</b>.</p>



**Figure 1** Originally proposed building footprints and setbacks

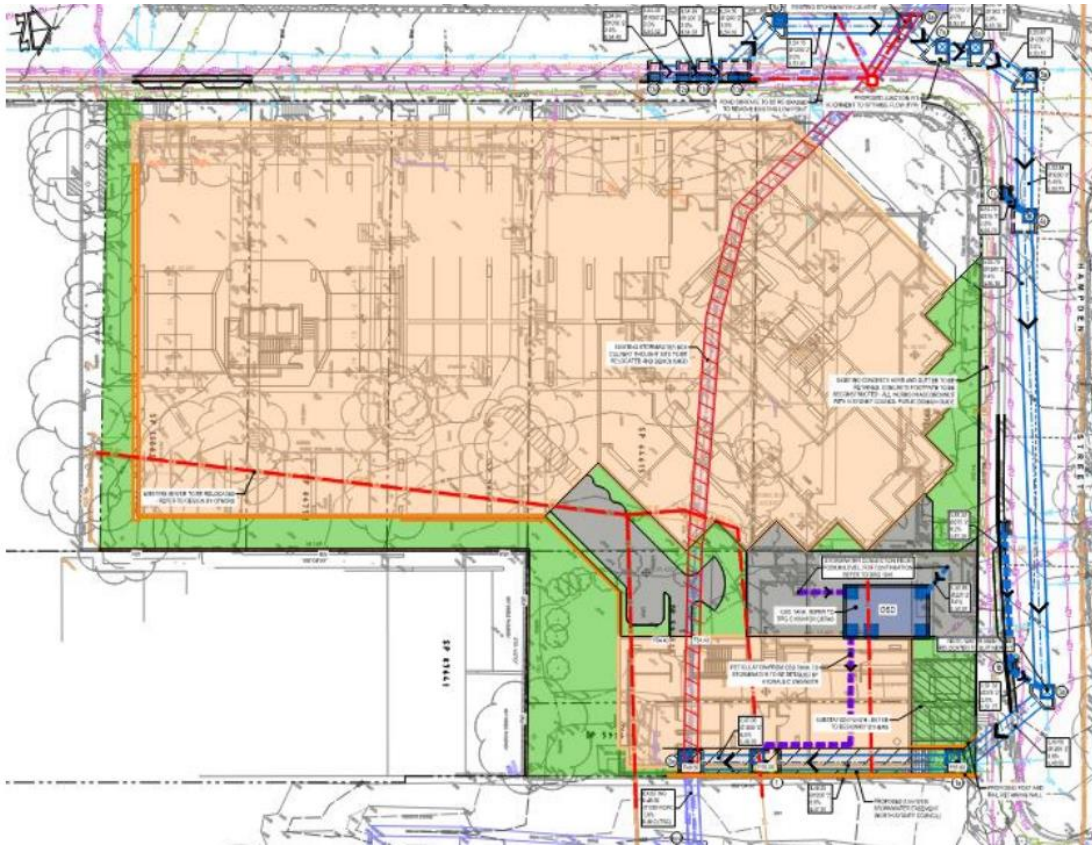
Source: Rothelowman



**Figure 2** Amended building footprints and Setbacks for the Amended Development

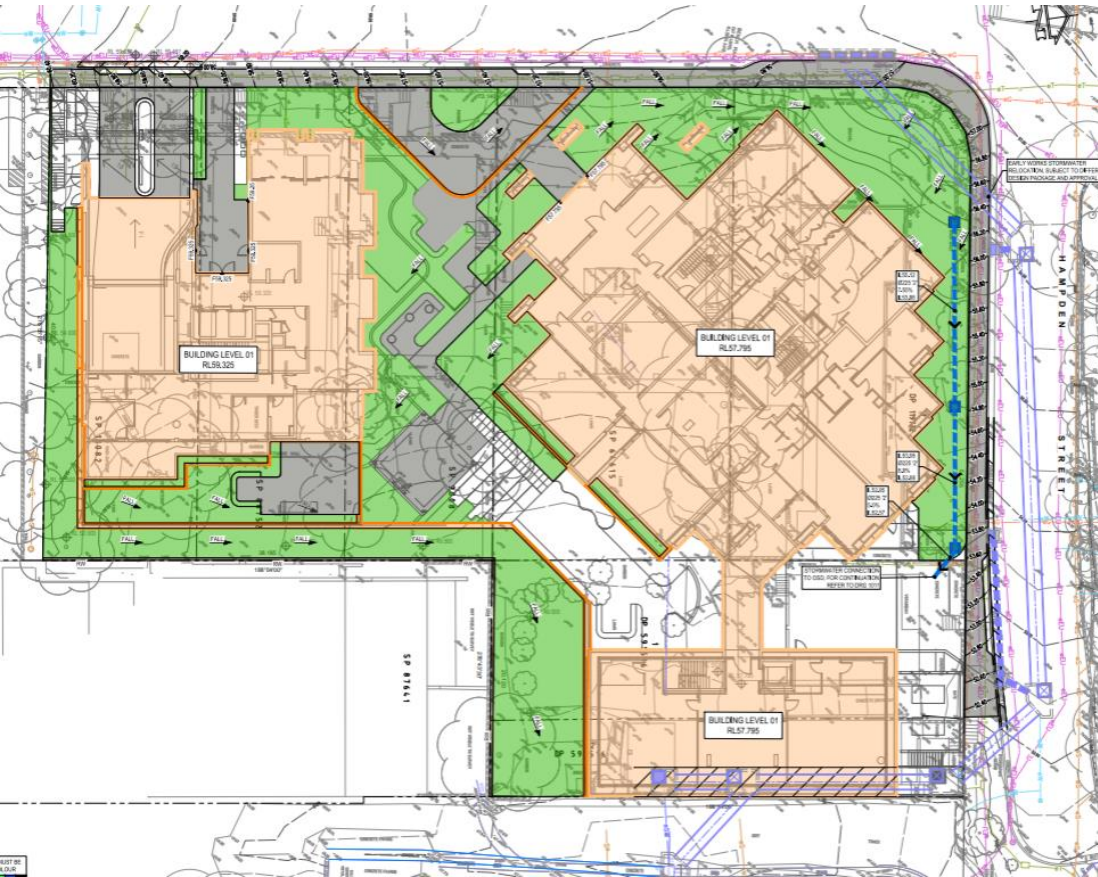
Source: Rothelowman





**Figure 3** Originally proposed stormwater diversion alignment

Source: TTW



**Figure 4** Amended stormwater diversion alignment

Source: TTW

4.2 Amended Project Overview and Project Summary Table

The proposal seeks consent under Division 4.7 of the EP&A Act for the proposed residential development at East Walker Street for demolition, early works, excavation, site remediation and construction of residential development with 239 apartments (78 affordable housing apartments).

As a consequence of the project changes outlined in **Section 4.1**, the key project information has been updated as outlined in **Table 6**.

Table 6 Key Project Information

Component	Submitted Project			Proposed Amendment		
Project Land Use	Residential flat buildings and communal creation space that is ancillary to the proposed residential flat buildings.			No change.		
Project Address	173-179 Walker Street, North Sydney and 11-17 Hampden Street, North Sydney			No change.		
Site Area	3,952.1sqm			No change.		
Site Coverage	3,065.4sqm			No change.		
Gross Floor Area (GFA)	31,340sqm			No change.		
Floor Space Ratio (FSR)	7.93:1			No change.		
Physical Layout and Design	<p>Building A – 12-storey residential flat building containing affordable housing including indoor and outdoor communal space for Building A residents.</p> <p>Building B1 – 30-storey residential flat building containing market build-to-sell dwellings.</p> <p>Building B2 – 4-storey ancillary residential building serving Building B1 containing Building B1 services, indoor and outdoor communal recreation for Building B1 residents.</p> <p>Construction of a 5-level shared basement, with primary vehicular access for residents and visitors from lower Walker Street and secondary vehicular access to the loading dock from lower Hampden Street.</p> <p>Construction of a port cochere on lower Walker Street to service the site.</p>			The basement is proposed to be changed from a 5-level basement to a 4-level basement. Building setbacks are proposed to be slightly altered as discussed below. Otherwise the overall description of the physical layout and design remains accurate.		
Maximum Height	Building	Maximum Height (RL m)	Storeys	Building	Maximum Height (RL m)	Storeys
	Building A	RL 99.42	12	Building A	RL 99.44	12
	Building B1	RL 154.3	30	Building B1	RL 155.2	30
	Building B2	RL 66.25	4	Building B2	RL 68.2	4
Setbacks	<p>Building A:</p> <ul style="list-style-type: none"><li>• Front podium setback to Walker Street: 3.2m</li><li>• Front upper level setback to Walker Street: 3.85m</li><li>• Side setback to south: 3m</li><li>• Rear setback to east: 10m</li></ul>			<p>Building A:</p> <ul style="list-style-type: none"><li>• Front podium setback to Walker Street: 3.6m</li><li>• Front upper level setback to Walker Street: 4.25m</li><li>• Side setback to south: 2.8m-3.275m</li><li>• Rear setback to east: 9.35m</li></ul>		



Component	Submitted Project	Proposed Amendment																								
	<p>Building B1:</p> <ul style="list-style-type: none"><li>• Front setbacks to Walker Street: Minimum setback of serrated form to Walker Street: 2.15m</li><li>• Maximum setback of serrated form to Walker Street: 4.85m</li><li>• Maximum setback to Walker Street: 10.95m</li><li>• Maximum setback to corner of Walker and Hampden Streets: 11.25m-14.15m</li><li>• Front setbacks to Hampden Street: Minimum setback of serrated form to Hampden Street: 2.4m</li><li>• Maximum setback of serrated form to Hampden Street: 5.1m</li><li>• Maximum setback to Hampden Street: 9.9m</li><li>• Rear setback: 11.25-14.15m</li></ul> <p>Building B2:</p> <ul style="list-style-type: none"><li>• Front setback to Hampden Street: 5.75m</li><li>• Side setback to east: 0m</li><li>• Rear setback to south: 8m</li></ul>	<p>Building B1:</p> <ul style="list-style-type: none"><li>• Front setbacks to Walker Street: Minimum setback of serrated form to Walker Street: 1.9m</li><li>• Maximum setback of serrated form to Walker Street: 4.81m</li><li>• Maximum setback to Walker Street: 9.72m</li><li>• Maximum setback to corner of Walker and Hampden Streets: 10.7-10.9m</li><li>• Front setbacks to Hampden Street: Minimum setback of serrated form to Hampden Street: 2.025m</li><li>• Maximum setback of serrated form to Hampden Street: 4.84m</li><li>• Maximum setback to Hampden Street: 9m</li><li>• Rear setback: 11.582-14.331m</li></ul> <p>Building B2:</p> <ul style="list-style-type: none"><li>• Front setback to Hampden Street: 5.68m</li><li>• Side setback to east: 0m</li><li>• Rear setback to south: 8.26m</li></ul>																								
Number of Dwellings	<table><tr><th>Dwellings</th><th>Number of Dwellings</th></tr><tr><td>Market Build-to-Sell apartments</td><td>161</td></tr><tr><td>Affordable housing apartments required by Housing SEPP</td><td>67</td></tr><tr><td>Affordable housing apartments required by VPA</td><td>11</td></tr><tr><td><b>Total</b></td><td>239</td></tr></table>	Dwellings	Number of Dwellings	Market Build-to-Sell apartments	161	Affordable housing apartments required by Housing SEPP	67	Affordable housing apartments required by VPA	11	<b>Total</b>	239	No change.														
Dwellings	Number of Dwellings																									
Market Build-to-Sell apartments	161																									
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Dwelling Mix	<table><tr><th>Dwelling Type</th><th>Quantity</th><th>Percentage</th></tr><tr><td colspan="3"><b>Building A</b></td></tr><tr><td>Studio (Housing SEPP Affordable)</td><td>29</td><td>37%</td></tr><tr><td>Studio (VPA)</td><td>4</td><td>5%</td></tr><tr><td>1 bedroom (Housing SEPP Affordable)</td><td>18</td><td>23%</td></tr><tr><td>1 bedroom (VPA)</td><td>4</td><td>5%</td></tr><tr><td>2 bedroom (Housing SEPP Affordable)</td><td>7</td><td>9%</td></tr><tr><td>2 bedroom (Housing SEPP Affordable &amp; Adaptable)</td><td>13</td><td>17%</td></tr></table>	Dwelling Type	Quantity	Percentage	<b>Building A</b>			Studio (Housing SEPP Affordable)	29	37%	Studio (VPA)	4	5%	1 bedroom (Housing SEPP Affordable)	18	23%	1 bedroom (VPA)	4	5%	2 bedroom (Housing SEPP Affordable)	7	9%	2 bedroom (Housing SEPP Affordable & Adaptable)	13	17%	No change.
Dwelling Type	Quantity	Percentage																								
<b>Building A</b>																										
Studio (Housing SEPP Affordable)	29	37%																								
Studio (VPA)	4	5%																								
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2 bedroom (Housing SEPP Affordable)	7	9%																								
2 bedroom (Housing SEPP Affordable & Adaptable)	13	17%																								

Component	Submitted Project			Proposed Amendment
	2 bedroom (VPA & Affordable)	3	4%	
	Total	78	100%	
	Building B1			
	1 bedroom	18	11%	
	2 bedroom	69	43%	
	3 bedroom	18	11%	
	3 bedroom – adaptable	32	20%	
	4 bedroom	20	12%	
	Sub-Penthouse	3	1.9%	
	Penthouse	1	0.6%	
	Total	161	100%	
Car Parking	294 – inclusive of 48 adaptable spaces, 35 visitor spaces Market: <ul style="list-style-type: none"><li>• 224</li></ul> Affordable: <ul style="list-style-type: none"><li>• 35</li></ul> VPA Affordable: <ul style="list-style-type: none"><li>• 0</li></ul> Visitor: <ul style="list-style-type: none"><li>• 35</li></ul>			218 – inclusive of 48 adaptable spaces, 35 visitor spaces Market: <ul style="list-style-type: none"><li>• 189</li></ul> Affordable: <ul style="list-style-type: none"><li>• 29</li></ul> VPA Affordable: <ul style="list-style-type: none"><li>• 0</li></ul> Visitor: <ul style="list-style-type: none"><li>• 0</li></ul>
Bicycle Spaces	263 – inclusive of 24 visitor spaces			263 – inclusive of 14 visitor spaces on Level 1
Motorbike/Scooter Parking	30			22
Tree Removal	The site contains 26 trees. All 26 trees are proposed to be removed. There are nine trees beyond the southern boundary of the site which will be retained. There are another two trees beyond the north-eastern corner of the site which will be retained. 122 new replacement trees are proposed.  In respect to the proposed tree removal, the Tree Data Schedule within the Arboricultural Impact Assessment, outlines the following: <ul style="list-style-type: none"><li>• 20 x 'low retention value' trees are to be removed.</li><li>• 4 x 'medium retention value' trees are to be removed.</li><li>• 2 x 'high retention value' trees are to be removed.</li></ul>			No change
Site Coverage <sup>1</sup>	3,065.4m <sup>2</sup>			No change.

<sup>1</sup> Site coverage defined by North Sydney DCP 2013 Section 15.5 – Incl. buildings, garages and carports, sheds, enclosed/covered decks, pergolas and the like, swimming pools, spa pools and the like, other structures including permanent BBQ structures, cabanas, external staircases, gazebos, greenhouse/glasshouse, plant rooms, rainwater tanks, ramps, garbage storage facilities. Excl. any basement, unenclosed balconies

Component	Submitted Project		Proposed Amendment	
Communal Open Space <sup>2</sup>	Building	Communal Open Space	Building	Communal Open Space
	Building A	389.2m <sup>2</sup>	Building A	409.6m <sup>2</sup>
	Building B1/B2	2,185.1m <sup>2</sup>	Building B1/B2	2,100m <sup>2</sup>
	<b>Total</b>	2,574.2m <sup>2</sup>	<b>Total</b>	2,509.6m <sup>2</sup>
Landscaped Area <sup>3</sup>	1,832.4m <sup>2</sup> (44.4%)		1,685.4m <sup>2</sup> (42.6%)	
Deep Soil Zone <sup>4</sup>	592.8m <sup>2</sup> (15%)		No change.	
Jobs	Construction – 325 full-time jobs		Construction – 315 full-time jobs	
Estimated Development Cost	\$256,142,673 (excluding GST). Refer to the Estimated Development Cost Calculation Report prepared by WTP (Appendix D to the EIS).		\$250,047,789 (excluding GST). Refer to the Updated Estimated Development Cost Calculation Report prepared by WTP ( <b>Appendix E</b> )	

### 4.3 Updated Mitigation Measures

As a consequence of the project amendments described in **Section 4.1**, the matters raised in submissions discussed at **Section 5.0**, and the further environmental assessment outlined in **Section 6.0**, the Mitigation Measures for the project have been reviewed and updated where required. The Amended Mitigation Measures are outlined in **Appendix C**.

### 4.4 Revised Project Description

The purpose of the SSDA is to redevelop the Site under the NSW Governments amended State Environmental Planning Policy (Housing) 2021 (Housing SEPP) issued on 14 December 2023 and deliver a mix of market build-to-sell and affordable housing residences. Specifically, the SSDA seeks development consent for:

- Site establishment and enabling works including:
  - Stormwater diversion
  - Sewer diversion
  - Lower Walker Street footpath and Hampden Street kerb and gutter modifications as required to accommodate service diversions.
  - Removal of all trees and existing vegetation on the Site.
  - Demolition of all existing structures on the Site.
  - Disconnect and make-safe of existing services.
- Excavation and ground works including retention, bulk excavation and in ground services works.
- Building A - Construction of a 12-storey residential flat building containing affordable housing, comprised of:
  - 67 affordable housing dwellings required by the Housing SEPP
  - 11 affordable housing dwellings required by the planning agreement that applies to the Site
  - Ground floor communal recreation
- Building B1 – Construction of a 30-storey residential flat building containing market build-to-sell dwellings, comprised of:
  - 161 market build-to-sell dwellings

(balconies which are open on more than one side and are not located under the roof line of the building or a balcony directly above), decks, pergolas and the like, paving and patios, driveways and car stand areas, water features, or anything else defined as landscape area

<sup>2</sup> Communal open space defined by Part 3D of the Apartment Design Guide – Outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions

<sup>3</sup> Landscaped area defined by Housing SEPP Sch 10 – Part of the site not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area

<sup>4</sup> Deep soil zone defined by Housing SEPP Sch 10 – a landscaped area with no buildings or structures above or below the ground.

- Building B2 – Construction of a 4-storey ancillary residential building serving Building B1, containing:
  - Associated B1 services
  - Communal recreation for B1
- Construction of a **4-level shared basement**, with primary vehicular access for residents and visitors from lower Walker Street and secondary vehicular access to the loading dock from lower Hampden Street. The basement will accommodate:
  - **218 car parking spaces for residents**
  - 2 loading bays
  - **22 motorbike / scooter spaces.**
  - 239 bicycle spaces for residents and 24 visitor spaces (263 total).
  - 239 storage cages.
  - Residential waste storage areas for Building A, B1 and B2.
  - Associated plant, utilities, and servicing.
- Construction of a port cochere on lower Walker Street to service the Site.
- Associated landscaping across the site and streetscape improvements within the Site.

## 5.0 Response to Submissions

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received. The Applicant's responses are provided in the following sections and have been structured as follows:

- Detailed response to Key Issues Letter from Department of Planning, Housing and Infrastructure (**Section 5.1**);
- Detailed response to all comments raised by North Sydney Council (**Section 5.2**);
- Detailed response to all comments raised by Government Agencies and Public Authorities (**Section 5.3**);
- Response to key issues, which provides a consolidated response to the key issues raised by the public, organisations, agencies, Council and DPHI:
  - Traffic (**Section 5.4.1**);
  - View Loss and Visual Impact (**Section 5.4.2**);
  - Overshadowing (**Section 5.4.3**);
- Response to other issues raised by the public and organisations (**Section 5.5**).



5.1 Response to Key Issues Letter issued by DPHI

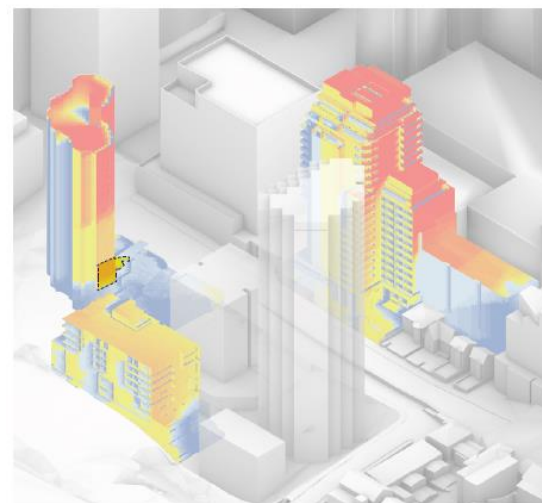
The Applicant’s response to the DPHI’s ‘Additional Matters for Response to Submissions Report’ are outlined in **Table 7** below.

Table 7 Department of Planning, Housing and Infrastructure Matters

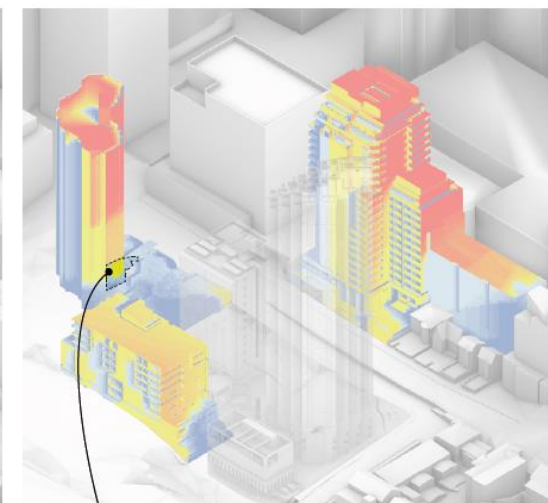
Summary of Matters Raised		Responses										
Car Parking and Bicycle Parking (Economic, Environmental and Social Impacts)												
DPHI-1	The proposal provides 294 residential car spaces including 35 visitor spaces. This is significantly greater (76 additional car spaces) than the minimum non-discretionary car parking rates in the Housing SEPP.	The amended development has reduced the total number of parking spaces by 76 spaces, from 294 spaces to 218 spaces. This has been achieved by removing a one basement level, including the removal of all visitor parking as recommended by DPHI. The amended car parking provision is broken down into 189 paces for build-to-sell apartments and 29 affordable housing parking spaces.  The amended development therefore meets the non-discretionary standards for car parking set out in Housing SEPP clause 19(2)(e)-(f).  Refer to the Transport Impact Assessment ( <b>Appendix V</b> ) for further detail.										
	Council and community have objected to the development based on excessive car parking and the resultant traffic impacts.											
	As the site is in a highly accessible area within walking distance of Victoria Cross Metro, North Sydney station and numerous high-frequency bus services, the Department recommends you: <ul style="list-style-type: none"><li>reduce the number of residential car parking spaces in line with the minimum requirements in the Housing SEPP, which would include 189 spaces for the market apartments and 29 spaces for the affordable apartments.</li></ul>											
	<ul style="list-style-type: none"><li>significantly reduce or consider not providing visitor parking</li></ul>											
Please also provide a detailed breakdown of the proposed car parking, including detailed calculations showing the distribution of car spaces among the apartments.		The amended proposal includes 218 car parking spaces. A breakdown is provided in the table.										
		<table><tr><th>Carparking Type</th><th>Number of Spaces</th></tr><tr><td>Build-To-Sell</td><td>189</td></tr><tr><td>VPA (including adaptable)</td><td>0</td></tr><tr><td>Affordable (including adaptable)</td><td>29</td></tr><tr><td>Total</td><td>218</td></tr></table>	Carparking Type	Number of Spaces	Build-To-Sell	189	VPA (including adaptable)	0	Affordable (including adaptable)	29	Total	218
Carparking Type	Number of Spaces											
Build-To-Sell	189											
VPA (including adaptable)	0											
Affordable (including adaptable)	29											
Total	218											
		Source: Rothelowman										

Summary of Matters Raised		Responses
Visual Analysis/Overshadowing (Economic, Environmental and Social Impacts)		
DPHI-2	Community submissions raised concern about the overshadowing impacts as a result of applying the 30% bonus building height above the North Sydney Local Environmental Plan 2013 (LEP) building height control applicable to the site	Noted.
	<p>In responding to these concerns, please provide:</p> <ul style="list-style-type: none"> <li>a detailed analysis of potential midwinter overshadowing impacts to neighbouring residential properties and associated private open space to the south and south-east, including elevational shadow diagrams where necessary.</li> </ul>	<p>The Architectural Plans prepared by Rothelowman (<b>Appendix F</b>) and RTS Design Report (<b>Appendix G</b>) have been updated with detailed solar studies for apartments in 138 Walker Street to the west, 171 Walker Street to the south, and 88 Berry Street to the south/east. These studies compare proposed solar impacts to the existing conditions, a DCP/LEP compliant envelope, and the proposed envelope excluding the 30% height bonus.</p> <p>In summary, the impacts are to neighbouring residences in mid-winter are:</p> <ul style="list-style-type: none"> <li>6% reduction in sunlight to one living room of 138 Walker Street for one hour</li> <li>Up to 2 hours of additional shading of bedrooms, bathrooms, and secondary balconies (accessed off bedroom) to 10 apartments in 171 Walker Street</li> <li>Reduced sunlight to one private open space to 171 Walker Street for 1 hour. This space will still achieve 2 hours of direct sunlight</li> <li>Improved solar access to 12 apartments in 88 Berry Street – additional 3 hours of sunlight due to the reduced form of Building B2 compared to the LEP permitted height.</li> </ul> <p>Refer to <b>Section 5.4.2</b> and RTS Design Report (<b>Appendix G</b>) for a detailed response.</p>
	<ul style="list-style-type: none"> <li>comparison plans and analysis which demonstrate the additional shadows on the affected properties to the south and south-east due to proposed additional building height sought under the Housing SEPP bonus provisions.</li> </ul>	<p>Comparison plans and analysis showing the additional shadows on the affected properties to the south and south-east due to proposed additional building height sought under the Housing SEPP bonus provisions are provided in the diagrams within the RTS Design Report (<b>Appendix G</b>).</p> <p>In summary, additional overshadowing generated by parts of the building that utilise the additional height provided by the Housing SEPP bonus are limited to the lower levels of 171 Walker Street which have their solar access on 21 June reduced from 4 hours to 2 hours or less, though these areas within 171 Walker Street are limited to kitchens, secondary private open space and bedrooms, which are not protected by overshadowing controls of the Apartment Design Guide.</p>

Proposed Development exc. 30% Height Bonus Difference

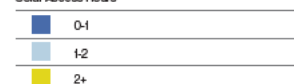


Proposed Solar Access Difference



Reduced from 4 hours  
to 2 hours or less

Solar Access Hours



Refer to **Section 5.4.2** and RTS Design Report (**Appendix G**) for a detailed response.

- an analysis of the amount of sunlight lost, and the amount retained for the existing buildings as well as potential impacts on solar access to any future redevelopment of 88 Berry Street and 171 Walker Street for high-density residential use.

Analysis has been undertaken for the potential impacts of solar access on the existing buildings at 88 Berry Street and 171 Walker Street (see **Section 5.4.2** and the RTS Design Report (**Appendix G**)). There is likely to be no future redevelopment at 88 Berry Street or 171 Walker Street for the following reasons:

- Both sites have a height limit of 12m under the North Sydney LEP. Buildings on both sites currently significantly exceed 12m. If a 30% height bonus was sought on these sites, it would result in a maximum of 5 residential levels.
- The sites therefore have no further development potential. In fact, redevelopment of the sites would result in much smaller developments.
- Both sites are strata titled, with 88 Berry having 2 separate strata, and therefore are unlikely to ever achieve the proportion of owners consent required to redevelop the site, especially as the sites have no additional development potential.

For these reasons, it is considered unnecessary to assess the potential impacts on solar access to any future redevelopment of 88 Berry Street and 171 Walker Street for high-density residential use. Refer to **Section 5.4.2** for a detailed response.

Summary of Matters Raised		Responses																		
DPHI-3	Provide additional view analysis to identify visual impacts of the development to the neighbouring property at 191-195 Walker Street, to the north of the site	Additional view analysis has been provided within Section 6 of the Design Report at <b>Appendix G</b> for visual impacts of the development on 191-195 Walker Street.																		
Affordable Housing (The Project)																				
DPHI-4	<p><i>To demonstrate compliance with the affordable housing provisions sought under the Housing SEPP and the Voluntary Planning Agreement (VPA), please provide a summary table identifying:</i></p> <ul style="list-style-type: none"><li>the affordable housing Gross Floor Area (GFA) allocated under the Housing SEPP (15% of the overall GFA).</li></ul>	<p>The detailed GFA breakdown is provided within the Design Report at <b>Appendix G</b>. The affordable housing GFA has been calculated on the following basis:</p> <table><tr><th colspan="2">Area (m<sup>2</sup>)</th></tr><tr><td>Site area</td><td>3,952.1m<sup>2</sup></td></tr><tr><td>LEP Maximum GFA (6:1 FSR)</td><td>24,108.1m<sup>2</sup></td></tr><tr><td>Maximum GFA including 30% bonus (7.93:1 FSR)</td><td>31,340.5m<sup>2</sup></td></tr><tr><td>Proposed GFA</td><td>31,340m<sup>2</sup></td></tr><tr><td>Minimum 15% affordable housing GFA</td><td>4,701.1m<sup>2</sup></td></tr><tr><td>Proposed affordable housing GFA (excl. VPA)</td><td>4,722.9m<sup>2</sup> (15.07% of total proposed GFA))</td></tr><tr><td>Proposed VPA GFA</td><td>777.4m<sup>2</sup></td></tr><tr><td>Proposed market housing GFA</td><td>25,839.7m<sup>2</sup></td></tr></table>	Area (m <sup>2</sup> )		Site area	3,952.1m <sup>2</sup>	LEP Maximum GFA (6:1 FSR)	24,108.1m <sup>2</sup>	Maximum GFA including 30% bonus (7.93:1 FSR)	31,340.5m <sup>2</sup>	Proposed GFA	31,340m <sup>2</sup>	Minimum 15% affordable housing GFA	4,701.1m <sup>2</sup>	Proposed affordable housing GFA (excl. VPA)	4,722.9m <sup>2</sup> (15.07% of total proposed GFA))	Proposed VPA GFA	777.4m <sup>2</sup>	Proposed market housing GFA	25,839.7m <sup>2</sup>
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Proposed market housing GFA	25,839.7m <sup>2</sup>																			
	<ul style="list-style-type: none"><li>the mix of units proposed for the VPA apartments only and its compliance with the mix required under the VPA</li></ul>	<p>The mix of unit breakdown for the VPA is provided within the Development Summary of Appendix G of the EIS. The VPA requires 5% of the proposed dwellings to be dedicated as affordable housing, rounded down to the nearest whole number, which equates to 11 dwellings.</p> <p>The VPA apartments are provided as follows in accordance with the Voluntary Planning Agreement (rounded down to the nearest whole number):</p> <ul style="list-style-type: none"><li>4 x Studios (A203, A204, A205, A303)</li><li>4 x 1 beds (A202, A206, A302, A306)</li><li>3 x 2 beds (A201, A207, A307)</li></ul> <table><tr><th>Unit Type</th><th>Mix Required</th><th>Quantity Required (rounded down to nearest whole number)</th><th>Quantity proposed</th><th>Compliance with VPA</th></tr><tr><td>1 Bed</td><td>40%</td><td>4</td><td>4</td><td>Yes</td></tr></table>	Unit Type	Mix Required	Quantity Required (rounded down to nearest whole number)	Quantity proposed	Compliance with VPA	1 Bed	40%	4	4	Yes								
Unit Type	Mix Required	Quantity Required (rounded down to nearest whole number)	Quantity proposed	Compliance with VPA																
1 Bed	40%	4	4	Yes																

Summary of Matters Raised		Responses				
		2 Bed	25%	3	3	Yes
		Studio	35%	4	4	Yes
		<b>Total</b>	<b>100%</b>	<b>11</b>	<b>11</b>	

Built Form and Design (The Project)

DPHI-5	Provide a response, and amended plans where necessary, addressing the following design related concerns raised by the State Design Review Panel (SDRP) at its meeting on 14 May 2024:	The Amended Design Report and Amended Architectural Plans prepared by Rothelowman and provided at <b>Appendix G</b> and <b>Appendix F</b> respectively, address the SDRP comments from the meeting on the 14 <sup>th</sup> of May.				
	<p><u>• Communal open space (COS):</u></p> <p>Consider further options to increase the amenity of the Building A COS by:</p> <ul style="list-style-type: none"> <li>- creating separation between the entry lobby and the internal COS of Building A.</li> </ul>	<p>The communal open space of Building A has been amended to allow for a separation of space between the entry lobby and the internal COS. This has been achieved by relocating the Building A entrance to provide direct access to the internal lobby, and creating a corridor to the internal communal open space by relocating the Fire Control Room. This is shown in the Amended Architectural Plans provided at <b>Appendix F</b>.</p>				
	<ul style="list-style-type: none"> <li>- installing ceiling-height openings to create an 'open style' COS internally</li> </ul>	<p>The design of the COS of Building A has been developed to create a more open style space that connects the internal space to the external space. The amended design includes a new outdoor terrace addressing Walker Street with ceiling height automatic door openings. These allow the internal communal open space to flow seamlessly into outdoor communal open space Two additional “bay windows” are proposed. While they are fixed and enclosed, their clear glazing maximises solar access and visually expands the internal communal space to make it more open. It is considered more appropriate to have fixed glazing rather than openable Juliet-style folding windows which reduce the usable space within the bay window areas. Fixed glazing in the communal open space also minimises security risks, as they would not be required to be manually shut by building management.</p> <p>The doors that open out onto the terrace will have automated sliders which can be programmed to self-lock after hours like the main lobby entry door arrangement.</p>				
	<ul style="list-style-type: none"> <li>- improving the transition between Building A and the adjoining landscaped area.</li> </ul>	<p>Rothelowman have investigated multiple design options to improve the transition between Building A and the adjoining landscaped area. However, due to the approximate 1.8m level change between the finished floor level of the Building A ground level and the levels of the landscaping adjacent to the Port Cochere and narrow existing landscaping between Building A and the Port Cochere, physical terraced design options were not feasible and would not be a desirable visual outcome. Notwithstanding, the amended design does improve the transition between Building A and the adjoining landscape area by:</p> <ul style="list-style-type: none"> <li>• Introducing three bay windows that protrude from the Building A façade. These have generous glazing to improve the visual connection along the entire Building A northern façade to the adjacent landscaping. They also create the effect of seating in an external landscaped area while still within an internal space. expanding the internal space into external landscaping.</li> </ul>				

Summary of Matters Raised	Responses
	<ul style="list-style-type: none"> <li>Introducing a new outdoor terrace addressing Walker Street which mediates between the inaccessible soft landscape planting along Walker Street and internal communal open space. It provides useable landscaped area that is external.</li> </ul> <p>Additional renders have been provided at <b>Appendix G</b> to show the connection of Building A to the open spaces.</p>
<p>Additionally, please include the following in the amended plans:</p> <ul style="list-style-type: none"> <li>clearly delineate the internal lobby and communal areas in Building A according to their intended use.</li> </ul>	This has been provided at DA06.16 in the Amended Architectural Plans at <b>Appendix F</b> .
<ul style="list-style-type: none"> <li>identify the principal COS for the exclusive use of Building A.</li> </ul>	This has been provided at DA01.08 of the Amended Architectural Plans at <b>Appendix F</b> .
<p><u>• Porte Cochere and shared open spaces:</u></p> <ul style="list-style-type: none"> <li>Confirm that the porte cochere would be shared between the market and the affordable dwellings (Building A and B1).</li> </ul>	<p>Yes, the porte-cochere will be a shared space that is equally accessible and usable for members of the public, and residents of both the market and affordable dwellings.</p> <p>A pathway has been added to the perimeter to provide access to both building lobbies, and visitor bicycle parking has been introduced in the area to serve both buildings.</p>
<ul style="list-style-type: none"> <li>Outline any management measures for the shared use of the porte cochere and any other open spaces shared between affordable and market building residents, where feasible.</li> </ul>	Limited management measures are required as the port cochere will be accessible to all. Signage will be erected indicating the short-stay time limit that cars may remain in the port cochere.
<ul style="list-style-type: none"> <li><u>• Landscaping:</u></li> <li>Explore opportunities to increase deep soil, which may be achieved if car spaces are reduced to comply with the Housing SEPP standards</li> </ul>	<p>Noted. The Applicant team has already maximised the provision of deep soil. While car parking spaces have been reduced to meet with Housing SEPP non-discretionary standards, this has been achieved by reducing one level of the basement rather than reducing the horizontal extent of the basement. This was necessary to retain the basement circulation, efficiency of basement layout and to retain the most efficient structural solution. Deep soil has been maintained at 15%.</p> <p>It is reiterated that the proposed deep soil percentage meets the objectives, design criteria and design guidance of the ADG.</p>
<ul style="list-style-type: none"> <li>Soft landscaping opportunities outside the basement footprint should also be explored and achieved where feasible.</li> </ul>	Noted. Arcadia and the design team have reviewed options to increase soft landscaping outside the basement footprint, however, it was determined that soft landscaping has been maximised. As above, it was not appropriate to reduce the basement footprint.
<ul style="list-style-type: none"> <li><u>• Privacy:</u></li> <li>Provide additional privacy screening, such as landscaping or other screening treatments between Building A and the adjoining building at 88 Berry Street to the east.</li> </ul>	<p>Noted.</p> <p>Privacy between Building A and 88 Berry Street is managed through several measures in the façade design. The serrated form of the lower levels of the building creates lateral views towards the north, while the east facing facades offer natural light and screened views.</p> <p>Fluted glazing with a backpan has been introduced and the extent of obscure glass has been increased to improve visual privacy. At the lower levels, the solid panels extend to 2100mm height to prevent overlooking to the immediate neighbours. The upper levels have solid panels up to 1000mm sill height to maximise privacy to and from lower levels.</p>



Summary of Matters Raised		Responses
		<p>The ground floor apartment has a courtyard wall that provides privacy between neighbouring residents. The communal open space is separated by apartments in both Building A and 88 Berry Street by a landscaped buffer zone, which holds planting at various scales to maximise privacy.</p> <p>Refer to Section 5 of the Updated Architectural Design Report for further diagrams relating to privacy screening treatments originally proposed in the SSDA.</p>
	<ul style="list-style-type: none"> <li>• Materials and Finishes/Ongoing Maintenance of External Building Fabric:</li> <li>Please clarify whether the finish on the masonry and structural elements of both buildings are integral to the coating or if additional painting is required.</li> </ul>	<p>An updated Materials and Finishes Plan is provided at Section 8 of the Design Report provided by Rothelowman at <b>Appendix G</b>.</p> <p>Prefinished materials have been adopted as much as practical to minimise long term maintenance and wear. The finish to the patterned panels to the podium will be integral to the coating. Masonry blade walls to Building A and B1 will have an applied finish. No additional painting will be required, however, coatings such as anti-graffiti or impregnating sealers may be applied on the façade.</p>
Apartment Design Guide (Procedural Matters)		
DPHI-6	<p>Please amend the submitted drawing DA06.02 to include additional measurements/labelling and demonstrate how the individual apartments achieve compliance with the following ADG criteria:</p> <ul style="list-style-type: none"> <li>- window area being a minimum of 10% of the habitable rooms (Section 4D-1).</li> <li>- a minimum bedroom size of 9m2 - 10m2 with a minimum width of 3m (Section 4D-3).</li> <li>- appropriately sized internal storage areas (in addition to kitchen and bedroom storage).</li> </ul>	<p>Noted. The Amended Architectural Plans prepared by Rothelowman are provided at DA06.02 – DA06.09 of <b>Appendix G</b>.</p> <p>All apartments achieve compliance with ADG criteria for room sizes and storage.</p> <p>Individual unit plans for all types have been provided with the requested information.</p>
DPHI-7	<p>Provide justification to support the provision of balconies as an alternative to the private open space (POS) required at the podium level under Section 4E-1 (15m2, with a minimum depth of 3m).</p>	<p>Private open space has been provided to the Ground Floor apartment in Building A in accordance with Section E-1 of the ADG. The terrace for this apartment is located above the basement, where a podium is created at Ground Floor due to the fall of the land, creating a generous outdoor space for this apartment and for communal use.</p> <p>The podium to Walker Street extends to Level 4 and fronts studio and 1 bedroom units. As the primary solar gain for these dwellings is from the north and north-west along Walker Street, the depth of the balconies has been set to a maximum while still achieving solar access to the living rooms. 3m deep balconies have been provide to Level 2 and 3 apartments, where the living room glazing is stepped to allow solar access to be maintained.</p> <p>Care has been taken to conceal the basement along the street frontages, allowing the tower to come to ground and maximising landscaping and visual appeal. The design strategy for the tower prioritises landscaping and space for large tree planting, therefore the private open spaces of each of the lower level dwellings is contained within the form of the architectural podium language. These apartments are elevated above the street by 600 – 3800mm, and are treated with the same façade language as the levels</p>

Summary of Matters Raised		Responses
		above. As there is no podium and the apartments are located above natural ground, priority was given to maximising landscape and a sense of openness in the streetscape, rather than privatising the setback zone with additional bulk and fencing along the street.
DPHI-8	Provide additional evidence (such as additional sections showing the flow of wind through the apartments) to demonstrate how the skylights for the rooftop apartments A1203, A1204 and A1205 of Building A would assist with cross ventilation.	Apartments A1203, A1204 and A1205 are provided with an operable skylight to the living rooms to assist with cross ventilation. These are designed take advantage of the stack affect, whereby hot air rises and escapes through the skylight, and the pressure change draws in fresh air through the balcony windows. See Section 7 of the Architectural Design Report ( <b>Appendix G</b> ).
DPHI-9	Address how the internal corridors in Building B are proposed to be ventilated.	The corridors of Building B1 are to be mechanically ventilated, the window provides natural light and outlook.
DPHI-10	Provide a summary of storage areas for the individual apartments including a break-up of internal storage (within apartments) and external storage within basement.	Individual unit plans for all types have been provided with the requested information. Basement storage plans and schedules are also provided. Please see DA06.02 – DA06.09 and DA06.30 – DA06.31 of the Updated Architectural Plans at <b>Appendix F</b> .
<b>Waste Management (Economic, Environmental and Social Impacts)</b>		
DPHI-11	<p>Council has raised concerns regarding the proposed use of the loading bay in Hampden Street for Council's waste collection.</p> <p>- Please engage with Council to ensure that the bin collection methods align with local provisions. Options such as establishing a Right of Way or easement for waste collection trucks to enter the site should be considered and discussed with Council to enable waste collection on site.</p>	<p>Further consultation has been undertaken with Council in regards to waste management collection. It has been clarified with Council that the only time Council's waste vehicles/staff were proposed to enter the site is when they perform the three point turn at the end of Hampden St using the loading dock driveway.</p> <p>The Applicant is willing to accept a condition of consent requiring the establishment of an easement to allow Council's waste vehicles and staff to enter the site, for the purposes of undertaking a three-point turn.</p> <p>We understand Council's current waste contract until 2029 does not provide for Council's waste vehicles to enter private property, but we also understand Council are looking to amend their waste contract to allow for waste vehicles and collection workers to enter private sites. If this occurs, once the easement is in place, Council's waste vehicles to lawfully enter the site.</p> <p>If Council's waste contact does not change to allow their waste vehicles and staff to enter the site, the current waste collection arrangement observed being that Council's waste collection vehicles reverse down Walker and Hampden Street will not change. These current waste collection arrangements have been observed by the Applicant and surrounding residents.</p>
<b>Existing Development Consent (Procedural Matters)</b>		
DPHI-12	The Department notes that the proposed site establishment and enabling works relate to the deferred commencement consent	Noted.

Summary of Matters Raised		Responses
	<p>granted by North Sydney Council (Council) on 3 April 2024 (Council's DA reference number: DA367/22). These works have also been included in the current SSD application.</p> <hr/> <p>To avoid risks associated with multiple development consents for the site, the Department recommends:</p> <ul style="list-style-type: none"> <li>- removing the site establishment and enabling works from this SSD application and amending the scope of this proposal, or</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- surrendering the existing consent issued by North Sydney Council, in accordance with Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979 (Act).</li> </ul>	<p>It is necessary to include the site establishment and enabling works approved in deferred commencement consent DA367/22 within this SSDA because DA367/22 is not yet activated. Currently, Cbus has until 3 April 2025 to satisfy all deferred commencement conditions. It is noted that Modification Application to DA367/22 is currently lodged to extend the deferred commencement period by an additional 12 months.</p> <p>In the event that DA367/22 is not commenced prior to determination of this SSDA, the Applicant is willing to accept a condition requiring the surrender of DA367/22 upon approval of the SSDA. However, if DA367/22 is commenced prior to determination of this SSDA and works have been commenced, then it is likely that the Applicant would amend this SSDA to remove all site preparation and early works scope that is already approved and commenced under DA367/22.</p>
Enabling works/engagement outcomes – (The Project)		
DPHI-13	<p>Appendix V Consultation Outcomes report references an ongoing discussion with Sydney Water. In this regard, please provide:</p> <ul style="list-style-type: none"> <li>- evidence of consultation with Sydney Water and with Council (stormwater diversion and extinguishing easement).</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- conclusive details of this consultation.</li> </ul>	<p>Ongoing discussion has been occurring with Sydney Water and Council in relation to the sewer diversion. Evidence of consultation with Sydney Water, including commencement of the s73 approval process, has been provided in the Consultation Outcomes Addendum (<b>Appendix S</b>).</p> <p>It is noted that the existing stormwater alignment throughout the site does not have an associated easement. This is confirmed in the survey plans. Therefore, there is no extinguishment of easement required.</p> <hr/> <p>Evidence of consultation with North Sydney Council and Transport for NSW on the amended stormwater diversion is provided in the Consultation Outcomes Addendum (<b>Appendix S</b>).</p> <p>A meeting was held with Council staff on 29 October 2024 during which Council provided in principle support for the revised alignment through the North West corner of site.</p> <p>On 30 October 2024, TfNSW provided in-principle support for temporary site access to the Western Harbour Tunnel site (following demobilisation of the Acciona site sheds) to allow construction of the 45 degree stormwater connection beyond the eastern site boundary, as shown in the amended stormwater diversion alignment.</p> <p>Notwithstanding, the renotification and re-referral process following this RTS is the appropriate forum for North Sydney Council and TfNSW to comment on the proposed amended stormwater diversion.</p>
DPHI-14	<p>Please submit information to confirm:</p> <ul style="list-style-type: none"> <li>• the existing drainage easement within the site would be extinguished prior to the determination of the SSD application, or alternatively</li> </ul>	<p>The survey plans confirm that there is no existing stormwater drainage easement on the site.</p>

Summary of Matters Raised	Responses
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- confirm the timing of extinguishing the easement.

Other Matters		
DPHI-15	Identify the location of bicycle parking for residents and visitors that are accessible directly from the ground level entry.	Bicycle parking is predominantly located in storage rooms in Basement Level 1. This is accessible via the service area on Hampden Street or the building lifts. Some resident bicycle parking is located within private storage cages throughout the basement. Visitor bicycle racks are also provided alongside the porte cochere on Walker Street.
DPHI-16	The Department requires you to address the concerns and comments from all agencies, in particular:	Noted. An Amended Flood Impact and Risk Assessment (FIRA) has been prepared by TTW and is provided at <b>Appendix Z</b> . Section 6.2 of the FIRA addresses the flood risks including climate change.
	• amending the Flood Assessment Report to address the flood risks including climate change.	
	• demonstrating how risk to life or property will be managed for building residents or visitors.	Noted. The Amended FIRA provided at <b>Appendix Z</b> demonstrates the risk to life and property management plans.
	• amending the Aboriginal Cultural Heritage Assessment Report (ACHAR) to include additional analysis of engravings found on the site.	Noted. The Addendum ACHAR prepared by GML is provided at <b>Appendix R</b> and addresses the analysis of engravings found on the site.
DPHI-17	Clarify the intended use of the unmarked room next to the fire stairs at the southern end of the internal corridor on level 2 of Building B and ensure that all internal rooms are properly labelled on the plans.	This room has been removed to increase the extent of double height space over the Ground Floor lobby.

## 5.2 Response to Issues Raised by North Sydney Council

The Applicant's response to North Sydney Council's submission are outlined in **Table 8** below.

**Table 8** North Sydney Council Submission

Summary of Matters Raised		Responses
Summary Grounds for Objection		
NSC-A	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'	<p>The 30% height and FSR bonus is provided by the Housing SEPP social and affordable housing reforms introduced in late 2023. The NSSW Government has stated that these reforms will help "tackle the housing crisis by facilitating the increased supply of social and affordable housing for low-income households and essential workers"</p> <p>The NSW Government has also stated that these reforms "have been introduced after extensive consultation with councils, industry, government agencies and community housing providers."</p> <p>The application of the height and FSR bonuses on this site have been the subject of careful planning and consultation, including two sessions with the State Design Review Panel (SDRP) and with the DPHI. The additional height is limited to Building A, and a small extent on Building B1 due to the existing sun access plane to Doris Fitton Park. This RTS demonstrates that the environmental impacts associated with the 30% additional height and FSR (predominantly limited to view loss impact), is outweighed by the proposal's contribution to the NSW Government's objective of increasing affordable housing supply through a feasible development.</p> <p>Refer to responses NSC-2-6 below for further detail.</p>
NSC-B	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 minimum requirement that the 15% of affordable housing provided on the site be retained as affordable housing for a minimum of 15 years is a policy position set by the NSW Government. The proposal complies with this minimum requirement.
NSC-C	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 proposed development has been amended to remove 76 car parking spaces as recommended by DPHI. A total of 218 car parking spaces are provided (189 spaces for build-to-sell apartments and 29 spaces for affordable housing dwellings) in order to meet the non-discretionary standards for car parking set out in Housing SEPP clause 19(2)(e)-(f).
NSC-D	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.	The calculation of trips is based on the number of dwellings and surveys (undertaken for TfNSW) of largescale high density residential buildings, rather than number of car parking spaces provided on the site. Further data collected by PTC confirms that peak hour trip

Summary of Matters Raised		Responses
		<p>generation of buildings in North Sydney is very low and not connected to the number of parking spaces or car ownership</p> <p>Refer to Addendum Traffic Impact RTS Statement (<b>Appendix U</b>) for further detail.</p>
NSC-E	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.	Refer to responses NSC-8-13 below.
NSC-F	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 81, in terms of finish, materials and potentially environmental performance should be improved.	Refer to response NSC-14 below.
NSC-G	Potential access difficulties for service (garbage collection) and emergency service vehicles.	Refer to responses NSC-41, 48-49 below.
NSC-H	Reduction of on-street parking and potential traffic flow inefficiencies.	<p>The provision of the relocated driveway and the porte cochere address concerns with the previous DA scheme (now withdrawn) in relation to vehicles travelling the entire length of Walker Street (lower) and Hampden Street.</p> <p>The new driveways will result in a reduction in on-street parking spaces; however this is offset by the proposed parking provision.</p> <p>The former dwellings were provided with a low parking provision, so that residents without a parking space were required to parking on-street. This demand has been removed and observations of the two streets indicate parking availability for residents. The demand for resident parking will not be reintroduced by the development as all resident parking will be provided within the car park. Refer to Addendum Traffic Impact RTS Statement (<b>Appendix U</b>) for further detail.</p>
NSC-I	The green travel plan submitted is inadequate and does not take full account of all public transport facilities and the evolving active transport network.	Refer to responses 39 and 46 below. The GTP provided within the Updated GTP identifies the operation of the newly opened Metro. A GTP will be prepared prior to issue of an Occupation Certificate, and will accurately reflect the available public transport and active transport networks at that time.
NSC-J	Waste management arrangements do not comply with council DCP requirements.	Refer to responses 48-49 below. Refer to Addendum Traffic Impact RTS Statement ( <b>Appendix U</b> ) for further detail.
NSC-K	The loss of 33 mature trees cannot be supported.	The proposed development proposes the removal of 26 trees, as opposed to 33. This is supported by an Arboricultural Impact Assessment which concludes that the propose tree removal is acceptable, particularly within the context that the number of compensatory



Summary of Matters Raised		Responses
		tree planting has increased from 122 new trees to 201 new trees, which will more than compensate for the proposed tree loss.
NSC-L	The submitted arboriculture report failing to address the impacts of the loss of existing trees, tree canopy pruning and impacts thereof.	The impacts of the proposed development to existing trees are addressed in Chapter 5 of the Arboricultural Impact Assessment. The Arboricultural Impact Assessment ultimately concludes that the planting of 201 new trees (increased from 122 new trees as originally proposed) will adequately compensate for the impacts of the proposed tree loss.
NSC-M	No apparent assessment of the impact of the proposal on existing wildlife.	A BDAR Waiver has been submitted with the EIS and reviewed by the Biodiversity, Conservation and Science Group Division of the NSW Department of Climate Change, Energy, the Environment and Water which concluded that the proposed development is not likely to have any significant impact on the biodiversity values of the site (which would include wildlife) and surroundings, and there granted a BDAR Waiver.
NSC-N	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.	<p>It is understood that properties on the eastern side of Miller Street between Berry and McLaren Streets were included in the notification area. For example, submissions were received from residents of 229 Miller Street. Moreover, it is understood that DPHI requested the notification area from Council.</p> <p>It is also understood that DPHI will place this SSDA on public re-exhibition. This provides an opportunity for Council to confirm the appropriate notification area to DPHI ahead of public re-exhibition.</p>
Preliminary Notes (Procedural Matters)		
NSC-1	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.	Noted. It is reiterated that development control plans are not a matter for consideration in the assessment of SSDAs by virtue of Clause 2.10 of Planning Systems SEPP, which states that 'Development Control Plans... do not apply to... State Significant Development'. Therefore, while the North Sydney DCP may be used as a guide, it is not a document against which DPHI can consider or evaluate the SSDA against.
Strategic Planning (The Project)		
NSC-2	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.	Noted. The outcome of previous Development Applications are not relevant considerations for this SSDA.

Summary of Matters Raised		Responses
NSC-3	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.	<p>The SSDA does not seek to exploit any planning controls that have not been the subject of extensive consultation by the NSW Government.</p> <p>The 30% height and FSR bonus is provided by the Housing SEPP social and affordable housing reforms introduced in late 2023. The NSW Government has stated that these reforms will help “tackle the housing crisis by facilitating the increased supply of social and affordable housing for low-income households and essential workers”</p> <p>The NSW Government has also stated that these reforms “have been introduced after extensive consultation with councils, industry, government agencies and community housing providers.”</p> <p>The application of the height and FSR bonuses on this site have been the subject of careful planning and consultation, including two sessions with the State Design Review Panel (SDRP) and with the DPHI. The additional height is limited to Building A, and a small extent on Building B1 due to the existing sun access plane to Doris Fitton Park. This RTS demonstrates that the environmental impacts associated with the 30% additional height and FSR (predominantly limited to view loss impact), is outweighed by the proposal's contribution to the NSW Government's objective of increasing affordable housing supply through a feasible development.</p>
NSC-4	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 maximum development outcome for the site is established by the Housing SEPP, which takes primacy over the North Sydney LEP. This RTS response demonstrates that the proposed development remains consistent with the height and FSR objectives of the North Sydney LEP, and does not result in any unacceptable overshadowing impacts beyond that contemplated in the planning proposal, and does not result in unacceptable visual or view loss impacts within the context of the proposal's benefits, including provision of Affordable Housing to address NSW's Housing Crisis. The proposed development is also consistent with the North Sydney DCP Objectives for the Hamden Neighbourhood.
NSC-5	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.	
NSC-6	Exploiting bonuses as proposed erodes community trust and understanding of the planning process and counters transparent community participation principles.	It is reiterated that the planning envelope is not an exploitation of a bonus, but an appropriate application of bonuses provided for under the Housing SEPP which were subject to “extensive consultation with councils, industry, government agencies and community housing providers.”
<b>Urban Planning and Design (The Project)</b>		
NSC-7	Council's urban designers have reviewed the project having focussed on proposed built form and its consistency with DCP guidelines:	<p>Noted. It is reiterated that development control plans are not a matter for consideration in the assessment of SSDAs by virtue of Clause 2.10 of Planning Systems SEPP, which states that ‘Development Control Plans... do not apply to... State Significant Development’.</p> <p>Notwithstanding, the proposal seeks to be guided by the DCP where appropriate, within the constraints of the site and project objectives,</p>

Summary of Matters Raised		Responses
<b>Podium (The Project)</b>		
NSC-8	<p>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.</p> <p>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.</p>	Noted.
<b>Above Podium Setback (The Project)</b>		
NSC-9	<p>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.</p> <p>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.</p> <p>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 facade of Building A along Walker Street is recommended to enhance the human scale and quality of the streetscape.</p>	<p>The Building A upper level podium setback is constrained due to minimum apartment dimensions required to maximise affordable housing provision. Notwithstanding, the entire Building A envelope is proposed to be shifted east by 400mm, resulting in a commensurate increase in the podium setback to Walker Street from 3.2m to 3.6m, and Upper level setback to Walker Street from 3.85m to 4.25m. This will reduce the perceived bulk and mass from the street. It is noted that developments along Walker Street do not present a consistent upper level setback. By virtue of providing an upper level setback, the development is consistent with the existing and desired street character. It is also noted that the podium setback is greater than the minimum 2m, while the setback of the upper levels is 750mm less than the 5m stipulated by the DCP. The expanded podium setback at street level is the relationship with the street that most affects perceived bulk and mass by pedestrians and the presentation of the streetscape at ground level, including maximisation of landscaping. As such, the revised design of Building A enhances the human scale and quality of the streetscape.</p> <p>The lower side of Walker Street is narrow and provides a footpath along the eastern side, where there is limited visibility of the above podium setback. While the higher side of Walker Street has a footpath along the western side, where the separation distance of 20m and change in elevation of 1.3m minimises perceived bulk and scale of the proposed development.</p>
<b>Building Separation (The Project)</b>		
NSC-10	<p>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.</p>	<p>Separation distances between Building A and B1 have increased slightly by adjusting the modulated façade of Building B1. While the minimum setbacks are less than ADG requirements for Levels 5 – 12, this is limited to the outer points of the stepped form of Building B, while typically the separation distance is up to 14m and the average setback is</p>

Summary of Matters Raised		Responses
	<p>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.</p> <p>Compliance with ADG requirements is recommended</p>	<p>12m. The space created between the contrasting geometries of the two buildings provides greater outlook, privacy and visual interest than two buildings directly facing each other at the minimum separation.</p> <p>The proposal meets the building separation objectives of the ADG as adequate screening measures, predominantly blank wall treatments, and/or orientation of internal spaces away from neighbouring buildings are proposed to mitigate visual privacy impacts. This accords with the intent of the design criteria. Moreover, strict compliance with building separation requirements to the south are not required due to the blank wall treatment, but also because 171 Walker Street is unlikely to be redeveloped, given it is a strata scheme and has a maximum height limit of 12m. Likewise, it is unnecessary to achieve strict building separation compliance to 88 Berry Street above 25m (9+ storeys), noting that 9m compliant separation is achieved up to 25m, because 88 Berry Street has a maximum height limit of 12m, and therefore is highly unlikely to be redeveloped with a height above its current height.</p>
Main Entrances into Buildings (The Project)		
NSC-11	<p>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.</p>	<p>The Building A entry has been amended to face Walker Street and provide direct access to the lift lobby. The Building B entrance directly addresses the Port Cochere which is the natural point where the site interfaces most clearly with the existing public domain. A fence line is proposed between Buildings A and B1 which will clearly delineate the public and private domain.</p> <p>Like Building A, the Building B1 lobby is designed to incorporate the external landscaping in the arrival sequence. The lobby addresses the porte cochere, with building signage visible from Walker Street. The hard and soft landscape design will ensure the entry is legible and access is clearly defined. Moreover, appropriate signage will be provided to ensure legibility of both entry lobbies.</p> <p>Refer to the Updated Architectural Design Report (<b>Appendix G</b>) for further clarity of the public and private domain.</p>
Vehicular Entry (The Project)		
NSC-12	<p>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.</p> <p>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.</p>	<p>The Porte Cochere is critical to improving the flow of traffic along Walker Street and Hampden Street. The provision of a porte cochere has been included in the design as a response to public feedback relating to the traffic activity on Hampden Street. The porte cochere will limit the number of vehicles associated with the development travelling to Hampden Street where they would need to turn around using the area prior to the divided section of Hampden Street, which is restricted by on-street car and motorbike parking. A kerb side drop-off would also result in the loss of normal on-street parking spaces.</p> <p>The Port Cochere adds to the civic quality of the public domain by welcoming pedestrians into the site and providing an opportunity for a tree to be planted at the centre of the Port Cochere.</p>

Summary of Matters Raised		Responses
		<p>Moreover, the port cochere has been redesigned to provide a separate pedestrian path around its internal perimeter, reducing potential for pedestrian/vehicle conflict.</p> <p>Generous landscaping and seating are provided around the Port Cochere which can be used for waiting and informal gatherings.</p>
Affordable Housing Access to Landscaped Open Spaces (The Project)		
NSC-13	<p>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.</p> <p>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.</p>	<p>The communal open space for Building A has been amended to include an additional outdoor terrace to the Walker Street frontage. The connection to the surrounding landscaping is improved with two additional bay window-like interventions on the northern façade of Building A, allowing Building A residents to feel immersed in the surrounding landscaping. A range of internal and external spaces are provided which can accommodate a range of uses for Building A residents, including indoor and outdoor dining areas, BBQ facilities, communal lounge facilities suitable for groups. There are landscaped spaces adjacent to the Port Cochere which are accessible for Building A residents. Moreover, perimeter landscaping and landscaped screening is provided around the western Building A external terrace area.</p>
Further Comment on Urban Design (The Project)		
NSC-14	<p>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.</p> <p>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 colourant 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 facade 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.</p>	<p>Noted. It is understood that Council is supportive of the resolved design which developed from earlier iterations. While it is appropriate for Buildings A and B to continue to be distinct in form and podium design, given their respective contexts to Walker Street and Hampden Street, the cohesion and consistency between Buildings A and B has been improved through the introduction of a new consistent spandrel design to for both Buildings A and B.</p> <p>It is reiterated that the proposed balcony design meets the solar access requirements of the ADG.</p>

Summary of Matters Raised		Responses
<b>Overshadowing of Dorris Fitton Park (Economic, Environmental and Social Impacts)</b>		
NSC-15	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 2.00pm 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.	Noted. The amended proposal does not overshadow Dorris Fitton park during the critical times between 12.00 pm and 2.00pm from the March equinox to the September equinox and thus continues to comply with clause 6.3.2 of NSLEP 2013.
<b>Urban Design Recommendations (The Project)</b>		
NSC-16	increase to 3 metres the above podium setback provided to Building A's western facade.	Refer to response to NSC-9 above.
NSC-17	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.	Refer to response to NSC-11 above.
NSC-18	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.	Refer to response to NSC-12 above.
NSC-19	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.	Refer to response to NSC-13 above.
NSC-20	increasing building separation distances to comply with the Apartment Design Guide	Refer to response to NSC-10 above. Where alternative solutions are proposed, they meet the objectives of the ADG, and therefore do not require strict consistency with the design criteria.
<b>Heritage (Economic, Environmental and Social Impacts)</b>		
NSC-21	With reference to 5.10 of the NSLEP 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 744, 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, L2 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.	Council's support of the heritage outcomes of the proposal in relation to clause 5.10 of the North Sydney LEP is noted.



Summary of Matters Raised		Responses
	<p>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.</p> <p>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.</p>	
NSC-22	<p>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.</p> <p>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.</p> <p>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.</p>	<p>The two substation kiosks, stormwater pit and driveway are surrounded by soft landscaping already. It is noted that additional landscaping is restricted by civil and electrical servicing requirements. The heritage significance of the Hampden Terraces is perceived when looking towards the terraces to the north of Hampden Street. It's surrounding heritage setting is heavily influenced by the dense landscaping at the centre of Hampden Street, which would screen the two substation kiosks, stormwater pit and driveway from view. Moreover, these elements are set at levels generally lower than street level and much lower than the levels of the Hampden Terraces, further reinforcing that these elements do not substantially contribute to the heritage setting of the Hampden Terraces. It is also noted that the use of sympathetic materiality and landscaping surrounding these elements are an improvement on the current condition. Additional imagery is provided within the Updated Architectural Design Report. Therefore, it is considered that these new works will not detrimentally impact the heritage significance of the heritage item and its setting.</p> <p>The graphic materials schedules have been added to the elevation drawings within the architectural drawing set at DA02.01-DA02.05 at <b>Appendix F</b>.</p>
NSC-23	<p>P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.</p> <p>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.</p>	<p>Land to the east of Building B2 is not sensitive to visual impact as it will not be publicly accessible nor be seen from the Western Harbour Tunnel entry due a noise barrier which will be installed by TfNSW. Therefore, an eastern setback to Building B2 is not considered to be required. Additionally, North Sydney DCP does not require a setback to the eastern boundary adjacent to Building B2.</p>
NSC-24	<p>P2 Maintain significant public domain views to and from the heritage item.</p> <p>Compliant.</p>	<p>Compliance is noted.</p>
NSC-25	<p>P3 Ensure compatibility with the orientation and alignment of the heritage item.</p> <p>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</p>	<p>Council's support is noted.</p>

Summary of Matters Raised		Responses
	splayed design will remove the perceived bulk from the corner of Walker and Hampden Streets.	
NSC-26	P4 Provide an adequate area around the heritage item to allow for its interpretation. Compliant.	Compliance is noted.
NSC-27	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.	Council's support is noted.
NSC-28	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.	Noted.
<b>Heritage Recommendations (Economic, Environmental and Social Impacts)</b>		
NSC-29	Increase the side setback on the eastern boundary of Building B2 to allow for a landscape buffer	Refer to response to NSC-23 above.
NSC-30	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.	Refer to NSC-22 above. A landscaped buffer is already provided. Additional landscaping is restricted by civil and electrical servicing requirements, and is not considered to be necessary as it will not be readily seen from the Hampden Terraces to the north.
NSC-31	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.	The graphic materials schedules have been added to the elevation drawings within the architectural drawing set at DA02.01 – DA02.05 at <b>Appendix F</b> .
<b>Social Impact and Affordable Housing (The Project)</b>		
NSC-32	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, 4x1- bedroom and 3 x 2-bedroom apartments. These apartments are in Building A with the 67 affordable rental units proposed, which fully exploit the Housing SEPP's floor space ratio bonus.	Noted. The affordable housing units do not exploit any illegitimate bonuses, rather all requirements to satisfy the FSR and Height bonuses under the Housing SEPP are met. It is noted that a large portion of the proposed affordable housing is provided within the base building height set by the LEP. Refer to Section 5.5.1 of the EIS for further assessment and justification.
NSC-33	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	Council's support is noted.

Summary of Matters Raised		Responses								
	without children and lone person households, compared to the Greater Sydney region.									
NSC-34	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.	Council's support is noted.								
NSC-35	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.',	Council's support is noted.								
NSC-36	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.	The minimum requirement that the 15% of affordable housing provided on the site be retained as affordable housing for a minimum of 15 years is a policy position set by the NSW Government. The proposal complies with this minimum requirement. The proposal does not preclude the ability for the affordable housing units to remain as affordable housing after the 15-year period.								
Social Impact and Affordable Housing Recommendations (The Project)										
NSC-37	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 7992 and Disability (Access to Premises - Buildings) Standards 2010.  (Reason: To comply with anti-discrimination laws and maximise inclusion for people with disabilities)	Noted. The Applicant is willing to accept a condition of consent to this effect.								
NSC-37.5	That the applicant provide for community housing in perpetuity, the following apartment types and numbers: <table><tr><td>Apartment Type</td><td>Number</td></tr><tr><td>Studio</td><td>4</td></tr><tr><td>1 Bedroom</td><td>4</td></tr><tr><td>2 Bedroom</td><td>3</td></tr></table>	Apartment Type	Number	Studio	4	1 Bedroom	4	2 Bedroom	3	Noted. This is proposed.
Apartment Type	Number									
Studio	4									
1 Bedroom	4									
2 Bedroom	3									
NSC-38	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)	The Applicant has already engaged with a number of Tier 1 CHPs through a small tender process.								

Summary of Matters Raised		Responses
NSC-39	Summary of the Council's senior transport engineer advises as follows: Parking is compliant with Transport for NSW Guidelines.	Council's support is noted.
	Adequate accessible car and motorcycle parking and bicycle storage is proposed.	Council's support is noted.
	Waste collection arrangements are unacceptable and should allow for entering and leaving the site in a forward direction.	Council's comment in NSC-48 states that Council's current contractual arrangements for garbage collection do not allow council staff and vehicles to enter private property to collect waste materials. Therefore, this comment is irrelevant as Council's waste collection vehicles cannot enter the site.  From observations at the site, Council waste collection vehicles currently reverse down Walker Street to service properties on Hampden Street. Until Council's waste contract is amended, there is no change proposed to the current state. From further consultation, Council is intending to update its Waste Management Contract in 2029, which will generally coincide with the completion of the development. If and when Council's waste management contract is updated to allow waste collection vehicles to enter private land, the driveway to the loading bay will enable waste collection vehicles to perform a three point turn to ensure they enter and leave Hampden Street 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.	The Applicant has attempted to consult with Fire and Rescue NSW, which advised that feedback would be provided as part of the FEBQ process which is separate to the SSDA process.
	Road safety measures are acceptable, except as discussed below.	Noted.
	The Green Travel Plan submitted with the application lacks detailed initiatives, stakeholder engagement provision and does not allow for user-feedback, for continuous improvement.	A final GTP will be prepared prior to issue of an Occupation Certificate. That is the appropriate point in time to incorporate detailed initiatives. The GTP includes an annual monitoring and evaluation process (see Section 7.12 of Updated Transport Impact Assessment ( <b>Appendix V</b> ), which includes the an initial survey to be conducted to identify the travel behaviour of residents and visitors within six months from the occupation of the development to enable data collection, review of the existing situation and updating of the GTP. .
Number of Car Parking Spaces (Economic, Environmental and Social Impacts)		
NSC-40	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	As the proposed development is providing in-fill affordable housing in accordance with Chapter 2 of the Housing SEPP, the non-discretionary development standards under Housing SEPP subsection 19(2)(e)-(f) apply to the development. Compliance with these non-discretionary development standards prevents the consent authority from requiring more onerous standard for car parking. The Housing SEPP also takes precedence over the North Sydney DCP. Moreover, as the proposed development is seeking approval under the SSDA pathway, the North Sydney DCP does not apply to the development.

Summary of Matters Raised		Responses
	development in 'highly accessible areas', being locations within walking distance of heavy rail and Metro train stations.	Notwithstanding, it is acknowledged that the site is located within close proximity to the new Victoria Cross Metro Station. The proposed development has been amended to remove 76 car parking spaces as recommended by DPHI. A total of 218 car parking spaces are now proposed (189 spaces for build-to-sell apartments and 29 spaces for affordable housing dwellings) in order to meet the non-discretionary standards for car parking set out in Housing SEPP clause 19(2)(e)-(f).
<b>Emergency Services Access (Economic, Environmental and Social Impacts)</b>		
NSC-41	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.	Noted.
<b>Vehicle Access (Economic, Environmental and Social Impacts)</b>		
NSC-42	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.	Refer to NSC-12.
NSC-43	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.	<p>The loading dock is set a level lower than the street and in a corner of the site that is screened from all properties on Hampden Street by existing landscaping at the centre of Hampden Street.</p> <p>Garbage collection was already proposed, with a waste collection vehicle parking beside the site on Hampden Street. The internal bin holding room is located in the basement which has direct access to Hampden Street via the loading dock driveway. The Updated Operational Waste Management Plan (<b>Appendix BB</b>) clarifies that the building manager / caretaker will wheel all the bins out onto the Hampden Street nature strip, no more than 2m from the kerb, as required by the DCP.</p>
NSC-44	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.	<p>It is acknowledged that there will be some loss of on-street parking. The provision of a car park access driveway on Walker Street is proposed in response to community feedback to limit the traffic activity on Hampden Street.</p> <p>Refer to Addendum Traffic Impact RTS Statement (<b>Appendix U</b>) for further detail.</p>

Summary of Matters Raised		Responses
<b>Traffic and Transport Recommendations (Economic, Environmental and Social Impacts)</b>		
NSC-45	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'	<p>Refer to response to NSC-40 above. The new driveway for the carpark entry and port cohere has resulted in a reduction in on-street parking spaces along Walker St (lower); however, this is offset by the proposed on-site parking provisions for residents of the proposed development.</p> <p>The former dwellings were provided with low parking provisions and most residents were required to park on-street. The demand for on-street resident parking will not be reintroduced by the proposed development, as all resident parking will be provided within the on-site car park. It is noted that there is no direct correlation between amount of parking provision and traffic.</p>
NSC-46	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.	Noted. The Applicant is willing to accept a condition of consent to this effect to be satisfied prior to issue an on occupation certificate.
NSC-47	Vehicle access arrangements are unacceptable as discussed above and should be improved before consent is granted.	Refer to NSC-12 above.
<b>Waste Management (Economic, Environmental and Social Impacts)</b>		
NSC-48	<p>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.</p> <p>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.</p>	<p>The Applicant has undertaken further consultation with Council to determine an acceptable waste collection procedure.</p> <p>Firstly, the Updated Operational Waste Management Plan (<b>Appendix BB</b>) clarifies that the building manager / caretaker will wheel all the bins out onto the Hampden Street nature strip, no more than 2m from the kerb, as required by the DCP. From this point, Council waste collection staff will unload the bins and then return them to the nature strip. The building manager / caretaker will then wheel all the bins back into the bin holding room. Therefore, at no point is a Council waste collection staff member required to access the internal areas of the site.</p>
NSC-49	Objection is 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.	<p>In relation to the proposal for a Council waste vehicle to perform a three-point turn using the loading dock driveway, and following further consultation with Council, we understand the following:</p> <ul style="list-style-type: none"> <li>• The SSDA already proposed on-street waste collection.</li> <li>• The only time Council's waste vehicles/staff were proposed to enter the site is when they perform the three point turn at the end of Hampden St using the loading dock driveway.</li> </ul> <p>The Applicant is willing to accept a condition of consent requiring the establishment of an easement to allow Council's waste vehicles and staff to enter the site, for the purposes of undertaking a three-point turn.</p>

Summary of Matters Raised	Responses
	<p>We understand Council's current waste contract until 2029 does not provide for Council's waste vehicles to enter private property, but we also understand Council are looking to amend their waste contract to allow for waste vehicles and collection workers to enter private sites. If this occurs, once the easement is in place, Council's waste vehicles to lawfully enter the site.</p> <p>If Council's waste contact does not change to allow their waste vehicles and staff to enter the site, the current waste collection arrangement observed being that Council's waste collection vehicles reverse down Walker and Hampden Street will not change. These current waste collection arrangements have been observed by the Applicant and surrounding residents.</p>



### 5.3 Response to Issues Raised by Government Agencies / Public Authorities

The Applicant's response to the received government agency submissions are outlined in **Table 9** below.

**Table 9** Government Agency Submissions

Summary of Matters Raised		Responses
<b>Ausgrid (Economic, Environmental and Social Impacts)</b>		
AG-1	<p><b>Ausgrid Overhead Powerlines are in the vicinity of the development.</b></p> <p>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p>	Noted. The proposed building structure will achieve the required minimum 3m clearance from Ausgrid overhead conductors. Scaffolding will achieve the required minimum 4m clearance from overhead conductors. Minimum 6m vertical clearance will be achieved from overhead cables at all types of vehicles that are expected be entering & leaving the sites.
AG-2	Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.	Noted. This will be considered.
AG-3	The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a> .	Noted. These “as-constructed” minimum clearances have been incorporated into the design.
AG-4	It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.	Noted. These standard conditions are accepted.
AG-5	<p><b>Ausgrid Underground Cables are in the vicinity of the development.</b></p> <p>Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).</p>	<p>Noted. These standard conditions are accepted.</p> <p>Undergrounding of overhead cable design will occur under Ausgrid project number AN-26395. Cover on these conduits &amp; cable comply with Ausgrid requirements</p>
AG-6	In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation	Noted. These standard conditions are accepted.

Summary of Matters Raised		Responses
	Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.	
AG-7	The following points should also be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.	Noted. These standard conditions are accepted.
AG-8	The following points should also be taken into consideration. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.	Noted. These standard conditions are accepted.
AG-9	<b>New Driveways</b> Proximity to Existing Poles Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.	Noted. These standard conditions are accepted.
AG-10	<b>New or modified connection</b> To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <a href="https://www.ausgrid.com.au/Connections/Get-connected">https://www.ausgrid.com.au/Connections/Get-connected</a>	Noted. These standard conditions are accepted.
AG-11	<b>Easements</b> Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24- hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.	Noted. These standard conditions are accepted.
<b>BCS on behalf of DCCEEW (Economic, Environmental and Social Impacts)</b>		
BCS-1	<b>Offsite Impact</b> The FIRA has noted that 150mm increase in flood level occurs in the road reserve because of the development. Impacts outside the site boundary in excess of 10mm are considered significant and further work is required to ensure that offsite impacts are reduced to this level.	Noted. The Updated FIRA is provided at <b>Appendix Z</b> .  Further analysis and modifications to the site grading and stormwater network have removed this afflux on Hampden Street. There is a net positive improvement across the very minor localised afflux of approximately 20mm at the trapped low point on Walker

Summary of Matters Raised	Responses
<p>Recommended action:</p> <ul style="list-style-type: none"> <li>• Mitigation of off-site impacts to 10mm.</li> </ul>	<p>Street, however this is very localised and does not increase the flood risk to any other property, has no impact on flood hazard and keeps the overland flow within the designated major system (road reserve) and avoids the overland flow through a private residential property.</p> <p>Within the roads to the north and west of the site there are very minor localised impacts in the 1% AEP ranging between +30mm and -100mm. This increase is not considered significant as it does not affect adjacent properties and does not affect flood hazard in this area. Furthermore, the road is designated as a major system for conveyance of overland flow in accordance with the floodplain manual.</p> <p>Refer to Section 7 of the Updated FIRA (<b>Appendix Z</b>) for further detail.</p>
<p>BCS-2      <b>Adequacy of the FIRA</b></p> <p>The FIRA has provided flood impact assessment for the 1% AEP event and only provides mapping for the 1% and PMF. Assessment of the full range of flood events is required.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> <li>• A FIRA prepared by a suitably qualified consultant in accordance with flood risk management guideline LU01 Flood Impact and Risk Assessment is required.</li> <li>• The full range of events must be considered, including the 20%, 5%, 1%, 0.2%, 0.5% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events for the vicinity of the site and its surroundings.</li> <li>• Climate change must be considered, and the 0.2% and 0.5% events may be used as proxies for the 1% AEP event with climate change.</li> </ul>	<p>Noted. The FIRA (<b>Appendix Z</b>) has been updated to provide clarification on these items.</p> <p>The FIRA has been prepared TTW Civil who are a suitably qualified consultant in accordance with flood risk management guideline LU01 Flood Impact and Risk Assessment. The qualifications are provided within the document control table at the start of Updated FIRA along with authorised signatures at the end of the Updated FIRA</p> <p>The Updated FIRA has been updated to consider the full range of events of the AEP and the PMF events for the site and its surroundings, being the 20%, 5%, 2% and 1% AEP. Refer to Sections 5 and 6 of the Updated FIRA (<b>Appendix Z</b>) for further detail.</p> <p>TTW's modelling is limited to the flood events completed as part of the original flood study as the base hydrology models were not provided as part of the data handover. The 0.2% and 0.5% hydrology models are not provided with the Council model, and these events have consequently not been assessed.</p> <p>However, climate change sensitivity has been tested with increases in rainfall of 10%, 20% and 30%. Increases in sea level have not been tested as the site is significantly above sea level (RL 35m+).</p> <p>Both 1% and climate change (increased rainfall) have been modelled. TTW note that the previous comment does not state that the freeboard is considered as a means for providing resilience to climate change, rather that the freeboard for flood planning purposes is applied to the 1% AEP flood level only (without climate change). TTW note that the actual freeboard to be adopted is 300mm above the 1% AEP flood level, in accordance with Council DCP.</p>
<p>BCS-3      <b>Flood Risk has not been addressed</b></p> <p>The FIRA shows that the site is impacted in the 1% AEP and fully inundated in the PMF. Flood mapping is provided for two events only, is of poor quality and shows the immediate surrounds of the buildings only, not the access routes or evacuation routes. No consideration of flood emergency management has been provided.</p> <p>Recommended action:</p>	<p>The Updated FIRA is provided at <b>Appendix Z</b>. Additional flood modelling and mapping has been completed as part of this report that addresses flood risk. The site is only slightly impacted in the 1% AEP event south of Building B2 and west of B1, while the entries to the site itself are unaffected. With more notable flood affectation in the PMF event, floor levels have been raised above the PMF level to ensure that the site and basement is fully protected during the PMF event.</p> <p>A separate Flood Emergency Management Plan has also been prepared to address the flood risk, hazard and emergency response in the larger flood events.</p>

Summary of Matters Raised	Responses
<ul style="list-style-type: none"> <li>• A revised FIRA must be prepared to address flood risk and not just impact. This includes an assessment of site compatibility with the proposed use. Consideration should also be given to flood hazard e.g. structural damage.</li> </ul>	<p>Refer to Section 5 of this report and separate Flood Emergency Response Plan (<b>Appendix AA</b>)</p>
<p>BCS-4      <b>Site and access are impacted in 1% flood and flooding is very hazardous in PMF event</b></p> <p>The site is impacted by flash flooding and overland flow flood events with no available warning time nor flood warnings. Hazardous flood conditions exist on roadways around the site and adjacent to the main residential buildings. The North Sydney LGA-wide Floodplain Risk Management Study and Plan shows flooding as frequently as the 20% AEP event. Evacuation and support by emergency services for a significant increase in population during a flood emergency should not be relied upon to support the proposal.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> <li>• The FIRA must be expanded to include detailed consideration of emergency management per flood risk management guideline EM01 Support for Emergency Management Planning.</li> <li>• Include detail on rate of rise of flooding, level of service of roadways in evacuation routes, time of isolation and how the secondary risks resulting from isolation would be addressed is required.</li> <li>• The revised FIRA is referred to NSW SES for comment.</li> </ul>	<p>The Updated FIRA (<b>Appendix Z</b>) has been updated to include an emergency management plan for flood risk management.</p> <p>A Separate Flood Emergency Response Plan (<b>Appendix AA</b>) has been included with this submission response that addresses the items above. Floor levels of the development are such that the ground floor level is located above the PMF and there is sufficient space and resource within the building to provide a shelter in place strategy for severe flood events, that does not rely on support or evacuation by emergency services. The FEMP has been submitted to NSW SES for consultation.</p> <p>Noted. The FIRA has been updated and DPHI will refer to the SES as part of the Government referrals process.</p>
<p>BCS-5      <b>Basements have not been adequately protected from overland flow</b></p> <p>Only 300mm freeboard from the 1% AEP flood level is proposed for basement entry crests. This does not provide adequate protection for basements located in areas affected by overland flows and risks significant entry of water into basements where essential plant and equipment are located and people may become trapped and be exposed to significant risk to life.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> <li>• The design is revised to provide basements with passive protection to both the 1% AEP flood level plus freeboard and the PMF level.</li> </ul>	<p>Designs have been revised to provide basements with passive protection to both the 1% AEP flood level plus freeboard, and the PMF level.</p> <p>The North Sydney DCP does not stipulate a freeboard requirement in this situation. However, the architectural plans have now been amended to provide ground floor and basement access above the PMF (and also above the 1% AEP +300mm level). Passive protection to the basement includes all points of water ingress such as service ducts and ventilation having been modified to sit above the governing flood levels. Basement protection under Building B2 has been provided behind the mechanical plant zone. Dedicated access and egress paths have been provided to the plant room to allow the basement beyond to be flood protected.</p> <p>Refer to the Updated FIRA (<b>Appendix Z</b>) for further detail.</p>
<p>BCS-6      <b>Diversion of piped and overland flow path is not satisfactory</b></p> <p>The site contains a piped stormwater easement owned by other parties. The proposal includes diversion of this pipework outside of the basement footprint and diversion of overland flows.</p>	<p>The diversion of the stormwater pipe and overland flow path is subject to a separate approval process with the asset owner (North Sydney Council).</p> <p>North Sydney Council will have further opportunity to review and comment through the renotification process.</p> <p>Refer to the Updated Stormwater Management Plan (<b>Appendix Y</b>) for further detail.</p>

Summary of Matters Raised	Responses
<p>The long section for this pipework, civil drawing C12041 show that the design does not meet the recommend 150mm freeboard at pits and in at least one instance the HGL (hydraulic grade line) is 1.83m above finished ground levels. This is not considered a suitable design for a public asset and should be referred to the service providers for consideration.</p>	<p>TTW note that the locations where the HGL is close to or above ground level are caused by the tailwater level having been set to the appropriate flooding level. Refer to the Updated Stormwater Management Plan (<b>Appendix Y</b>) for further detail.</p>
<p>Parts of the building are also shown cantilevered over the proposed easement which could be an issue for pipe and pit maintenance.</p>	<p>North Sydney Council have been consulted in relation to the proposed easement, including the construction of a building cantilevering over the easement .This will form part of Council's approval. North Sydney Council will have further opportunity to review and comment through the renotification process. Refer to the Updated Stormwater Management Plan (<b>Appendix Y</b>) for further detail.</p>
<p>The catchment plan for the diversion pipework does not extend to the high side of the road which appears to be captured by the existing pipework which is being replaced. No calculations are provided to support pipe sizing and capacity or how blockage was assessed/modelled. Recommended action: • Redesign of stormwater diversion pipework and concurrence of asset owner. Full details of calculations to support the design are required.</p>	<p>Catchments upstream of the direct area have been accounted for as a base flow into the system. Max flow rates have been obtained from the flood model obtained from North Sydney Council. Pipe sizes have been confirmed in both the DRAINS and TUFLOW flood model. Refer to the Updated Stormwater Management Plan (<b>Appendix Y</b>) for further detail.</p>
<p>BCS-7</p> <p>The FIRA has used the 2017 Flood Study model, but North Sydney Council completed the North Sydney LGA-wide Floodplain Risk Management Study and Plan in 2022, which developed a refined model. The FIRA refers to different flood models and modifications which have been made to the models however it is not clear how this relates to Council's adopted model or how parts of the proposed development have been included in the model. For example, it is not clear how the existing informal on-site detention (OSD) basin has been treated in the model for the pre-development case or if it is retained in the post development case. There is no statement on whether blockage has been included in modelling of the new diversion pipework. The mapping is unclear and needs to be shown at a larger scale for the site and for a wider range of proposed access/evacuation routes. Recommended action: • The FIRA be revised to clarify the assumptions made. • Provide improved mapping outputs for assessment, including mapping provided at A3 scale as an appendix and hazard mapping should use H1 - H6 categories.</p>	<p>Noted. The project team has been in correspondence and confirmed the appropriate Flood Study and updated the FIRA accordingly. This includes updates to the mapping outputs provided at Section 5 and 6 of the Updated FIRA provided at <b>Appendix Z</b>. The 2017 model was obtained from North Sydney Council for this project in 2021 and has subsequently been confirmed by Council as the appropriate flood model to be used. TTW liaised with Jim Moore, Engineering Project Manager at North Sydney Council. Council confirmed that outputs for the 1% AEP storm in the 2022 model are very similar to the 2017 model at the site location, and there is subsequently no need to use the latest model in this assessment. This report includes additional mapping and outputs including blockage scenarios for sensitivity.</p>

Summary of Matters Raised		Responses
	<ul style="list-style-type: none"> <li>Confirmed with Council that the 2017 Flood Study model is the appropriate model to use, otherwise the FIRA should be updated using the 2022 Floodplain Risk Management Study and Plan model.</li> </ul>	
BCS-8	<p>The stormwater design indicates that most of the development will be captured by OSD however surface drainage is only designed for the 5% AEP event.</p> <p>Recommended action:</p> <p>The stormwater drainage is revised to capture the 1% AEP event if it is intended to be managed by OSD. This will need to be reviewed by Council.</p>	<p>The surface drainage is designed for the 1% AEP and directed to the OSD tank. This will be reviewed by North Sydney Council.</p> <p>Refer to Section 7.1 of the Updated Stormwater Management Plan (<b>Appendix Y</b>) for further detail.</p>
BCS-9	<p>The Preliminary CEMP and the Erosion and Sediment Control plan drawing C1010 are not adequate for a site with this degree of site disturbance for construction of up to 5 levels of basement. No calculations of cut and waste removal are provided and no assessment of need for a sediment basin has been provided. This is not a component usually addressed by BCS and will need review by others.</p> <p>Recommended action:</p> <p>A comprehensive soil and water management plan in accordance with NSW Blue Book requirements is prepared and assessed by the appropriate authority</p>	<p>Further information is provided in Section 7.3.1 of the Updated Stormwater Management Plan (<b>Appendix Y</b>).</p> <p>The Erosion Sediment Control (ESC) plan (Drawing no. C1004) has been updated within Appendix A of the Updated Stormwater Management Plan (<b>Appendix Y</b>).</p> <p>The calculation for the cut volumes is shown in Drawing no. C1035 within Appendix A of the Updated Stormwater Management Plan (<b>Appendix Y</b>).</p> <p>The calculation for the sediment basin has been provided in Appendix B of the Updated Stormwater Management Plan (<b>Appendix Y</b>).</p> <p>The Updated Preliminary CEMP (<b>Appendix CC</b>) has been updated to reflect and reference the updated Erosion Sediment Control (ESC) plan.</p>
BCS-10	<p>Diversion of sewer and lowering of road reserve areas are required for the development to proceed.</p> <p>Recommended action:</p> <p>Design of these diversions and concurrence of the appropriate authority are required to ensure these can be achieved.</p>	<p>The amended design of the stormwater diversion has been provided to Council and TfNSW for their review. In a meeting between the project team and Council on 29 October 2024, Council provided in-principle support for the revised stormwater diversion alignment. On 30<sup>th</sup> October 2-24, TfNSW providing in-principle support for temporary site access to the Western Harbour Tunnel site (following demobilisation of the Acciona site sheds) to allow construction of the 45 degree stormwater connection beyond the eastern site boundary. This correspondence is detailed in the Consultation Outcomes Addendum (<b>Appendix S</b>).</p> <p>It is noted that the amended proposal will be referred to Council and TfNSW for further comment during the re-referral period, upon which Council and TfNSW are able to provide further comment.</p> <p>As discussed in the Consultation Outcomes Addendum (<b>Appendix S</b>), Sydney Water has provided approval for the amended design of the Sydney Water Potable Water diversion. Correspondence on the separate s73 approval process for the sewer diversion has also been commenced between Sydney Water and the WSCE team.</p>
BCS-11	<p>In preparing this advice BCS has reviewed the following documents:</p> <ul style="list-style-type: none"> <li>EIS by Ethos Urban dated 21 June 2024</li> <li>BCS BDAR waiver determination dated 1 May 2024 (BDAR determination)</li> </ul>	<p>SLR has prepared and provided an Updated BDAR Waiver which reflects the Updated Architectural Plans (<b>Appendix F</b>).</p>

Summary of Matters Raised		Responses
<p>- BDAR waiver application prepared by SLR Consulting Australia dated 10 April 2024 (BDAR waiver application; DOC24/294003).</p> <p>The SEARs dated 5 February 2024 for Biodiversity require the following:</p> <ul style="list-style-type: none"> <li>- Assess any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land.</li> <li>- If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.</li> </ul> <p>The site is not on biodiversity certified land so only the first point above is relevant to the proposal.</p> <p>In this regard, BCS issued its BDAR waiver determination for the proposal on 1 May 2024. The BDAR determination states:</p> <p><i>Proposed development means the development as described in DOC24/294003 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.</i></p> <p>The development depicted in Schedule 1 to the BDAR waiver determination (Figure 4 Proposed Site Plan) differs from the development layout at Figure 30 (p.57) in the exhibited EIS. As such, it appears that the proposed development is no longer consistent with the description in the BDAR waiver determination. A new BDAR waiver application will therefore need to be submitted prior to determination.</p>		
Heritage NSW (Economic, Environmental and Social Impacts)		
HNSW-1	<p>The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in reference to the relevant guidelines as required by the Secretary's Environmental Assessment Requirements (SEARs). Further information, however, is required in order for Heritage NSW to comment on whether the proposed management and mitigation measures are appropriate for the project. Specifically, we request additional information in relation to the engravings identified on the rock outcrop in the backyard of 173 East Walker</p>	<p>An Addendum ACHAR has been prepared by GML and is provided at <b>Appendix R</b>. The Addendum ACHAR addresses the engravings identified at 173 Walker Street and the ACHAR concludes that the rock engravings are not cultural features that would be associated with Aboriginal groups of the area and the site should be recorded as non-cultural contemporary engravings with little to no cultural significance.</p>



Summary of Matters Raised		Responses
	Street. While GML have provided some reasoning for the interpretation of these engravings as being 'modern imitations of local engraved Aboriginal art', additional research and discussion is required to further support the statements made back to this conclusion.	
HNSW-2	Information presented in the ACHAR indicates that sites with an art component are prevalent in the local region based on Aboriginal Information Management Systems (AHIMS) data with two rock engraving sites being situated approximately 645m east of the current project area (AHIMS 45-6-0635 and 45-6-0760) in similar urban/backyard contexts. We note that a large number of Aboriginal engravings on AHIMS represent retrospective registrations of engravings that have since been destroyed and/or obscured through local development.	Noted.
HNSW-3	We note further that examples of convict era engravings with heritage values do exist in the wider Sydney region such as those at 'The Point' in Callan Park, Lilyfield and those located within the Quarantine Station at North Head. Aboriginal carvings are therefore known to occur alongside colonial or 'modern' engravings and traditional carvings may also be 'restored' or modified in more recent times. The increasing rarity of Aboriginal engravings in urban contexts, combined with the presence of known Aboriginal engraving sites in the local area and the potential for historic period engravings within the Sydney region, therefore warrants a cautious approach.	Noted.
HNSW-4	Heritage NSW therefore additional information and discussion including, but not necessarily be limited to:	Noted. An Addendum ACHAR has been prepared by GML and is provided at <b>Appendix R</b> .
HNSW-5	Consideration of the current engravings in the context of known Aboriginal engraving sites in the local region including the two nearby AHIMS registered rock engraving sites.	Noted. An Addendum ACHAR has been prepared by GML and is provided at <b>Appendix R</b> and the engravings are addressed throughout the ACHAR.
HNSW-6	A comparative analysis of the current motifs with those considered 'typical' of the local region to demonstrate inconsistencies in the style and methods of engravings and thus support the statements made in Section 4.1 of the ACHAR.	Noted.
HNSW-7	Consideration of local social history and whether the previous landowners and/or neighbours have any information as to the origin of the engravings.	Noted.
HNSW-8	The result of input sought from a specialist in the field of Aboriginal rock engravings.	Noted. The Addendum ACHAR includes a specialist report on 173 Walker Street.
HNSW-9	This additional information may be presented as a short letter report provided as an addendum to the current ACHAR. The short letter report must be	Noted. An Addendum ACHAR has been provided at <b>Appendix R</b> .

Summary of Matters Raised		Responses
	provided to Registered Aboriginal Parties for comment and evidence of this consultation included with the Response to Submissions.	The Addendum ACHAR will be provided to the Registered Aboriginal Parties through the DPHI government referral process.
<b>Transport for NSW (TfNSW) (Economic, Environmental and Social Impacts)</b>		
TfNSW-1	<p>Comment:</p> <p>The development site shares a common boundary with Warringah Freeway which is a Declared Freeway by notification in Government Gazette No. 78 of 28 June 1968; Folio 2648-9 and shown by blue colour and green hatching on the below Aerial – “X”. Access is denied across this boundary.</p> <p>TfNSW is the landowner and the roads authority for Warringah Freeway, any proposed works that encroach into the road reserve of Warringah Freeway would require TfNSW’s landowner’s consent and Section 138 consent under the <i>Roads Act 1993</i>.</p> <p>Recommendation:</p> <p>Any proposed works that encroach into the road reserve of Warringah Freeway would require TfNSW’s landowner’s consent and Section 138 consent under the <i>Roads Act 1993</i>. Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the commencement of any works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</p>	Noted. These standard conditions are accepted.
TfNSW -2	<p>Comment</p> <p>TfNSW notes that stormwater diversion works are proposed on local road and within the subject site, the stormwater runoff from the site will be connected to the relocated pipe and discharged to TfNSW stormwater assets within the road reserve of Warringah Freeway.</p> <p>Recommendation</p> <p>The following requirement is recommended to be included in any consent issued by the Department:</p> <p>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon TfNSW stormwater assets within the road reserve of Warringah Freeway are to be submitted to TfNSW for approval, prior to the commencement of any works. Any proposed dewatering to TfNSW stormwater assets or Warringah Freeway would also require prior approval from TfNSW. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</p>	Noted. These standard conditions are accepted.

Summary of Matters Raised		Responses
TfNSW -3	<p>Excavation Works Adjacent to Warringah Freeway</p> <p>Comment:</p> <p>The proposed development involves excavation works adjacent to Warringah Freeway, the design and construction of these excavation works including the supporting structures should be adequate to ensure the structural integrity of the freeway corridor will not be adversely affected.</p> <p>Recommendation:</p> <p>The following requirement is recommended to be included in any consent issued by the Department:</p> <p>The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment. A Geotechnical Monitoring Plan must be submitted for review. Deflection monitoring must be carried out during excavation and construction along the eastern boundary (adjacent to the Warringah Freeway). This monitoring is necessary to ensure that deflections do not exceed the results of the geotechnical modelling undertaken during design and so that any unexpected deflections can be noticed early and rectified accordingly. Inclinator monitoring should be carried out in accordance with the TfNSW Technical Direction GTD 2020/001.</p> <p>The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</p>	Noted. These standard conditions are accepted.
TfNSW -4	<p>Road Occupancy Licence</p> <p>Comment:</p> <p>Any construction activities that may impact the traffic flows on the classified road network would require a Road Occupancy Licence (ROL) from TfNSW.</p> <p>Recommendation:</p> <p>The following requirement is recommended to be included in any consent issued by the Department:</p> <p>A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Warringah Freeway during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a>.</p>	Noted. These standard conditions are accepted.
TfNSW -5	<p>Construction Pedestrian and Traffic Management Plan</p> <p>Comment</p> <p>Several construction projects are likely to occur at the same time as this development. Construction vehicle movements from these projects could have</p>	Noted. These standard conditions are accepted.

Summary of Matters Raised	Responses
<p>the potential to impact general traffic and public transport operations within the vicinity, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.</p> <p>Recommendation</p> <p>It is requested that a condition is included in any development consent issued for the subject application requiring the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP). The CPTMP should be prepared in consultation with TfNSW and a copy of the final CPTMP should be submitted to TfNSW at <a href="mailto:development.ctmp.cjp@transport.nsw.gov.au">development.ctmp.cjp@transport.nsw.gov.au</a> for endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is earlier.</p>	
<p>TfNSW -6    The CPTMP should include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• A description of the development</li> <li>• Construction program and construction methodology</li> <li>• Proposed construction hours</li> <li>• A detailed plan of any proposed hoarding and/or scaffolding</li> <li>• Details of crane arrangements including location of any crane(s)</li> <li>• Location(s) where it is proposed to park construction vehicles</li> <li>• Location of any proposed work zone(s)</li> <li>• Pedestrian and traffic management measures.</li> </ul> <p>Haulage routes.</p> <ul style="list-style-type: none"> <li>• Predicted number of construction vehicle movements and detail of vehicle types.</li> <li>• Identify any potential impacts to general traffic, cyclists and pedestrians, bus services and existing signalised pedestrian crossings and intersections within the vicinity of the site from construction vehicles during the construction of the proposed works.</li> <li>• Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities is managed to minimise impacts on the surrounding road network.</li> <li>• Measures to minimise movement delays (i.e. vehicle movements are to be minimised during peak network demand periods);</li> <li>• Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;</li> <li>• Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.</li> <li>• Measures to avoid construction worker vehicle movements.</li> </ul>	<p>Per above, a preliminary CTMP was submitted with the SSDA and a more detailed and comprehensive CTMP will be completed following engagement of a contractor to address the required details list.</p>

Summary of Matters Raised		Responses
	<ul style="list-style-type: none"> <li>• Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site.</li> <li>• Consultation strategy for liaison with surrounding stakeholders, including other developments under construction.</li> <li>• Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and TfNSW (via development.ctmp.cjp@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real-time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.</li> </ul>	
<b>Civil Aviation Safety Authority (Economic, Environmental and Social Impacts)</b>		
CASA-1	CASA has reviewed the relevant parts of the EIS of 21 June 2024, for the Residential development with affordable housing - East Walker Street, North Sydney. According to Table 9, the maximum height proposed is RL 154.3m (Building B1). As indicated in the EIS, there are several much taller buildings in North Sydney and the Obstacle Limitation Surfaces are at a height of RL 156m.	Noted.
CASA-2	Notwithstanding that CASA is not an Approval Authority, CASA does not object to the proposal.	Noted.
CASA-3	As an aside, in last sentence of the Aviation Section 7.20, I am not sure whether 'development' refers to the buildings of the construction of the buildings. To be sure, Approval under the Airports (Protection of Airspace) Regulations 1996 is not required for the buildings, (being under the Obstacle Limitation Surfaces). But Approval will be required for the crane(s).	Noted.
<b>Sydney Water (Economic, Environmental and Social Impacts)</b>		
SW-1	<p><b>Section 73 Compliance Certificate</b></p> <p>A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.</p>	Noted. These standard conditions are accepted.
SW-2	<b>Building Plan Approval (including Tree Planting Guidelines)</b>	Noted. These standard conditions are accepted.

Summary of Matters Raised	Responses
<p>The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.</p> <p>Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p>	
<p>SW-3      <b>Tree Planting</b></p> <p>Certain tree species placed in proximity to Sydney Water’s underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.</p> <p>For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.</p> <p>For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water’s Technical guidelines – Building over and adjacent to pipe assets.</p>	<p>Noted. These standard conditions are accepted.</p>
<p>SW-4      <b>Trade Wastewater Requirements</b></p> <p>If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water’s sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.</p> <p>The permit application should be emailed to Sydney Water’s Business Customer Services at <a href="mailto:businesscustomers@sydneywater.com.au">businesscustomers@sydneywater.com.au</a></p> <p>A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.</p> <p>If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.</p>	<p>The proposed development is not for commercial and industrial purposes and this does not apply.</p>

Summary of Matters Raised	Responses
<p>SW-5      <b>Backflow Prevention Requirements</b></p> <p>Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.</p> <p>All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.</p> <p>Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.</p> <p>Before you install a backflow prevention device:</p> <ol style="list-style-type: none"> <li>1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.</li> <li>2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.</li> </ol> <p>For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:  <a href="https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html">https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html</a></p>	<p>The proposed development is not for commercial and industrial purposes and this does not apply.</p>
<p>SW-6      <b>Water Efficiency Recommendations</b></p> <p>Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.</p> <p>Some water efficiency measures that can be easily implemented in your business are:</p> <p>Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <a href="http://www.waterrating.gov.au/">http://www.waterrating.gov.au/</a></p> <p>Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <a href="https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html">https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html</a></p> <p>Install water-monitoring devices on your meter to identify water usage patterns and leaks.</p> <p>Develop a water efficiency plan for your business.</p>	<p>The proposed development is not for commercial and industrial purposes and this does not apply.</p>



Summary of Matters Raised	Responses
<p>It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.</p>	
<p>SW-7      <b>Contingency Plan Recommendations</b></p> <p>Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.</p> <p>Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.</p> <p>Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.</p> <p>Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.</p>	<p>The proposed development is not for commercial and industrial purposes and this does not apply.</p>

## 5.4 Response to Key Issues Raised

The key issues raised by DPHI, agencies, and public submissions requiring further detailed analyses and response are:

- Traffic, parking and access.
- View loss and visual impact.
- Overshadowing.

These matters are addressed in detail below. The remainder of matters raised in the public submissions (refer to **Table 2**), are addressed in **Section 5.5** within **Table 16**.

### 5.4.1 Traffic, Parking and Access

A thematic response to submissions received relating to traffic, parking and access is provided in **Table 10** below. Refer to the Transport and Accessibility RTS Addendum prepared by PTC (**Appendix U**) for a detailed response to traffic, parking and access matters raised in the submissions.

**Table 10** Response to Traffic, Parking and Access Submissions

No.	Issue	Response
<b>Traffic Modelling</b>		
PT-1	Invalidity of the traffic modelling within the Transport Impact Assessment (TIA) including the traffic generation, intersection modelling and performance and should be updated to include current and future traffic demands. The TIA does not adequately analyse the impact of additional vehicles.	<p>An Amended TIA has been provided at <b>Appendix V</b>. Modelling was undertaken at all key intersections serving the site, which included the cumulative traffic volumes associated with approved projects in the vicinity.</p> <p>The modelling confirms that the project will have no notable impact on the operation of the intersections.</p> <p>The traffic surveys were undertaken at key intersections serving the site to create a road network model and test current and post-development conditions. The same trip generation calculation method to the project and to the existing dwellings, referencing the same TfNSW Guide.</p> <p>The Applicant recognises the existing traffic issues in North Sydney, however, the Applicant and Project Team have worked with TfNSW to adjust signal timing at Walker and Berry Street which has improved these conditions. However, it is noted that the current Warringah Freeway construction has caused additional traffic impacts and that traffic movements along Berry Street is directed by regional roads. The regional traffic issues are not associated with the development and the proposed development should not be burdened by these background controls.</p>
<b>Cumulative Traffic Impact</b>		
PT-2	<p>The future traffic pressures have not been addressed for:</p> <ul style="list-style-type: none"><li>• New Developments:<ul style="list-style-type: none"><li>- Aqualand at 168 Walker Street.</li><li>- 45 McLaren Street.</li><li>- 110 Walker Street</li><li>- 71 Walker Street</li></ul></li><li>• Educational Institutions:<ul style="list-style-type: none"><li>- New Reddam School on McLaren Street.</li><li>- Wenona School.</li><li>- Monte Sant' Angelo Mercy College.</li></ul></li></ul>	<p>The cumulative traffic volumes from the approved developments on Walker Street and McLaren Street were included within our modelling scenarios as described in the TIA and is provided at <b>Appendix V</b>.</p> <p>The modelling includes developments at 168 Walker St (Aqualand), 41 McLaren St (Reddam School), and 45 McLaren St, while 71 and 110 Walker St are deemed too distant to impact traffic significantly. Traffic studies for the Western Harbour Tunnel project indicate increased traffic on Berry Street and worsening intersection performance, highlighting regional traffic distribution issues managed by TfNSW.</p> <p>The rationale behind promoting high-density development in our CBD centres is to optimize the use of available public transport and employment opportunities, thereby reducing reliance on vehicles for commuting and school trips. At a city-wide level, rejecting this development based solely on an addition of approximately 17 trips to the network overlooks the significant benefits these dwellings would provide if constructed in a CBD environment, where access to public transport and walkable employment is readily available.</p>
<b>Site Access Constraints</b>		
PT-3	The site faces significant traffic issues due to restricted access from the north, leading to congestion and potential conflicts on Berry	<p>The Applicant team is collaborating with TfNSW to address North Sydney's traffic conditions, including adjusting signal timing at Walker and Berry Streets to improve traffic flow. Despite the traffic constraints along Berry Street, the traffic generated from the proposed development is minimal. Proposed measures include reinforcing a 'No Left Turn' from the north, adding 'Keep Clear' text at the intersection, and</p>

No.	Issue	Response
	Street and Walker Street. The road configuration and one-way lane setup are inadequate for the expected traffic generated from the proposed development, making access difficult for residents and emergency vehicles.	ensuring service vehicles can turn around on-site, similar to the driveway of 171 Walker Street, located to the South of the proposed development. The project in no way alters the means of access for emergency vehicles. The fire equipment required for the proposed building has been designed to enable access by fire trucks in accordance with the requirements of Fire Rescue NSW.
<b>Traffic Congestion</b>		
PT-4	The traffic issues indicate that the site does not have the capacity to support the proposed development. Walker Street is highly congested during peak periods due to recent developments and school activities, leading to gridlock at key intersections. Ingress and egress are already challenging, with heavy traffic causing significant delays.	<p>The project team is aware of delays on Walker Street and have worked with TfNSW to improve the traffic signal operation at Berry Street. We note that the current Western Harbour Tunnel (WHT) project has introduced lane closures and changed traffic conditions which have likely exacerbated the traffic situation, however the proposed project has very little impact on the operation of the road network.</p> <p>The rationale behind promoting high-density development in our CBD centres is to optimize the use of available public transport and employment opportunities, thereby reducing reliance on vehicles for commuting and school trips. At a city-wide level, rejecting this development based solely on an addition of approximately 17 trips to the network overlooks the significant benefits these dwellings would provide if constructed in a CBD environment, where access to public transport and walkable employment is readily available.</p>
<b>Loss of On-Street Parking</b>		
PT-5	Concerns of the loss of on-street parking along Hampden Street with residents relying on on-street parking. This loss of on-street parking will have a significant impact on residential amenity for 2-14 Hampden Street residents. Existing parking restrictions on Walker Street should be changed.	<p>The new driveway for the carpark entry and port cochere has resulted in a reduction in on-street parking spaces along Walker St (lower); however this is offset by the proposed on-site parking provisions for residents proposed development.</p> <p>The former dwellings were provided with low parking provisions and most residents were required to park on-street. The demand for on-street resident parking will not be reintroduced by the proposed development, as all resident parking will be provided within the on-site car park.</p>
<b>Construction Vehicle Access</b>		
PT-6	Construction vehicle access would be unfeasible for the proposed development.	A preliminary construction environmental management plan (CEMP) was submitted with the SSDA and once appointed, the Principal Contractor will prepare and implement appropriate construction management plans as outlined within the preliminary CEMP. This will include a detailed construction traffic management plan as required by legislative and authority requirements.
<b>First Responder Access</b>		
PT-7	The proposal's lack of access is a critical health and safety issue, making it extremely difficult for first responders to reach or exit in emergencies.	<p>The design team includes a fire specialist who has guided the design team insofar as fire equipment and access requirements. Typically for buildings of this size, a booster pump is located near the property boundary so that fire vehicles can be connected to pump water to the source of the fire.</p> <p>The location of the booster pump has been designed to enable access to fire vehicles within the southern frontage of Walker Street.</p>
<b>Road Safety</b>		
PT-8	The proposed development will significantly increase traffic, straining North Sydney's limited infrastructure which will	The North Sydney CBD has seen a significant decrease in activity since the COVID pandemic, with many retail spaces remaining vacant due to the shift towards working from home. The proposed development aims to revitalise the area by bringing people closer to employment and retail activities, reducing the need for car usage. There is no evidence that the footpaths around the site or the broader CBD

No.	Issue	Response
	impact upon community safety and convenience. As the area is densely populated, residents are concerned with traffic and overcrowded pedestrian paths. Concerns for the increased traffic impacts and the safety for pedestrians, especially for students near the site.	<p>are overcrowded, nor that the project will negatively impact existing infrastructure. The proposal does not involve any detrimental changes to pedestrian infrastructure, and the North Sydney CBD already provides generous footpaths and traffic signal-controlled crossings at major intersections.</p> <p>The Traffic Impact Assessment presented the detailed traffic modelling of the intersections serving the site including a cumulative assessment of the approved projects in the vicinity. The modelling presented the current performance, a scenario with the approved developments and a scenario adding the proposed development. The results confirmed that the proposed development had very little impact on the operation of the network.</p> <p>The driveways for the project are designed according to AS2890.1 standards, ensuring required sight lines and pedestrian safety. The project does not propose changes to road arrangements that would impact access to existing dwellings on Hampden Street and the building design includes its own fire access arrangements. North Sydney Council's recent approval of a new school in the precinct suggests that current pedestrian infrastructure is sufficient. Driveways will be designed as continuous footpath treatments, giving pedestrians the right of way, and the loading dock driveway will not involve pedestrian activity. The porte-cochere will have low traffic activity, limited to pickup and drop-off and ensure pedestrians can safely travel across the site without having to cross a vehicle path.</p> <p>The amended proposal reduces the potential for pedestrian/vehicle conflict by introducing a continuous pedestrian path around the internal boundary of the Port Cochere.</p>
<b>Pollution</b>		
PT-9	Traffic pollution as a result of the proposed development.	<p>Greater Sydney has a population of circa 5 million people with over two thirds of the working population (67%) commuting by car (2016 figures as 2021 census was affected by lockdowns). That compares to 42% in greater London, 40% in Madrid, 25% Santiago. Arguably, Sydney is providing a variety of alternatives such as the new Metro system to reduce car usage, high density projects in CBD centres are a key method to enabling people to leave the car at home and use public and active transport to commute therefore limiting pollution.</p> <p>The updated Transport Impact Assessment (TIA) includes a Green Travel Plan (GTP) which has been developed to encourage residents to use existing public transport infrastructure such as the new North Sydney Metro.</p>
<b>Traffic Impacts from Affordable Housing</b>		
PT-10	Affordable Housing will create unnecessary traffic as they have to travel to their jobs outside of North Sydney.	<p>Affordable housing is designed to integrate residents into the local community and with North Sydney's robust public transport network, this will support the affordable housing residents by offering convenient alternatives to car travel. By encouraging the use of public transport, providing bicycle racking, and walking, this will foster a sustainable and connected urban environment. The updated Transport Impact Assessment (TIA) includes a Green Travel Plan (GTP) which has been developed to encourage residents to use existing public transport infrastructure such as the new North Sydney Metro.</p>

#### 5.4.2 View Loss and Visual Impact

During public exhibition of the SSDA a number of submissions were received from members of the public objecting to the proposal on VVIA grounds. Submissions from North Sydney Council or State agencies did not raise view and visual impact. An Addendum View and Visual Impact Assessment (VVIA) has been prepared by Ethos Urban (**Appendix M**) to respond to these submissions and address a request from DPHI to undertake additional view impact assessment for land located at 191-195 Walker Street, North Sydney.

The key VVIA submitter issues may be categorised as procedural and merit based. Procedural issues include the acceptability of the evidence base, in particular the number of apartments and viewpoints within apartments assessed. Merit issues included unacceptable view impact on a number of nearby apartment buildings, in particular 138 Walker Street ('Belvedere'), unacceptable impact on residential amenity, unacceptable scale and bulk and unacceptable impact on views of Sydney Harbour from Walker Street.

To address the key submitter issues, the following activities were undertaken:

- Engagement with relevant parties, including development representatives, building managers, owners and tenants, of apartments for which submissions were made to seek to obtain permission to these apartments
- Survey and photography work for apartments for which permission to access was granted
- Preparation of survey aligned photomontages in accordance with the Land and Environment of NSW (LEC) 'Use of Photomontages and Visualisation Tools' policy
- Preparation of survey aligned imagery using the Aerometrex model where permission to access was not granted
- Assessment of view impact based on the survey aligned photomontages and survey aligned imagery in accordance with Tenacity.

A summary response to the key VVIA-related issues raised in the public submissions is provided in **Table 16** below. Refer to the Addendum VVIA (**Appendix M**) for detailed responses, additional assessment and revised photomontages (cross-references provided in **Table 11**).

The Addendum VVIA also:

- Provides revised photomontages showing the proposal as amended in response to submissions (the amended proposal). It is noted that in terms of view impact, the amended proposal is substantially the same as the original proposal.
- Ensures all photomontages show the additional massing compared to the massing in accordance with the North Sydney Local Environmental Plan 2013 (NSLEP 2013), to allow a better understanding of the view impact of the 30% affordable housing bonus under the Housing SEPP.

Based on these findings of the Addendum VVIA, consistent with that of the original VVIA, the view and visual impact of the proposal is considered acceptable and as such can be supported on view and visual impact grounds. In particular, it is noted that the any development on the site following rezoning of the site to the current planning controls would affect views from surrounding properties. Any development of a significantly reduced scale would be inconsistent with the objects contained within section 1.3 of the EP&A Act:

- Objective (c) – to promote the orderly and economic use and development of land. A development with height and dwellings reduced to avoid any view or visual impact is not orderly and economic use and development on land that has been rezoned for high density residential development and is located in close proximity to essential services and public transport services including the new Victoria Cross Metro Station.
- Objective (d) – to promote the delivery and maintenance of affordable housing. A development with height and dwellings reduced to avoid any view or visual impact would restrict the delivery of affordable housing.

**Table 11** *Summary of view loss and visual impact responses to submissions*

Key Issue	Summary Response	Addendum VVIA Cross-Reference
<b>Evidence Base</b>		
1. Application of Tenacity	<p>Tenacity is the relevant benchmark and planning principle for assessing view impact. Greater weight should not be given to North Sydney LEP 2013 section 4.3 'Height of buildings', clause (1), objective (b) 'to promote the retention and, if appropriate, sharing of existing views', as the strict, singular application of 'retention of views' is not supported by the NSDCP 2015, within which Council acknowledges that:</p> <ul style="list-style-type: none"> <li>• Due to North Sydney's sloping topography and proximity to Sydney Harbour, views and vistas comprise special elements that contribute to its unique character and to the amenity of both private dwellings and the public domain.</li> <li>• New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development while preserving, as far as practicable, access to views from surrounding properties.</li> <li>• When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site'.</li> </ul> <p>Given acknowledgement by council of 'North Sydney's sloping topography and proximity to Sydney Harbour', strict application of 'retention of existing views' risks precluding or otherwise unreasonably inhibiting much development in the LGA.</p>	Section 5.2

Key Issue	Summary Response	Addendum VVIA Cross-Reference
	This is not considered an appropriate outcome given the site's attributes for the greater amount and choice of homes including affordable housing.	
2. Robustness of the evidence base	<p>In Ethos Urban's experience as experts in the preparation of View and Visual Impact Assessments, the 72 viewpoints and range of viewpoints selected for assessment is adequate to enable an understanding of the likely view impacts of the proposal. This number of viewpoints is based on best practice that gives regard to the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). The utility of the GLVIA 3 to urban settings has been discussed in the original VVIA. With regard to the number and range of viewpoints, the GLVIA3 states that 'it is not possible to give specific guidance on the appropriate number of viewpoints since this depends on the context, the nature of the proposal and the range and location of visual receptors'. It further advises that:</p> <ul style="list-style-type: none"> <li>• 'The emphasis must be on a reasonable approach which is proportional to the scale and nature of the proposed development'</li> <li>• 'The viewpoints used need to cover as wide a range of situations as is possible, reasonable and necessary to cover the likely significant effects'.</li> </ul> <p>As such, the evidence base of images used to inform assessment of view impact is reasonable and proportional.</p> <p>The total number of viewpoints includes 37 additional photomontages from 138 Walker Street, including additional photomontages from within apartments, where permission for access was granted.</p>	Section 5.3
3. VVIA does not identify impact associated with implementation of the Housing SEPP bonus	<p>All photomontages now show the additional massing enabled by the Housing SEPP bonus.</p> <p>Implementation of the Housing SEPP bonus increases the height of Walker Terraces (Building A) from 98 storeys to 102 storeys and the height of Hampden House (Building B1) from 28 storeys to 30 storeys. It does not increase the height of Building B2.</p> <p>The main impact of this is to impact views from certain levels in buildings to the west and north-west of the site. More specifically, the greater height of Walker Terraces (Building A) mainly impacts views from levels 10 to 13 in Belvedere (shown as levels 9 – 12 in Rothelowman drawings). The view impacts of the part of Building B1 that utilises the additional height from the height bonus is limited to views of the sky.</p>	Section 5.4
<b>Analysis of Evidence Base</b>		
4. Impact on 191 – 195 Walker Street (Harbourview)	<p>Additional photomontages from 10 viewpoints within 191-195 Walker Street have been prepared. View impacts from 4 viewpoints have been assessed as minor, view impacts from 3 viewpoints have been assessed as minor-moderate, and view impacts from 1 viewpoints have been assessed as moderate. Generally, views to the Sydney Opera House are not blocked, while glimpses of the Sydney Harbour Bridge Arch will be blocked though views to the northern pylons will remain (note from Apartment 32, views to the Sydney Harbour Bridge are blocked). The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.</p>	Section 5.5
5. Impact on 45 McLaren Street	<p>Additional photomontages from 8 viewpoints from 45 McLaren Street were prepared using drones as the development is not yet constructed. View impacts from 4 viewpoints have been assessed as moderate, where the majority of Sydney Harbour will remain visible. View impacts from 3 viewpoints at the south-eastern corner of the site at the lower and mid-levels have been assessed as severe, where views to Sydney Harbour will be blocked. View impacts from 1 viewpoint has been assessed as moderate-severe, where some blockage of views to Sydney Harbour do not preclude views sufficient to understand and appreciate Sydney Harbour as an attractive and significant element in the view. The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.</p>	Section 5.6

Key Issue	Summary Response	Addendum VVIA Cross-Reference
6. Impact on 88 Berry Street (Gallery 88)	A point of submission is that the proposal will have an unacceptable impact on outlook on 88 Berry Street (Gallery 88). While an amenity matter, outlook is different to view and visual impact. It is acknowledged that the proposal will replace an existing outlook over a lower density setting with a greater proportion of open space including established trees with higher density, higher rise development. This outcome is unavoidable on a site of this nature for this type of development. As is noted in the original EIS and in this Submissions and Amendment Report, the proposal is consistent with relevant outlook standards, and seeks to further minimise impact through detailed design and landscaping measures including tree planting and angled facades in Building A with opaque glass, directing outlook north past 88 Berry Street. The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.	Section 5.7
7. Impact on 138 Walker Street (the Belvedere)	With specific reference to Belvedere, it is agreed with submissions that the proposed additional 2-3 storeys in accordance with the Housing SEPP will have the greatest impact on 24 apartments over 4 levels (10 – 13, inclusive). This is 12% (approx.) of apartments in Belvedere. However, for reasons outlined below and within the Addendum VVIA, any further reduction in massing, in particular for Walker Terraces (Building A) would compromise the ability of the applicant to achieve the same development potential and amenity under Tenacity, including the loss of affordable housing. While resulting in moderate to severe view impact from 138 Walker Street, this impact is considered acceptable and view sharing reasonable. This includes impact on views obtained from 191 – 195 Walker Street (Harbourview). The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.	Section 5.8
8. Impact on the 150 Walker St, North Sydney (the Heritage)	The original VVIA assessed the impact of the proposal on 8 viewpoints in 6 apartments and the roof terrace across 6 floors. Where not blocking views Sydney Harbour the extent of view impact was qualitatively assessed as moderate under Tenacity. Where blocking views Sydney Harbour the extent of view impact was qualitatively assessed as moderate – severe under Tenacity.  The original VVIA did not identify whether more expansive views to Sydney Harbour may be obtained from level 6. As such, assessment of the proposal's impact on existing views from apartment 603 as requested by submitters was undertaken. Although engagement was undertaken to secure permission to access, no response was received by relevant parties. As such, 3d computer generated imagery was produced using the survey accurate Aerometrex model. The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.	Section 5.9
9. Impact on 229 Miller Street (Vantage Residences)	A point of submission is that the proposal will have an unacceptable impact on outlook from 229 Miller Street. Under the NSW planning system, outlook is different to views. Outlook involves closer range views over adjoining property, and is largely managed by setbacks and separation distances between buildings in accordance with relevant development standards. As the proposal is located 105m (approx.) to the nearest part of Vantage Residences, in this regard this property obtains its outlook over adjoining land to the east. It is noted that due to the zoning of this land, it is capable of further development. As such, outlook from 229 Miller Street (Vantage Residences) is susceptible to change. The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.	Section 5.10
10. Impact on 168 Walker Street (Aura)	View impact for this building has previously been assessed in the original VVIA. Photomontages have been updated to reflect the amended development. Conclusions to the original assessment have not changed, in that the view loss impacts are reasonable and acceptable.	Section 5.11
11. Impact on the Hampden Street Terraces	View impact on the Hampden Street Terraces has not previously been considered as part of this SSDA. As such, in the interests of comprehensiveness, view impact on 14 Hampden Street as representative of the terraces has been undertaken. View impacts from two viewpoints from 14 Hampden Street have been assessed as minor as these viewpoints do not contain any iconic or high value elements, even though the views have value to the residents. The Addendum VVIA concludes that, based on a Tenacity assessment, that the view loss impacts are reasonable and acceptable.	Section 5.12



Key Issue	Summary Response	Addendum VVIA Cross- Reference
<b>View Impact – Tenacity</b>		
12. Consistency with Tenacity	<p>The Addendum VVIA reiterates that the proposed development is consistent with Tenacity and that the proposed view loss is reasonable and acceptable.</p> <p>A key focus of Tenacity is 'reasonableness'. Consistent with its 'chain of reasoning' approach, Tenacity first considers reasonableness in terms of compliance with planning controls and then skilful design.</p> <p><u>Compliance with planning controls</u></p> <ul style="list-style-type: none"> <li>• The proposal complies with all planning controls in the NSLEP 2013 as adjusted by the Housing SEPP bonuses relevant to VVIA, in particular maximum building height and maximum floor space ratio (FSR).</li> <li>• The proposal is consistent with the relevant objectives of the NSLEP 2013 and NSDCP 2013</li> <li>• While undoubtedly having considerable view impact, this would inherently arise as a consequence of undertaking development of the site in accordance with the NSLEP 2013 and the Housing SEPP</li> <li>• With specific reference to view impact from properties on Walker Street opposite the site to the west, the proposal complies with minimum side boundary setbacks between Walker Terraces (Building A) and the adjoining site to the south (171 Walker Street) and Hampden House (Building B1).</li> <li>• While noting that development control plans do not apply to SSD, the proposal does not fully comply with all planning controls in the NSDCP 2013 relevant to VVIA. The item of non-compliance that has a bearing on view impact is the lesser minimum separation between Walker Terraces (Building A) and Hampden House (Building B1). It is noted that at 11.4m, the extent of non-compliance is 5%. While not meeting the specific metric, the proposal does meet the objective of providing a view corridor through the site</li> <li>• The proposal is consistent with the key principles for building massing established by DPHI as part of the planning proposal and reflected in the varied height and massing pattern across the site in the NSLEP 2013. In particular, this involves consolidation of the greatest building height and massing in the north-west corner of the site where it would have lesser view impact on Belvedere and the Heritage.</li> </ul> <p><u>Skilful Design</u></p> <ul style="list-style-type: none"> <li>• The proposal has been subject to considerable evolution in relation to skilful design as understood by Tenacity. Critically, opportunities to distribute massing to reduce view impact on nearby properties overall have been explored and implemented.</li> <li>• In addition to a reduction in massing to achieve a more sympathetic scale to its corner with Walker Street and Hampden Street, massing has been removed from the south-west and north-east corners of Hampden House (Building B1) to reduce view impact to buildings to the north-west of the site, in particular Aura.</li> <li>• To further reduce impact on these buildings as well as those most proximate to the site, Building B1 has also been angled not to be parallel to the Walker Street and Hampden Street alignments and incorporates considerable stepping in massing in vertical profile.</li> <li>• In response to council comments in relation to the previous scheme, at the north-east corner of the site the proposal has a considerably lower height than what is allowed under the NSLEP 2013 (2 – 3 storeys compared to 8 storeys) to achieve a higher quality interface with and transition to heritage items (terrace housing) on the northern side of Hampden Street.</li> <li>• Any further reduction in massing, in particular for Walker Terraces (Building A) would comprise the ability of the applicant to achieve the same development potential and amenity under Tenacity, including the loss of affordable housing.</li> </ul>	Section 5.13
13. Impact on amenity and consistency with the NSLEP 2013 and NSDCP 2013	<p>Amenity is expressed in the North Sydney LEP 2013 in ways which suggest improvement (eg, enhance), not to limited impact (eg, protect, minimise, does not adversely effect or compromise), or a balance (eg, reasonably high). As such, a balanced approach to considering amenity amongst other considerations for environmental assessment is the most appropriate, as taking some other</p>	Section 5.14

Key Issue	Summary Response	Addendum VVIA Cross- Reference
	<p>interpretations to their logical end would mean no to limited development in the North Sydney LGA.</p> <p>Assessment of development requires the balancing of many often conflicting matters of consideration and objectives set out in legislation and environmental planning legislation. Provisions should not be read in isolation but rather due regard should be given to planning instruments in totality. While amenity is indeed a key outcome sought, delivery of housing is also an aim of the NSLEP 2013.</p> <p>It is acknowledged that like sunlight, ventilation, privacy and other matters, views contribute to public and private amenity. It is also acknowledged that the proposal will impact views from private property, and that these impacts will most likely be experienced as adverse impacts by residents.</p> <p>However, amenity is multi-faceted. It is argued that apartments whose views are impacted by the proposal draw amenity from a range of sources. This includes high levels of accessibility to:</p> <ul style="list-style-type: none"> <li>• jobs and services in the North Sydney CBD</li> <li>• mass public transit in the form of the Victoria Cross metro station and North Sydney train station that provides connections to other parts of Greater Sydney including the Sydney CBD</li> <li>• social infrastructure, including large public open space such as St Leonards Park, schools and community facilities.</li> </ul> <p>In terms of key quantifiable amenity measures, additional analysis has been prepared to demonstrate that the amended proposal provides solar access outcomes that are generally consistent with or an improvement upon a development that utilises the maximum planning envelope permitted on the site (refer to <b>Section 5.4.3</b>).</p> <p>While existing views from properties to the west will be impacted, outlook over Walker Street will be retained, and the site is located a sufficient distance away to not impact outlook (as distinct from views) from properties on McLaren Street and Miller Street.</p> <p>While undoubtedly of value to residents and indeed as source of amenity, given this, it is not considered that the extent of view impact is such to be determinative to this SSDA.</p>	
<b>Visual Impact – Views and Townscape</b>		
14. Impact on views from Walker Street	<p>This matter was addressed in the original VVIA. It is reiterated that the proposal has minimal impact on the glimpse of Sydney Harbour seen in the background from the corner of Walker Street and McLaren Street as recognised in the NSDCP 2013. It is further argued that preservation of the totality of this view is not critical due views to Sydney Harbour not being characteristic of Walker Street.</p>	Section 5.15
15. Integration with townscape.	<p>This matter was addressed in the original VVIA. In views assessed within the public domain to the east of the site, namely the eastern end of Ridge Street footbridge and Forsyth Park, the proposal will appear to integrate with the visual character formed by a dense collection of taller buildings</p>	Section 5.16

### 5.4.3 Overshadowing

Public submissions raised the following matters relating to solar access and overshadowing:

- Overshadowing impacts to 171 Walker Street's pool and recreation area.
- Overshadowing to surrounding developments including 88 Berry Street, 138 Walker Street and 171 Walker Street.
- Overshadowing to neighbouring parks.
- Consistency with solar access objectives, criteria and design guidance under the Apartment Design Guide
- Excessive overshadowing to surrounding dwellings which decreases eastern and northern sun to dwellings in Walker Street
- Solar access to 150 Walker reduced
- Solar access impacts to Hampden Terraces

It is noted that DPHI has required additional overshadowing impact analysis to surrounding residential buildings to the south and south-east, namely 171 Walker Street and 88 Berry Street, and has not requested overshadowing analysis to any other properties. Notwithstanding, additional overshadowing analysis has been undertaken for 138 Walker Street in response to the public submissions. Overshadowing to these sites is discussed further below, with further detail provided in the RTS Design Report (**Appendix G**), including elevational heat maps, additional sun eye diagrams which compare overshadowing impacts to the maximum permissible envelope, and additional shadow diagrams and sun eye diagrams which identify the extent of overshadowing impacts that area result of the parts of the building utilising the additional height provided by the height bonus.

Additional overshadowing analysis for 171 Walker Street, 88 Berry Street and 138 Walker Street is provided within the context of the following design guidance set out in Objective 3B-2 of the Apartment Design Guide and in comparison with the maximum planning envelope available under the existing planning controls without the 30% height bonus. It is emphasised that the following is design guidance rather than a strict planning control. Design guidance is intended to guide how a development may be consistent with the objectives of the ADG. It is noted that some overshadowing impacts do not align with the design guidance below, but are acceptable as they are generally consistent with the overshadowing outcomes of a compliant scheme which also results in inconsistencies with the ADG. A compliant scheme means the planning envelope provided for by the controls of the North Sydney LEP 2013 and North Sydney DCP 2013.

- Objective 3B-2 – Overshadowing of neighbouring properties is minimised during mid winter.
  - Design guidance: *Living areas, private open space and communal open space should receive solar access in accordance with:*
    - Sections 3D Communal and public open space: *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)*
    - Section 4A Solar and daylight access: *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.*
  - Design guidance: *Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20% (i.e. solar access to each apartment that does not currently receive 2 hours of solar access should not have its solar access reduced by more than 20% in terms of time.*

It is noted that the proposed development will not affect solar access to 150 Walker Street or the Hampden Terraces, as both those sites are located to the north of the proposed development. It is also noted that the proposed development does not result in any increase to overshadowing to surrounding neighbouring parks, including Doris Fitton Park.

#### 88 Berry Street

##### Overshadowing Impacts

The RTS Design Report provides further analysis of the overshadowing impacts to 88 Berry Street, which is summarised in **Table 12** below. The impacts of the proposed development are compared with the impacts generated by the compliant envelope, which means the planning envelope provided for by the controls of the North Sydney LEP 2013 and North Sydney DCP 2013.

**Table 12** Summary of overshadowing impacts and ADG consistency for 88 Berry Street

ADG Compliance	Existing Conditions	Proposal		Compliant Envelope	
		% Change		% Change	
Number of Apartments	58				
Number of Apartments achieving 2 hours sunlight to living rooms and POS (ADG Compliance)	30 (52% of apartments)	19 (33% of apartments)	37%	18 (31% of apartments)	40%
Number of apartments with living rooms achieving 2 hours sunlight	36 (62% of living rooms)	24 (41% of living rooms)	33%	22 (38% of living rooms)	39%
Number of apartments with reduced sunlight to living rooms		25 (135 - 210 minutes)		25 (135 - 330 minutes)	
Number of apartments with greater than 20% reduction sunlight to living rooms		25 (43% of living rooms)		25 (43% of living rooms)	
Number of apartments with principal open spaces achieving 2 hours sunlight	40 (69% of POS)	26 (45% of POS)	35%	25 (43% of POS)	38%
Number of apartments with reduced sunlight to principal open spaces (no. minutes reduction)		26 (120 - 195 minutes)		26 (120 - 330 minutes)	
Number of apartments with greater than 20% reduction sunlight to principal open spaces		26 (45% of POS)		26 (45% of POS)	
Average change in sunlight hours (Total duration % change / total number of apartments)		-30%		-35%	

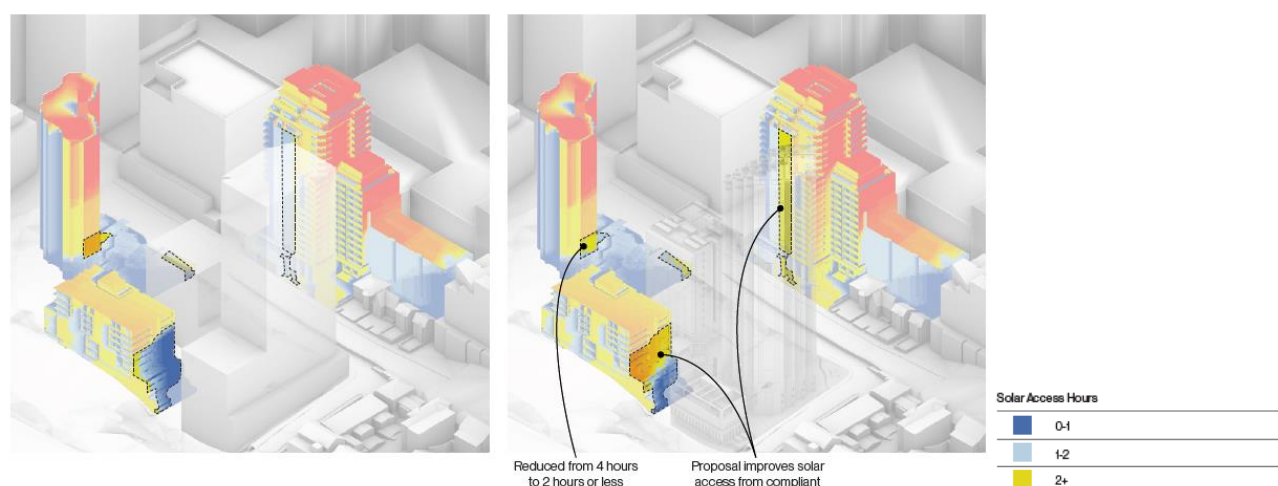
The key overshadowing outcomes to 88 Berry Street are:

- The building does not currently achieve compliance with the ADG in that under 70% of apartments achieve 2 hours of sunlight to living rooms and private open space between 9 am and 3 pm on 21 June.
- The proposed development will reduce solar access to 25 living rooms and 26 principal private open spaces by more than 20%, by 135-210 minutes and 120-195 minutes, respectively. However, the duration of loss of solar access is either the same or less than the compliant envelope.
- The proposed development will result in 1 more apartment achieving compliant solar access than the compliant envelope

Solar access is maximised in the proposed development by the height of Building B2 being some 20m below the maximum height for Building B2 excluding the Housing SEPP height bonus (refer to **Figure 5**). This results in improved solar access to 12 apartments along the northern façade of 88 Berry Street, providing an additional 3 hours of solar access due to the reduced form of Building B2 compared to the LEP permitted height.

DCP & LEP Compliant Envelope Difference

Proposed Solar Access Difference



**Figure 5** Heat map showing improved solar access to 88 Berry northern façade compared to compliant envelope

Source: Rothelowman

## Additional Overshadowing Impact from Housing SEPP Height Bonus

The parts of the proposed development within the 30% height bonus (Levels 10-12 of Building A, and Levels 28-30 of Building B1) do not generate any additional overshadowing to 88 Berry Street beyond that which is the result of the development excluding the height bonus.

## Acceptability of Overshadowing Impacts

The proposed development is consistent with the objective to minimise overshadowing to neighbouring properties in mid-winter, as it has reduced overshadowing to 88 Berry Street in comparison to the compliant envelope.

It is noted that due to the position of Building B1 to the north-west of 88 Berry Street, any development of CBD scale in this area of the site does result in overshadowing to bedrooms and balconies on the western façade of 88 Berry Street. It is likely that the proposed Building B1 tower would need to be reduced to nine storeys to be consistent with the design guidance of the ADG.

It is reiterated that the approved rezoning of the site contemplated increased overshadowing impact on 88 Berry Street. This is reflected in the Response to Submissions Report prepared by the Department of Planning, Industry and Environment in 2021 which stated that *"although some overshadowing will occur to nearby properties these changes will provide for improved solar access for properties to the west of the site, when compared to the previous proposal"* (page 17) and *"in terms of site specific merit, it is acknowledged that there will be some overshadowing... however changes have been made to the original concept design to reduce these impacts"* (page 30).

In the context of the site specific LEP and DCP controls which permit a building height of 30 storeys in this location, strict application of solar access controls under the North Sydney DCP and ADG (which would require a building height of nine storeys or approx. 1/3 of the storeys permitted) is considered unreasonable and would not allow development substantially close to what the LEP and DCP contemplates, following the rezoning of the site in 2021 which acknowledged that some overshadowing impact to 88 Berry Street will occur.

The reduction in height to 9 storeys in this SSDA would be inconsistent with the objects contained within section 1.3 of the EP&A Act:

- Objective (c) – to promote the orderly and economic use and development of land. A development with height and dwellings reduced to avoid any overshadowing impact is not orderly and economic use and development on land that has been rezoned for high density residential development and is located in close proximity to essential services and public transport services including the new Victoria Cross Metro Station.
- Objective (d) – to promote the delivery and maintenance of affordable housing. A development with height and dwellings reduced to avoid any overshadowing impact would restrict the delivery of affordable housing.

As such, it is considered that the improvements the project team have made to overshadowing outcomes compared to a compliant envelope in order to reduce the worst-case scenario overshadowing outcome to 88 Berry Street are a positive and balanced outcome.

## 171 Walker Street

Rothelowman have undertaken further analysis to determine the overshadowing impacts to living rooms and principal private open space of apartments within 171 Walker Street, as well as impacts to the communal open space of 171 Walker Street.

## Overshadowing Impacts to Apartments

As shown in **Figure 6** below, all dwellings are orientated towards the south and south east to take advantage of harbour views. As a result there are no living spaces that directly face north. The principal private open space of Unit 1 on each level is affected by shadows cast by the proposed development to the north. The living space of Unit 1 of each level also receives some sunlight through the glazing of the principal private open space terrace. Therefore, in order to provide a conservative analysis, solar access impacts to the Unit 1 living spaces have also been considered. It is noted that bedrooms and kitchens, as well as secondary private open space on the north-eastern elevations, which are considerably smaller than the principal private open space terraces oriented to the south-east, are not relevant to overshadowing analysis for the purposes of the ADG.



**Figure 6** Layout of living spaces and principal private open spaces within 171 Walker Street which are affected by overshadowing from the proposed development

Source: Rothelowman

The RTS Design Report provides further analysis of the overshadowing impacts to 88 Berry Street, which is summarised in **Table 13** below. The impacts of the proposed development are compared with the impacts generated by the compliant envelope, which means the planning envelope provided for by the controls of the North Sydney LEP 2013 and North Sydney DCP 2013.

**Table 13** Summary of overshadowing impacts and ADG consistency for 171 Walker Street

ADG Compliance	Existing Conditions	Proposal		Compliant Envelope	
		% Change		% Change	
Number of Apartments	83				
Number of Apartments achieving 2 hours sunlight to living rooms and POS (ADG Compliance)	21 (25% of units)	17 (20% of units)	19%	17 (20% of units)	19%
Number of apartments with living rooms achieving 2 hours sunlight	21 (25% of units)	18 (22% of units)	14%	18 (22% of units)	14%
Number of apartments with reduced sunlight to living rooms	21	21 (75 - 105 minutes)		21 (75 - 105 minutes)	
Number of apartments with greater than 20% reduction sunlight to living rooms		21 (25% of living rooms)		21 (25% of living rooms)	
Number of apartments with principal open spaces achieving 2 hours sunlight	21 (25% of units)	17 (20% of units)		17 (20% of units)	
Number of apartments with reduced sunlight to principal open spaces (no. minutes reduction)		11 (90 - 105 minutes)		12 (15 - 105 minutes)	
Number of apartments with greater than 20% reduction sunlight to principal open spaces		11 (13% of units)		11 (13% of units)	
Average change in sunlight hours (Total duration % change / total number of apartments)		-9%		-9%	



The key overshadowing outcomes to 88 Berry Street apartments are:

- The building does not currently achieve compliance with the ADG in that under 70% of apartments achieve 2 hours of sunlight to living rooms and private open space between 9 am and 3 pm on 21 June.
- The proposed development will affect solar access to all 21 units which currently receive 2 hours of solar access to living rooms and principal private open spaces. However, 16 of those apartments will continue to achieve 2 hours of solar access to living rooms and principal private open spaces. This is the same as the compliant envelope.
- The proposed development will reduce solar access to 21 living rooms and 11 principal private open spaces by more than 20%, by 75-105 minutes and 90-105 minutes, respectively. There is no difference in the worst case reduction of solar access between the proposed development and compliant envelope.

#### Additional Overshadowing Impact from Housing SEPP Height Bonus

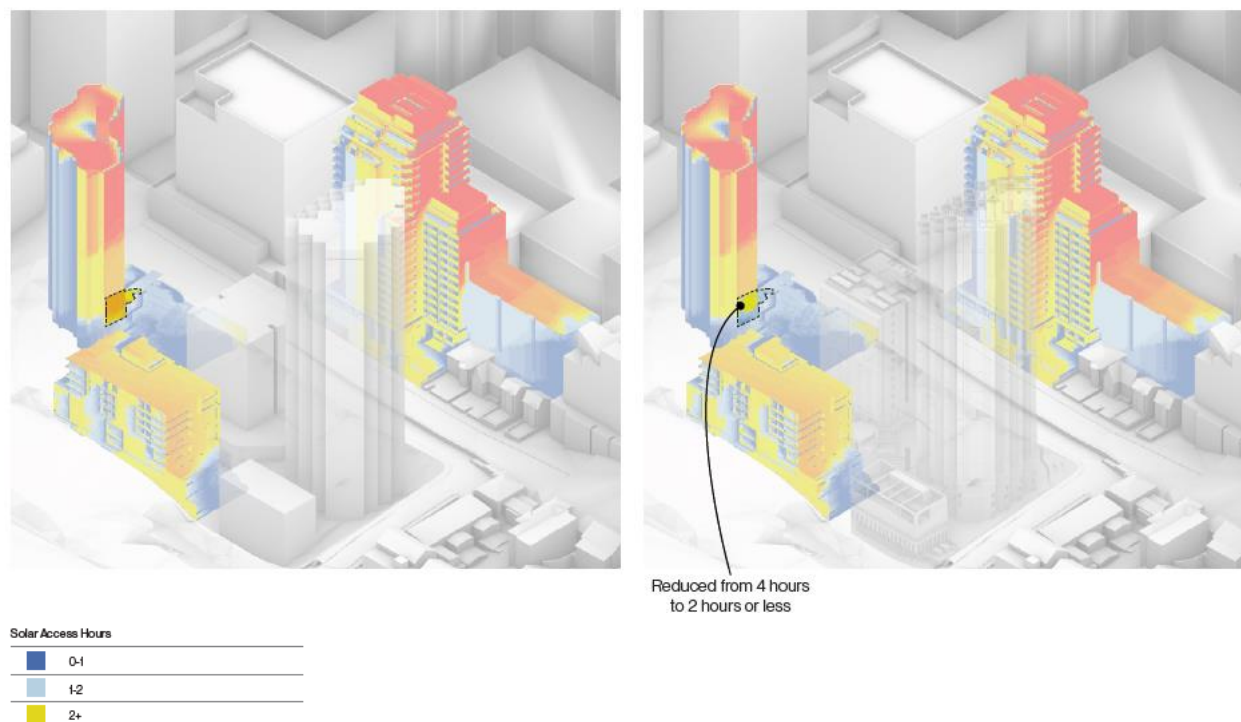
Due to the Doris Fitton Park solar access plane, there the extent to which Building B1 utilises the additional height provided by the height bonus is minimal. Considering the north easterly aspect of living rooms and principal private open spaces, therefore there are no additional overshadowing impacts to living rooms and principal private open spaces within 171 Walker Street owing to the height bonus.

From 10am-2pm on 21 June, the parts of the development that utilise the additional height provided by the height bonus (Levels 10-12 of Building A, and Level 28-30 of Building B1) will result in up to 2 hours of additional shading of bedrooms, bathrooms, and secondary balconies (accessed off bedroom) to 10 apartments (refer to **Figure 7** below). However, bedrooms, bathrooms and secondary private open spaces are not spaces which the ADG seeks to preserve solar access to, and therefore impact to them is reasonable, especially within a dense urban environment.

Therefore, the parts of the building within the 30% height bonus will not result in any unacceptable overshadowing impacts.

**Proposed Development exc. 30% Height Bonus Difference**

**Proposed Solar Access Difference**



**Figure 7** Diagrams showing additional overshadowing generated by parts of the building within 30% height bonus

Source: Rothelowman



## Overshadowing Impacts to Communal Open Space

As shown in **Figure 8**, 171 Walker Street has three distinct useable communal open space areas being the pool, the garden and the lobby entry. Rothelowman have assessed the overshadowing impacts to for the following areas to determine whether 50% of the communal open space achieves 2 hours of solar access between 9am and 3pm on 21 June in either of the proposed development and a development that utilises the maximum planning envelope scenarios:

- Solar access to pool area (approx. 136m<sup>2</sup>).
- Solar access to pool and garden area (approx. 666m<sup>2</sup>).
- Solar access to pool, garden and entry area (approx. 876m<sup>2</sup>).



**Figure 8** Communal open spaces within 171 Walker Street

Source: Rothelowman

The overshadowing impact to these communal open spaces of 171 Walker Street are summarised in **Table 14** below. The impacts of the proposed development are compared with the impacts generated by the compliant envelope, which means the planning envelope provided for by the controls of the North Sydney LEP 2013 and North Sydney DCP 2013.

**Table 14** Summary of overshadowing impacts and ADG consistency for 171 Walker Street

	Existing Conditions	Proposal		Compliant Envelope	
		% Change		% Change	
Pool Area	136.5m²				
Solar Access Duration	5 hours (9am - 2pm)	2.5 hours (11:30am - 2pm)	50%	2.5 hours (11:30am - 2pm)	50%
Total Area Solar Access	989.3m²	440.4m²	55%	454.3m²	54%
Solar Access to 50% Duration	4 hours (9:30am - 1:30pm)	1.5 hours (12pm - 1:30pm)	63%	1.5 hours (12pm - 1:30pm)	63%
Garden Area	529.9m²				
Solar Access Duration	6 hours (9am - 3pm)	3 hours (9am - 11am, 1pm - 2pm)	50%	3 hours (9am - 11am, 1pm - 2pm)	50%
Total Area Solar Access	4883.1m²	410.9m²	92%	429.7m²	91%
Solar Access to 50% Duration	4.5 hours (10am - 2:30pm)	0 hours	100%	0 hours	100%
Lobby Area	209.8m²				
Solar Access Duration	4.5 hours (9am - 1:30pm)	3 hours (9am - 10am, 11:30am - 1:30pm)	33%	3.5 hours (9am - 10:30am, 11:30am - 1:30pm)	22%
Total Area Solar Access	878.6m²	433.5m²	51%	408.4m²	54%
Solar Access to 50% Duration	4.5 hours (9am - 1:30pm)	0 hours	100%	0 hours	100%

Detailed tables comparing the area and percentage of solar access for each of the three areas is provided in the RTS Design Report (**Appendix G**). The pool area receives solar access from 11:30am to 2pm on 21 June. The garden and entry areas receive solar access from 9am-2pm on 21 June. The key findings are summarised below:

- The compliant envelope would result in none of the three areas achieving 2 hours of solar access to 50% of those areas.
- From 9am-11am on 21 June, the garden is already overshadowed by existing surrounding development. From 9am-3pm on 21 June, the majority of overshadowing to the lobby area is from existing overshadowing.
- The proposed development results in slightly less area and percentage of communal open space that receives 2 hours of solar access on 21 June. However, this difference in percentage of change is less than 1% in the case of the pool and garden area, while total area solar access to the lobby entry is improved upon the compliant envelope.
- The pool area is considered the part of the communal open space where solar access is most desired. 50% of the pool area receives 1.5 hours of direct solar access from 12pm-1:30pm on 21 June. It is emphasised that mid-winter is when pool use would be expected to be at its lowest. During the summer months when pool use is expected to be higher, at least 50% of the pool would achieve 2 hours of solar access.
- Due to the provision of a side setback to the southern boundary (where a zero setback is permitted under the DCP), the proposed development results in 2% more area of the pool receiving solar access from 12:30pm-1:30pm compared to the compliant envelope.

### Acceptability of Overshadowing Impacts

The analysis above demonstrates that any development currently permitted by the planning controls on the site would result in overshadowing impacts that result in inconsistencies with the design guidance set out in the ADG. It is considered that these impacts were accepted at the time of the Planning Proposal for the site, evidenced in the Response to Submissions Report prepared by the Department of Planning, Industry and Environment in 2021 which stated that *"in terms of site specific merit, it is acknowledged that there will be some overshadowing... however changes have been made to the original concept design to reduce these impacts"* (page 30).

The analysis above demonstrates that the proposed development does not generate substantially more overshadowing impact than the compliant envelope. Overshadowing impacts to apartments is essentially the same as the compliant envelope, while additional overshadowing to the communal open spaces compared to the compliant envelope is minor to negligible.

Moreover, the overshadowing impacts from parts of the building that utilise the additional height provided by the height bonus do not affect any spaces that the ADG seeks to protect, namely living rooms and principal private open spaces.

In the context of the site specific LEP and DCP controls which permit a building height of 30 storeys in this location, strict application of solar access controls under the North Sydney DCP and ADG is considered unreasonable and would not allow development substantially close to what the LEP and DCP contemplates, following the rezoning of the site in 2021 which acknowledged that some overshadowing impact to 88 Berry Street will occur. It is likely that the majority of Building A and B1 would need to be removed to avoid any overshadowing impact to 171 Walker Street.

This would be inconsistent with the objects contained within section 1.3 of the EP&A Act:

- Objective (c) – to promote the orderly and economic use and development of land. A development with height and dwellings reduced to avoid any overshadowing impact is not orderly and economic use and development on land that has been rezoned for high density residential development and is located in close proximity to essential services and public transport services including the new Victoria Cross Metro Station.
- Objective (d) – to promote the delivery and maintenance of affordable housing. A development with height and dwellings reduced to avoid any overshadowing impact would restrict the delivery of affordable housing.

As such, it is considered that the overshadowing impacts to 171 Walker Street are an acceptable and balanced outcome due to the lack of any substantial inconsistency between the proposed development's overshadowing outcomes compared to a compliant envelope.

## 138 Walker Street

In response to public submissions received from residents of 138 Walker Street, Rothelowman have undertaken further analysis to determine the overshadowing impacts to living rooms and principal private open space of apartments within 138 Walker Street.

### Overshadowing Impacts

As shown in **Figure 9** below, the majority of 138 Walker Street dwellings are orientated towards the south and east to take advantage of harbour views. North facing living spaces are limited to the corners of the building, which are not impacted by the proposed development.



**Figure 9** Layout of living spaces and principal private open spaces within 128 Walker Street which are affected by overshadowing from the proposed development

Source: Rothelowman

The RTS Design Report provides further analysis of the overshadowing impacts to 88 Berry Street, which is summarised in **Table 14** below. The impacts of the proposed development are compared with the impacts generated by the compliant envelope, which means the planning envelope provided for by the controls of the North Sydney LEP 2013 and North Sydney DCP 2013.

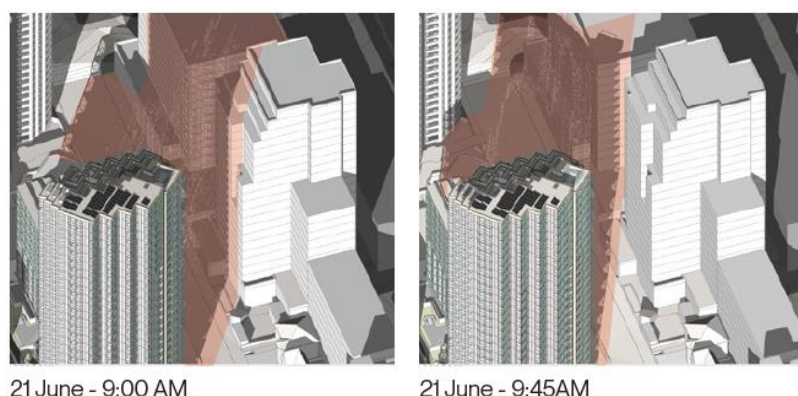
**Table 15** Summary of overshadowing impacts and ADG consistency for 128 Walker Street

ADG Compliance	Existing Conditions	Proposal		Compliant Envelope	
		% Change		% Change	
Number of Apartments	193				
Number of Apartments achieving 2 hours sunlight to living rooms and POS (ADG Compliance)	12 (13% of units)	12 (13% of units)	0%	12 (13% of units)	0%
Number of apartments with living rooms achieving 2 hours sunlight	12 (13% of living rooms)	12 (13% of living rooms)	0%	12 (13% of living rooms)	0%
Number of apartments with reduced sunlight to living rooms		2 (15 minutes per unit)		10 (15 - 30 minutes per unit)	
Number of apartments with greater than 20% reduction sunlight to living rooms		2 (1% of living rooms)		9 (5% of living rooms)	
Number of apartments with principal open spaces achieving 2 hours sunlight	74 (38% of POS)	74 (38% of POS)	0%	74 (38% of POS)	0%
Number of apartments with reduced sunlight to principal open spaces (no. minutes reduction)		50 (15 - 45 minutes)		65 (15 - 45 minutes)	
Number of apartments with greater than 20% reduction sunlight to principal open spaces		29 (15% of POS)		52 (27% of POS)	
Average change in sunlight hours (Total duration % change / total number of apartments)		-5%		-8%	

The key overshadowing outcomes to 138 Walker Street apartments are:

- The building does not currently achieve compliance with the ADG in that under 70% of apartments achieve 2 hours of sunlight to living rooms and private open space between 9 am and 3 pm on 21 June.
- The proposal will cast shadow on parts of the façade of 138 Walker Street from 9-9:30am in mid-winter. This reduction will not impact any apartments already achieving 2 hours of sunlight as they continue to receive 2 hours after the shadow moves off the façade.
- The proposed development will affect the solar access of two living rooms. This is a significant improvement when compared to the compliant envelope.
- The proposed development will affect solar access to all 50 units which currently receive some of solar access to principal private open spaces. This is a significant improvement when compared to the compliant envelope.

The significant improvements compared a development which utilises the maximum planning envelope is due to the generous setback of over 10m to Building B1 at the north-western corner of the site, which minimises overshadowing to 138 Walker Street from 9am-9:45am (refer to pink shadows beyond the grey shadows showing additional shadow generated by the compliant in **Figure 10** below).



**Figure 10** *Diagrams showing improved solar access outcomes compared to compliant envelope (see extent of pink shadow beyond the grey shadow)*

Source: Rothelowman

#### Additional Overshadowing Impact from Housing SEPP Height Bonus

The parts of the proposed development that utilise the additional height provided by the height bonus do not result in any additional overshadowing impact to 138 Walker Street beyond the impact of the maximum planning envelope excluding the height bonus.

#### Acceptability of Overshadowing Impacts

The analysis above demonstrates that the proposed development results in an improved overshadowing outcome than the compliant envelope.

In the context of the site specific LEP and DCP controls which permit a building height of 30 storeys in this location, strict application of solar access controls under the North Sydney DCP and ADG is considered unreasonable and would not allow development substantially close to what the LEP and DCP contemplates, following the rezoning of the site in 2021.

Substantially reducing the height of Building B1 to avoid any overshadowing impact to 138 Walker Street would be inconsistent with the objects contained within section 1.3 of the EP&A Act:

- Objective (c) – to promote the orderly and economic use and development of land. A development with height and dwellings reduced to avoid any overshadowing impact is not orderly and economic use and development on land that has been rezoned for high density residential development and is located in close proximity to essential services and public transport services including the new Victoria Cross Metro Station.
- Objective (d) – to promote the delivery and maintenance of affordable housing. A development with height and dwellings reduced to avoid any overshadowing impact would restrict the delivery of affordable housing.

As such, it is considered that the improvements the project team have made to overshadowing outcomes compared to the compliant envelope in order to reduce the worst-case scenario overshadowing outcome to 138 Walker Street are a positive and balanced outcome.

5.5 Response to Other Issues Raised by the Public and Organisations

The Applicant’s response to the public submissions received are outlined in **Table 16** below.

Table 16 Public Submissions

Issue		Summary of Matters Raised	Responses
The Project			
Building Design Matters			
PO-1	Building Bulk, Height and Setbacks	<ul style="list-style-type: none"><li>Bulk and scale of the design</li><li>Height of the buildings (too tall and should be reduced)</li><li>Building should be setback further (on street frontages and to surrounding sites)</li><li>There is no appropriate building height transition from the existing North Sydney CBD to the proposed development</li><li>Use of affordable housing bonuses to exceed bulk, height and scale</li><li>Bulk and scale should be more sensitive to heritage items</li><li>Design consistency with the DCP provisions</li><li>The development is too large for the site</li><li>Building A height – should not be higher than 88 Berry Street</li><li>Building B1 height should be reduced and should have a slimmer profile</li></ul>	<p>The proposed development is compliant within the planning legislation applicable to the site for the height of all buildings. The amended development remains below the permissible building heights as permitted by the NSW Government Housing Policy bonus of RL 177.62 for Building B1 (with no net increase in overshadowing between 12-2pm from the March equinox to the September equinox to Doris Fitton Park), RL 100.92 for Building A, and RL 94.76 for Building B2. Moreover, the development complies with the maximum floor space ratio for the site as provided by the Housing SEPP bonus. The use of the Housing SEPP affordable housing height and FSR bonuses not only align with the intent of this policy reform by the NSW Government, but are expected and encouraged by the NSW Government. A height for Building A consistent with 88 Berry Street would represent an underdevelopment of the site and preclude the ability to maximise provision of affordable housing. The building mass of Building A above 88 Berry Street does not increase overshadowing to Building A beyond what is already the result of Building B1, or result in additional privacy impacts.</p> <p>Through the massing studies undertaken for the site, it was found that the southern part of the site was able to better absorb an opportunity for increased height potential. Importantly, the options testing analysis proved that adding further additional height (up to the maximum threshold) for Building A was low enough to not cause any overshadowing to Doris Fitton Park. Additionally, it allows for a lower scale Building B2 which is substantially lower than the maximum height limit, in order to preserve outlook and solar access to north-facing apartments of 88 Berry Street.</p> <p>The setbacks for the proposed development have been considered and further amended to improve the development’s relationship to the street. An extensive design process supported by the State Design Review Panel drove a serrated built form which not only maximises landscaped area around the sight that exceed the minimum 2m landscaped setback, but also reduce the visual bulk and maximise sight lines from neighbouring developments by chamfering all corners of Building B1. All rear setbacks are consistent with the objectives of the ADG relating to visual privacy.</p> <p>The development is not too large for the site. Rather skilful design has enabled an exceedance of the minimum 30% landscaped area non-discretionary development standard set out in the Housing SEPP by approximately 20% (equating to approximately 50% landscaped area), demonstrating the efficiency of the building footprints and remaining capacity on the site.</p>

Issue	Summary of Matters Raised	Responses
		<p>The design of the podium on Building A and transitional podium expression on Building B1 are a direct response to providing a transition from the CBD to the Hampden Neighbourhood. In particular, the three storey podium on Building A reflects the prevailing podium height on Walker Street, while the transitional podium on Building B1 correlates with the height the surrounding Heritage terraces at 150 Walker Stret and on Hampden Street respecting the scale of surrounding heritage items</p> <p>It is further noted that DCPs do not apply to State Significant Development. Notwithstanding, the original SSDA proposal and amended SSDA proposal continue to meet the objectives of the DCP.</p> <p>Refer to Section 7.1 of the EIS for further detail regarding built for mad urban design.</p>
PO-2    Inconsistency with Surrounding Context	<ul style="list-style-type: none"> <li>Proposed development is inconsistent with the surrounding context and existing buildings, including the DCP</li> <li>Not within the neighbourhood character</li> <li>The proposed development is not consistent with the scale of low-rise dwellings within the vicinity</li> <li>No more high density developments are needed in the area</li> </ul>	<p>The proposed development has been assessed against the Housing SEPP and the North Sydney DCP for its consistency with the Hampden Neighbourhood desired future character and the evolving North Sydney context (Section 5.5.1 of the EIS).</p> <p>The surrounding development contains existing new buildings which are taller than the proposed development such as Aura 148 Walker Street (RL 166) and Victoria Cross 155 Miller Steet (RL 230), as well as buildings with heights up to RL 285 (57 storeys) in the Ward Street Masterplan. Along with the opening of the Victoria Cross Metro Station some 140m from the site and the rezoning of the site to R4 High Density Residential, it is clear that North Sydney is undergoing a rapid transition that envisages new tall residential, and mixed use buildings which will take advantage of the new Metro connections.</p> <p>It is reiterated that the desired future character of the Hampden neighbourhood as defined in Part 2.4.4 of the North Sydney DCP, envisages new modern residential development amongst retained heritage buildings.</p> <p>The proposed development is respects the surrounding heritage buildings by the incorporation of podium expressions on Building A and B1 to improve the transition between surrounding properties. The materiality of the building is sensitive to surrounding properties and includes a provision of generous greenery and landscaping that is characteristic of the neighbourhood.</p> <p>Refer to Section 5.5.1 of the EIS for further assessment of the site's consistency with the surrounding context.</p>
PO-3    Site Layout	<ul style="list-style-type: none"> <li>Building A should be relocated to a different part of the site</li> <li>Building B1 should be relocated within the site</li> </ul>	<p>The proposed development and site layout is consistent with the permissible heights set out in the North Sydney LEP. The buildings are arranged appropriately and utilise the permissible heights by placing Building B1 on the corner site which is mapped with the tallest height for the entire site.</p>



Issue	Summary of Matters Raised	Responses
		<p>This urban design proposition was supported in the Planning Proposal and now forms part of the planning controls for the site.</p> <p>Through the massing studies undertaken for the site, it was found that the southern part of the site was able to better absorb an opportunity for increased height potential. Importantly, the options testing analysis proved that adding further additional height (up to the maximum threshold) for Building A was low enough to not cause any overshadowing to Doris Fitton Park. Additionally, it allows for a lower scale Building B2 which is substantially lower than the maximum height limit, in order to preserve outlook and solar access to north-facing apartments of 88 Berry Street, and respect the scale of the Hampden Terraces.</p> <p>Moreover, Building A is required to be a singular building containing all affordable housing on the site to facilitate the most efficient management of affordable housing on the site. Consolidating the affordable units and associate communal amenities within a single building provides the most efficient way to manage these ongoing operational costs. This also enables the affordable units to be managed under a separate stratum without the requirement to individually strata the units, which would add further complexity and cost. Refer to Section 7.1.5 of the EIS for further discussion.</p>
PO-4	<p>Comparison to Previous Development Applications</p> <ul style="list-style-type: none"> <li>• Previous design was better on the site</li> <li>• The proposed development is substantially larger in overall scale than previous submissions</li> </ul>	<p>Comparison of the proposed development against a withdrawn previous DA scheme is not a matter for consideration. It is noted that the previous lodged DA schemes for the site were subject to a different statutory planning regime, namely that it was not State Significant Development eligible for the Housing SEPP affordable housing height and FSR bonuses.</p> <p>Notwithstanding, Section 3.4.3 of the EIS demonstrates that the proposed scheme is the most appropriate out of all schemes previously considered for the site, particularly in relation to improved access arrangements, increased landscaping, solar access, maximises view sharing, has appropriate heritage outcomes, improved residential amenity and has tree retention. For further detail see Section 3.4.3 of the EIS.</p>
PO-5	<p>Comparison to Planning Proposal Panel Comments</p> <ul style="list-style-type: none"> <li>• Inconsistent with comments made during the course of approval of the Planning Proposal by SNPP including slender built form and no overshadowing to the south</li> </ul>	<p>Consistency with the comments made during the course of the Planning Proposal assessment are not a matter for consideration for this SSDA.</p> <p>The gazettal of the planning proposal in to the North Sydney LEP demonstrates that the site's planning controls are acceptable and appropriate. The proposed development is to be assessed against the current planning controls within the North Sydney LEP controls, in conjunction with the Housing SEPP bonuses.</p> <p>Notwithstanding, the proposed built form has been articulated into a slender form through the serrated form and chamfering of all corners of Building B1.</p> <p>It must be also be noted that the approved rezoning of the site contemplated increased overshadowing impact on 88 Berry Street. This is reflected in the Response to Submissions Report prepared by the Department of Planning, Industry and Environment in 2021 which stated that <i>"although some overshadowing will occur to nearby properties these changes will provide for improved solar access for properties to the west of the site, when compared to the previous proposal"</i> (page 17) and <i>"in terms of site specific merit, it is acknowledged that there will be some overshadowing... however changes have been made to the original concept design to reduce these impacts"</i> (page 30).</p>



Issue		Summary of Matters Raised	Responses
			The proposed development is consistent with the overshadowing outcomes envisaged by a scheme in accordance with the existing planning controls, and the 30% height bonus does not result in a substantial amount of additional overshadowing that is not already envisaged during the assessment of the planning proposal. In some cases, for example to 88 Berry Street, the proposed development is an improvement on the overshadowing outcome of a maximised scheme under the existing planning controls.
PO-6	Submissions supporting design	<ul style="list-style-type: none"> <li>• Good proportion of 3+ bedroom apartments</li> <li>• Good increase of housing in North Sydney</li> <li>• Support for the proposed development without reservation</li> <li>• Adds value to the community</li> </ul>	Public support for the proposal is noted.
<b>Land Use</b>		•	
PO-7	Land Use	<ul style="list-style-type: none"> <li>• The development should include retail or hospitality spaces to keep the neighbourhood active and vibrant</li> </ul>	The site is zoned R4 High Density Residential. Retail or hospitality uses are not permissible on the site.
<b>Landscaping and Public Realm</b>			
PO-8	<ul style="list-style-type: none"> <li>• Pocket park is not adequate</li> <li>• Condition should be included in consent for the preservation of trees on the site</li> <li>• Not enough public open space</li> <li>• Retaining Jacarandas on the site</li> <li>• Not enough public open space</li> <li>• The site should be dedicated to being public open space</li> <li>• Open space should be maintained at the site for the benefit of current and future residents</li> <li>• More landscaping and contouring should be provided to soften the impact of the development and improve privacy</li> </ul>		<p>The proposed development provides an increase in landscaping compared to the alternate designs considered throughout the design process.</p> <p>It is noted that the landscaping at the corner of Walker and Hampden Streets is private land. As such, the Applicant is not required to provide a publicly accessible landscaped area. Notwithstanding, the Applicant is providing a generous landscaped area at the corner of Hampden and Walker Streets which will have canopy tree planting, native vegetation and seating areas suitable for people to stay in the space, as well as the publicly accessible port cochere area which provides seating and gathering opportunities within a high-quality landscaped area. Therefore, this is a net benefit for the community.</p> <p>The site is not zoned for public recreation and therefore it is inappropriate to provide more public open space.</p> <p>It is noted that existing private open space on the site is in a poor condition, lacks accessibility and amenity, and presented CPTED risks. The proposed private open space will be of a high quality, accessible, provide amenity of a range of users, will improve the safety of those spaces, and will provide almost 5 times the number of trees currently on the site.</p> <p>Tree removal is necessary to facilitate the development. In particular, the construction of the basement to accommodate the minimum car parking is required by the Housing SEPP which requires excavation of the majority of the site. Moreover, provision of on-site parking through a basement will minimise on-street parking pressures. Notwithstanding, tree removal has been minimised as much as possible. The project team has sought to maximise tree retention. Moreover,</p>

Issue		Summary of Matters Raised	Responses
			<p>the number of proposed trees has increased from 122 to 201 compensatory trees, far exceeding the existing number of trees on the site.</p> <p>Moreover, the development is compliant with the 30% landscaped area by providing 42.6% total landscaped area with 32% landscaped planting area, while also providing 15% deep soil in accordance with the Apartment Design Guide.</p> <p>The landscaping generally includes three levels of planting (canopy, shrub and accent planting) to provide an adequate level of screening to and from the site, and which adequately visually soften the development.</p>
		<b>Affordable Housing</b>	
PO-9	Affordable Housing	<ul style="list-style-type: none"> <li>• Submissions in support of affordable housing on the site</li> <li>• Understand the need for affordable housing in the area</li> <li>• Affordable housing is good for the community</li> <li>• Requested that any development at the site should include the provision of affordable housing</li> <li>• Affordable housing at the site relieves the stress of buying more expensive and luxury apartments in North Sydney</li> </ul>	Support for affordable housing on the site is noted.
PO-10		<ul style="list-style-type: none"> <li>• Submissions not in support of affordable housing:</li> <li>• Pricing of affordable housing</li> <li>• Affordable housing bonuses</li> <li>• Not accessible for low socio-economic families</li> <li>• Affordable housing should be relocated to a different site</li> <li>• The Joint Venture are exploiting affordable housing to gain approval of the development</li> <li>• The affordable housing inclusion appears to be used as a pretext to justify the scale and density of the development</li> <li>• Providing affordable housing at the site at the expense of other properties is unreasonable and is not in the interests of property owners of North Sydney</li> </ul>	<p>The proposed development provides affordable housing in Building A which is provided under the Housing SEPP in-fill affordable housing provisions within Chapter 2, Part 2, Division 1 of the Housing SEPP. This is formal NSW Government policy aimed at promoting well-located affordable housing developments which are co-located with market apartments. Therefore, the Applicant's SSDA aligns with NSW's strategic planning policy initiatives.</p> <p>The affordable housing equates to approximately 15% of the total GFA of the proposed development. Affordable housing is necessary for the North Sydney LGA to support the diversity and changing demographic and context in North Sydney that is close to transport, amenities and jobs. The site is particularly suitable for the proposed quantum of affordable housing as it is a large site, allowing for a consolidated building of affordable housing, which is located less than 150m from the new Victoria Cross Metro Station. The affordable housing will be of great benefit to many including essential workers, who are vital for the functioning and well-being of the North Sydney community.</p> <p>Under the Housing SEPP, the proposed development can utilise an additional 30% bonus for both floor space ratio and additional building height. The affordable housing units do not exploit any illegitimate bonuses, rather all requirements to qualify for the FSR and Height bonuses under the Housing SEPP are met. It is noted that a large portion of the proposed affordable housing is</p>

Issue	Summary of Matters Raised	Responses
	<ul style="list-style-type: none"> <li>Affordable housing should be provided at a different site as the proposed development is in a 'prime location' with 'soaring property values'</li> <li>Affordable housing has limited benefit to the community</li> <li>The site is not located in an Accelerated Precinct for transport and affordable housing should not be provided at the level of density</li> <li>Affordable housing and the affordable housing bonuses will 'destroy' the amenity of the area</li> <li>Affordable housing is inappropriate at the site as it is not located close to 'affordable facilities' including supermarkets, clothing outlets and bulk-billing facilities</li> <li>Affordable housing should not be provided at the site as people who traditionally qualify for affordable housing will not have jobs near the North Sydney CBD</li> <li>Affordable housing is only being provided to get the development approved</li> </ul>	<p>provided within the base building height set by the LEP. Refer to Section 5.5.1 of the EIS for further assessment and justification.</p> <p>Additional height within the 30% height bonus is generally limited to three levels in Building A. Sections 7.1, 7.2 and 7.3 of the EIS, as well as the Addendum Visual and View Impact Assessment (<b>Appendix M</b>) and additional shadow diagrams within the RTS Design Report (<b>Appendix G</b>) (refer to <b>Sections 5.5 and 5.6</b> for a summary), demonstrate that the parts of the development within the 30% height bonus do not result in any substantial additional overshadowing or view loss impacts beyond those that would be generated by a fully compliant building envelope. Moreover, the design of Building A has a high architectural quality. Therefore, it cannot be said that the proposed affordable housing will "destroy" the amenity of the area.</p> <p>The requirement that the 15% of affordable housing provided on the site be retained as affordable housing for a minimum of 15 years is a policy position set by the NSW Government. The proposal complies with this minimum requirement. The proposal does not preclude the ability for the affordable housing units to remain as affordable housing after the 15-year period.</p> <p>It is noted that the price of affordable dwellings varies according to the locality of a site, and that affordable dwellings are required in all areas of Sydney despite the general affordability of the area. The site is well-located near essential services and retail within the North Sydney CBD. This site is one of the nearest high density residential sites to the North Sydney CBD, parts of which do not permit affordable housing developments.</p>
<b>Procedural Matters</b>		
PO-11 Previous DA Refused	<ul style="list-style-type: none"> <li>4 previous DAs have been rejected</li> <li>Compliance with the previous planning panel approval</li> <li>Preference for the previous design more</li> <li>Relevance to the approved PP-2020-141</li> <li>Failure to recognise the previous PP and objections in this development and EIS</li> </ul>	<p>The gazetted planning proposal is relevant in so far as the planning controls it proposed are now within the North Sydney LEP and the North Sydney DCP Hampden Neighbourhood Chapter, and that the Planning Panel finalising the Planning Proposal accepted that the planning controls for the site would result in some acceptable overshadowing, view loss and general amenity impacts.</p> <p>The previous DA's submitted are not a relevant consideration to this SSDA, apart from demonstrating that the proposed scheme results in superior benefits compared to previous schemes, and respond to key contentions raised in the appeals process of the previously withdrawn DA:</p> <ul style="list-style-type: none"> <li>Improved access arrangements, reduced number of vehicles on Hampden Street and improved safety by reducing three point turns due to introduction of the porte cochere</li> <li>Increased landscaping</li> <li>Improved solar access to neighbouring sites, especially to the northern elevation of 88 berry Street</li> <li>Maximises view sharing through the serrated, chamfered corners form of Building B1.</li> <li>Improved heritage outcomes.</li> <li>Improved residential amenity and natural ventilation.</li> </ul>

Issue		Summary of Matters Raised	Responses
			<ul style="list-style-type: none"> <li>Improved tree retention.</li> </ul> <p>Refer to Section 3.4.3 of the EIS for further detail.</p>
PO-12	SEARs	<ul style="list-style-type: none"> <li>SEARs must be upheld and properly measured against the Joint Venture</li> <li>SEARs relating to Requirement 4 and Requirement 6</li> </ul>	A SEARs compliance table is provided at Appendix A of the EIS. All SEARs are complied with, and the EIS was signed off by a Registered Environmental Assessment Practitioner (REAP).
PO-13	Community Engagement	<ul style="list-style-type: none"> <li>Community engagement has not been fully undertaken</li> </ul>	<p>A variety of community engagement has been undertaken to date which complies with the SEARs requirements. Section 6.0 of the EIS addresses a detailed list of community engagement undertaken prior to lodgement. The project team has continued providing community updates on the project to the surrounding neighbours. It is also understood that the Amended Development will be re-exhibited, providing further opportunity for community engagement.</p> <p>Engagement undertaken since lodgement is summarised in <b>Section 3.1</b> of this Amendments and Submissions Report and detailed in the Consultation Outcomes Addendum (<b>Appendix S</b>).</p>
PO-14	Supporting Documents to the EIS	<ul style="list-style-type: none"> <li>Does not address previous submissions and objections</li> </ul>	Noted. Previous submissions and objections are not a relevant matter for consideration for the consent authority. Notwithstanding, this proposal responds to community feedback received in previous DAs for the site, including responses to objectors from Hampden Street, by reducing the amount of traffic to Hampden Street through the main driveway on Walker Street and port cohere, by introducing a datum for the Building B1 podium expression to respond to the heritage scale of the Hampden Terraces, and by reducing the height on Building B2 to preserve visual amenity to the Hampden Terraces and respect their heritage scale.
PO-15	Public Interest	<ul style="list-style-type: none"> <li>Not in the public interest</li> <li>The development is widely opposed by the community and is inconsistent with planning principles and public interest</li> <li>Cumulative impacts for the community</li> </ul>	<p>The proposed development is within the public interest as it will provide and supply a range of market and affordable dwellings in a highly accessible location, without generating any unacceptable environmental or amenity impacts. Not only does the development contribute to providing high quality housing within close proximity to the North Sydney CBD, it will provide direct employment opportunities during the construction phase.</p> <p>Overall, the proposed development will provide an improved amenity by revitalising a currently underutilised property to substantially increase housing supply, including affordable housing.</p>
<b>Economic, Environmental and Social Impacts</b>			
<b>Amenity to Surrounding Residents</b>			
PO-16	Natural Ventilation	<ul style="list-style-type: none"> <li>Loss of natural ventilation to 150 Walker Street</li> </ul>	The development will not affect natural ventilation to 150 Walker Street.
PO-17	Wind	<ul style="list-style-type: none"> <li>Creation of wind tunnels</li> </ul>	The Pedestrian Wind Environmental Study provided at Appendix M to the EIS concluded that the wind conditions for all outdoor trafficable areas within and around the proposed development will be suitable for their intended uses. The Addendum Wind Impact Statement ( <b>Appendix N</b> ) further

Issue	Summary of Matters Raised	Responses
		<p>notes that the amended proposal does not change the conclusions of the original Wind Impact Statement that was publicly exhibited with the EIS.</p>
<p>PO-18 Privacy</p>	<ul style="list-style-type: none"> <li>Privacy to adjoining and surrounding residential properties is lost</li> <li>The loss of privacy will impact 88 Berry Street as they will be able to see into their balconies and courtyards</li> <li>Privacy impacts to 138 Walker balconies</li> </ul>	<p>Privacy will be maintained to 88 Berry Street and 171 Walker Street through screening measures, predominantly blank wall treatments, and/or orientation of internal spaces away from neighbouring buildings. Opaque glazing on the lower levels of the Building A east-facing windows up to the height of 88 Berry have opaque glazing up to a standing height to mitigate overlooking onto the balconies of 88 Berry Street. While the original proposal was considered to adequately meet the Objective 3F of the ADG, privacy between Building A and 88 Berry Street has been further improved through design amendment to include either opaque or solid spandrels to the lower halves of the Building A east-facing windows from Level 7-12. As these levels are above the height of 88 Berry Street, these spandrels will limit downward overlooking from Building A to 88 Berry Street balconies. Angled facades will direct views from the rear of Building A away and past 88 Berry Street.</p> <p>There is no change to the predominantly blank wall treatment of Building A to mitigate overlooking impacts to 171 Walker Street. For all other surrounding residential properties, the proposed development achieves the required building separation. This includes a 38.4m separation to 138 Walker Street which is acceptable as it is consistent with the minimum 24m separation stipulated by the ADG.</p> <p>Therefore, potential visual privacy impacts have been adequately mitigated in the proposed development.</p>
<p>PO-19 General Amenity</p>	<ul style="list-style-type: none"> <li>Overcrowding and overdevelopment in North Sydney including overdevelopment of the site that does not encourage the orderly development of land</li> <li>Impact on 138 Walker Street, North Sydney. 88 Berry Street, 45 McLaren, 229 Miller Street</li> <li>Amenity will be degraded and people may not want to live in the area</li> <li>Affordable housing and the affordable housing bonuses will 'destroy' the amenity of the area</li> <li>Outlook to trees for 88 Berry</li> </ul>	<p>The general amenity for the surrounding area is improved by the proposed development as it takes a currently underutilised site and arguably unsafe site and provides high quality housing supply for the North Sydney LGA.</p> <p>The residential amenity of the proposed development seeks to provide a high level of residential amenity for all residents within the proposed development and surrounding residents.</p> <p>This is discussed further at Section 7.2 of the EIS.</p>
<p><b>Biodiversity</b></p>		
<p>PO-20 Tree Retention</p>	<ul style="list-style-type: none"> <li>Preservation of trees at the site</li> <li>Retain trees along boundary to 88 Berry Street</li> <li>Residents of surrounding properties wish to retain the Jacarandas</li> </ul>	<p>Trees at the site must be removed due to the encroachments on Tree Protection Zones (TPZ) and Structural Root Zone (SRZs) due to the construction of the basement and proposed buildings. Tree removal has been minimised, for example, trees immediately adjacent to the southern boundary do not need to be removed.</p>

Issue	Summary of Matters Raised	Responses
	<ul style="list-style-type: none"> <li>Degradation of the tree canopy is impacting the wildlife</li> <li>Removing open space and tree canopy at the site</li> </ul>	<p>The proposed development will include the planting of 201 compensatory trees. The number of compensatory trees has increased from the originally proposed 122 new trees. This includes canopy tree planting between 88 Berry and the buildings on the site.</p> <p>A BDAR Waiver (Appendix Q to the EIS) was issued by the DCCEEW with the proposed development which reviewed and confirmed that the site contains negligible biodiversity values. An Updated BDAR Waiver will be provided at <b>Appendix Q</b> with this Submissions and Amendment Report which confirms that the amended proposal contains negligible biodiversity values and will not result in any unacceptable biodiversity impacts.</p>
<b>Construction Impacts</b>		
PO-21 Construction Impacts	<ul style="list-style-type: none"> <li>Impact on parking during construction</li> <li>Dust management</li> <li>Construction Noise Management</li> <li>Construction vehicle access</li> <li>Mitigation measures of construction to protect surrounding properties</li> <li>Construction will impact the ability for residents to navigate the area with ease</li> <li>The Construction Management Plan is simplistic</li> </ul>	<p>An Updated Preliminary Construction Environmental Management Plan (CEMP) (<b>Appendix CC</b>) is provided. The Updated Preliminary CEMP notes that subject to the implementation of mitigation measures within the Updated Preliminary CEMP, the construction impacts are manageable and acceptable.</p> <p>The Updated Preliminary CEMP (CEMP) (<b>Appendix CC</b>) and Updated Stormwater Management Plan (<b>Appendix Y</b>) have been amended to include a comprehensive soil and management plan. It is noted that the Principal Contractor must develop its own Detailed CEMP based on the Updated Preliminary CEMP prior to commencement of any work on the site, in order to ensure the desired quality, safety and environmental outcomes are achieved. It will include all key reports and management plans. A Detailed CEMP can only be prepared once a Principal Contractor is engaged, because it must align with the final construction methodology which must be finalised post-determination of the SSDA.</p> <p>As detailed in the Preliminary CEMP, once engaged, the Principal Contractor will prepare and implement Stakeholder and Community Engagement Management Plans. These will set out and guide the communication and engagement process with the community and project stakeholders during the planning and delivery phases. They will also provide an overview of the primary controls and management of sensitive items including construction noise, dust &amp; vibration and traffic, along with how change management, community notifications and complaints are responded to.</p> <p>Particular focus during all project planning will be around how project objectives are achieved whilst minimising the impact on local residents, businesses and service providers.</p> <p>The Detailed CEMP must also contain a Detailed Construction Traffic and Pedestrian Management Plan (CTMP) which satisfies the requirements of all applicable legislation and authority requirements, and must be consistent with the Preliminary CTMP included within the Updated Transport and Accessibility Impact Assessment (<b>Appendix V</b>).</p>
<b>Heritage</b>		
PO-22 Heritage	<ul style="list-style-type: none"> <li>Impacts on the Victoria Terraces</li> </ul>	<p>A Statement of Heritage Impact (SHI) was provided at Appendix T of the EIS and summarised within Sections 7.16 of the EIS. The SHI concludes that the proposed development will not have any</p>

Issue	Summary of Matters Raised	Responses
	<ul style="list-style-type: none"> <li>Heritage items including buildings to the west of the development and the heritage-protected sandstone wall</li> <li>Impact on heritage significance</li> <li>Heritage items to be reviewed</li> <li>Cultural and natural heritage</li> <li>Location and proximity to heritage items</li> <li>The neighbourhood is ruined for heritage item dwellings</li> <li>Heritage and village atmosphere will be negatively affected</li> </ul>	<p>unacceptable impact on any surrounding items of heritage significance. Additionally, the proposed demolition of the existing buildings will have no heritage impact.</p> <p>The proposed development is in close proximity to heritage items, however, the proposal has been carefully considered to ensure that the form and materiality of the proposed development respects the setting of the surrounding heritage items. Key design initiatives driven by heritage considerations include the transitional podium on Building B1 and datum of the podium expression which aligns with the heights of the surrounding heritage buildings, low height of Building B2, extensive landscaping and the masonry articulation and materiality of the Building B1 podium and Building B2.</p>
<b>Social Impact</b>		
PO-23 Social Impact	<ul style="list-style-type: none"> <li>Disrupt social cohesion in North Sydney</li> </ul>	<p>The proposed development will improve the social cohesion of North Sydney. The Social Impact Assessment (SIA) provided at Appendix U of the EIS determines that the proposed development will be beneficial and provide a positive social impact on the community through the provision of housing choice, affordable housing and high amenity and well landscaped spaces.</p>
<b>Economic Impacts</b>		
PO-24 Economic Impact	<ul style="list-style-type: none"> <li>Loss of property values</li> <li>Overwhelm local businesses and impact income</li> <li>The number of apartments including the provision of affordable housing will depreciate the value of properties</li> </ul>	<p>In accordance with the <i>Environmental Planning and Assessment Act 1979</i> (EPA&amp;A) and Section 1.3 of EPA&amp;A, the proposed development promotes the orderly and economic use and development of the land. It will redevelop a dilapidated site that is currently below its development potential and provides housing in a highly accessible location.</p> <p>The EPA&amp;A does not specifically seek to protect private property values, nor will the provision of affordable housing necessarily depreciate the value of surrounding private properties.</p> <p>The proposed development will not negatively affect local businesses, rather it will bring a greater population into the North Sydney area, and associated increases in revenue.</p>
<b>Noise and Vibration</b>		
PO-25 Construction Noise	<ul style="list-style-type: none"> <li>Construction Noise management</li> <li>Vibration impacts during construction</li> <li>No after hours or weekend construction</li> </ul>	<p>A Noise and Vibration Assessment (NVA) was prepared by Arup and provided at Appendix Z of the publicly exhibited EIS. The NVA provides mitigation measures to be implemented during the proposed development's construction phase. These mitigation measures are provided at <b>Appendix C</b>. With the implementation of mitigation measures, the proposed development will not result in unacceptable construction noise impacts.</p> <p>The proposed construction hours will be consistent with the standard construction hours within the <i>Interim Construction Noise Guidelines</i>.</p>



Issue		Summary of Matters Raised	Responses
PO-26	Cumulative Construction Noise	<ul style="list-style-type: none"> <li>Residents are already experiencing ongoing noise disturbances from public infrastructure this development will result in noise, vibration and dust impacts</li> <li>Noise and dust from the Warringah Freeway</li> </ul>	<p>Arup has prepared a Noise and Vibration Addendum (<b>Appendix W</b>). Arup acknowledges that there is the potential for some cumulative impact as a result of the proposed development in the context of construction activity associated with the Western Harbour Tunnel (WHT) project. Arup understand that the WHT works are generally limited to standard construction hours, being 7am to 6pm Monday to Friday 8am to 6pm on Saturdays and operate under an Environmental Protection License.</p> <p>Irrespective of the WHT works, Arup note that the subject development will be required to develop a detailed construction noise and vibration management plan to identify all reasonable and feasible measurements to minimise impacts as far as practicable. However, Arup consider that is not reasonable to unduly limit or constrain the proposed development based on other unrelated construction projects in the area.</p>
PO-27	Operational Noise	<ul style="list-style-type: none"> <li>Impacts on 88 Berry Street relating to communal and private open spaces at the development</li> <li>Residents to be negatively impacted by increased noise.</li> <li>Acoustic impact post-construction on surrounding properties</li> <li>Residential amenity relating to noise from the communal and private open space areas</li> </ul>	<p>Arup has prepared a Noise and Vibration Addendum (<b>Appendix W</b>) which provides additional acoustic commentary on potential acoustic impacts associated with the communal spaces within the amended development. Arup note that noise from communal areas on residential development are not assessable against quantitative criteria that are applied to other sources such as building services equipment. Notwithstanding, Arup consider that the proposed communal areas should not adversely impact neighbouring developments. Refer to Noise and Vibration Addendum (<b>Appendix W</b>) for detailed justification.</p>
<b>Infrastructure, Public Services and Servicing Demand</b>			
PO-28	Infrastructure, Public Services and Servicing Demand	<ul style="list-style-type: none"> <li>Servicing to existing residents and pressure on the systems</li> <li>Impact on public infrastructure as hospitals and schools</li> </ul>	<p>The proposed development will provide the necessary development contributions to support the infrastructure and public services in the area.</p> <p>The Infrastructure Delivery, Management and Staging Plan (Appendix JJ of the EIS) confirms that there are sufficient services and infrastructure available to service the site.</p>
<b>Structural/Dilapidation</b>			
PO-29	Structural/Dilapidation	<ul style="list-style-type: none"> <li>Dilapidation Report to be provided to adjoining residents</li> </ul>	<p>Preparation of a Dilapidation Report to adjoining residents is a standard condition of consent that must be satisfied prior to the commencement of works.</p>

## 6.0 Further Assessment of Amended Development

### 6.1 Strategic Planning Context

Since SSDA Lodgement, there have been no relevant changes to the strategic planning that would affect the site or the proposed development. The proposed development continues to fulfill NSW's strategic planning aims to provide affordable housing to meet the *National Housing Accord* and *NSW Productivity Commission – Building more homes where people want to live* objectives.

Since lodgement of the SSDA, the Sydney Metro link and Victoria Cross Metro Station has opened. Providing affordable housing that is close to public transport is a key objective of the *North Sydney Local Strategic Planning Statement* and other key strategic housing documents.

The development continues to align with the *National Housing Accord* to deliver 1 million houses in well-located areas over the coming 5 years (from 2024). The NSW Government has committed to providing 3,100 affordable homes which this proposed development aims to contribute 78 affordable housing dwellings to.

### 6.2 Statutory Context

Since SSDA lodgement, there have been no changes to the statutory context that would affect the site or the proposed development. The project's key statutory assessment is outlined throughout this section.

#### 6.2.1 Power to Grant Approval

The amended proposal is for the purposes of in-fill affordable housing that has an estimated development cost greater than \$75 million, and as such remains declared State significant development under *State Environmental Planning Policy (Planning Systems) 2021* Schedule 1, section 26A.

Pursuant to Section 2.7 of *State Environmental Planning Policy (Planning Systems) 2021*, it is noted that the consent authority is the Independent Planning Commission, as the SSDA has received 50 or more unique public objections.

#### 6.2.2 Permissibility

The permissibility of the proposed development remains the same as the exhibited EIS. There is no change to the land use as a Residential Flat Building (RFB) and the zoning remains R4 – High Density Residential under the *North Sydney Local Environmental Plan 2013* (North Sydney LEP). The RFB remains permitted with consent in the R4 zone.

#### 6.2.3 Other Approvals

There is no change to the other legislative approvals required for the amended proposal in addition to a development consent under Division 4.7 of the EP&A Act.

#### 6.2.4 Pre-Conditions to Exercising the Power to Grant Consent

The pre-conditions to exercising the power to grant consent remains largely unchanged.

To meet compliance with the *Biodiversity Conservation Act 2016*, an Updated Biodiversity Development Assessment Report (BDAR) Waiver has been prepared by SLR and is provided at **Appendix Q**.

Compliance with the *State Environmental Planning Policy (Housing) 2021* is assessed in **Section 6.2.5** below.

#### 6.2.5 Mandatory Matters for Consideration

The mandatory matters for consideration and the statutory context remain largely unchanged. For completeness, the project's key statutory assessment is outlined throughout this section.

#### North Sydney LEP

**Table 17** includes assessment against the Housing SEPP. Where compliance remains consistent with the exhibited EIS, go to Table 21 of the EIS. Where additional assessment against the Housing SEPP is required due to the amended design, additional assessment is provided below in **Table 17**.

**Table 17 Compliance with North Sydney LEP**

Clause	Comment
<b>Clause 2.3</b> <i>Zone Objectives and Land Use Table</i>	<p>No change.</p> <p>The proposed development remains consistent with the objectives of the R4 zone as it will:</p> <ul style="list-style-type: none"> <li>• Assist in the delivery of housing to meet the demands of the community within a high-density residential environment.</li> <li>• The proposed development will provide a diverse housing type and mix and the delivery of one RFB dedicated to affordable housing.</li> <li>• It does not compromise the amenity of the surrounding area as it provides high quality landscaping, contextually appropriate interface to heritage items, provides amenities for residents, won't result in unacceptable overshadowing, view loss or visual impact and will have acceptable traffic impacts.</li> <li>• Ensure the delivery of high level residential amenity is achieved.</li> </ul>
<b>Clause 4.3</b> <i>Height</i>	<p>No change.</p> <p>The proposed development is eligible for a height bonus of up to 30% under the Housing SEPP.</p>
<b>Clause 4.4</b> <i>Floor Space Ratio</i>	<p>No change.</p> <p>The proposed development is eligible for a floor space ratio (FSR) bonus of up to 30% under the Housing SEPP.</p>
<b>Clause 5.10</b> <i>Heritage Conservation</i>	<p>No change.</p>
<b>Clause 5.21</b> <i>Flooding</i>	<p>Further assessment has been undertaken in the Updated Flood Impact and Risk Assessment provided at <b>Appendix Z</b> and the Flood Emergency Response Plan provided at <b>Appendix AA</b>. Flooding is assessed in <b>Section 6.8</b>.</p>
<b>Clause 6.10</b> <i>Earthworks</i>	<p>No change.</p>
<b>Clause 6.12</b> <i>Residential Flat Building</i>	<p>No change.</p>
<b>Clause 6.13</b> <i>Vehicular access</i>	<p>No change.</p>
<b>Clause 6.15</b> <i>Airspace Operations</i>	<p>No change.</p>
<b>Clause 6.19C</b> <i>Development at Hampden and Walker Streets, North Sydney</i>	<p>No change.</p>

## Housing SEPP

**Table 18** includes assessment against the Housing SEPP. Where compliance remains consistent with the exhibited EIS, go to Table 22 of the EIS. Where additional assessment against the Housing SEPP is required due to the amended design, additional assessment is provided below in **Table 18**.

**Table 18 Assessment against the Housing SEPP**

Provision	Comment
<b>Chapter 2 Affordable Housing</b>	
<b>15C Development to which division applies</b>	
(1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument	Complies. No change.
(b) the affordable housing component is at least 10%	Complies. No change.
(c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone	Complies. No change.
(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division	Complies. No change.
<b>16 Affordable housing requirements for additional floor space ratio</b>	
(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	Complies. As the proposed development provides an affordable housing component of at least 15% of total GFA, it is eligible for an additional floor space ratio of up to 30%. The applicable FSR under the North Sydney LEP is 6.1:1. Applying the 30% additional FSR, the maximum FSR enabled by the Housing SEPP is 7.93:1 (equivalent to 31,340.5m <sup>2</sup> of GFA). The proposed development has a total GFA of 31,340m <sup>2</sup> , and therefore complies with the maximum FSR for the site under the Housing SEPP.
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—  $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$	Complies. No change. 30% (additional FSR) divided by 2 = 15% affordable housing. At least 15% of affordable housing is provided in the proposed development.
(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	Complies. No change.
(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	No change. Not applicable as an FSR control applies to the site.

Provision	Comment
<b>19 Non-discretionary development standards – the Act, s 4.15</b>	
(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	No change. Noted.
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m <sup>2</sup> ,	Complies. No change.
(b) a minimum landscaped area that is the lesser of— (i) 35m <sup>2</sup> per dwelling, or (ii) 30% of the site area,	Complies. The amount of landscaped area has slightly reduced due to minor adjustments to building footprints and addition of the Building A outdoor terrace to Walker Street. 42.6% of the site area (1,685.4m <sup>2</sup> ) is landscaped area.
(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	No change. Not applicable. Refer to subsection 19(3).
(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	No change. Not applicable. Refer to subsection 19(3).
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	Complies. Refer to the Updated Transport and Accessibility Impact Assessment at <b>Appendix V</b> for a detailed assessment.
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	Complies. No change. Refer to the Updated Transport and Accessibility Impact Assessment at <b>Appendix V</b> for a detailed assessment.
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Complies. No change. Refer to the RTS Design Report at <b>Appendix G</b> .
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (2)(d) do not apply.
<b>20 Design requirements</b>	
(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	No change. Not applicable to the site. Refer to subsection 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.
(2) Subsection (1) does not apply to development to which Chapter 4 applies.	

Provision	Comment
<p>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area,</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>Complies. No change.</p> <p>North Sydney is a precinct undergoing transition, with rapid changes in the context of the area.</p> <p>The desired future character of the Hampden neighbourhood as defined in Part 2.4.4 of the North Sydney DCP, envisages new modern residential development amongst retained heritage buildings.</p> <p>The proposed development is consistent with the desirable elements of the character of the local area.</p>
<b>21 Must be used for affordable housing for at least 15 years</b>	
<p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18</p>	<p>Complies. No change.</p> <p>The affordable housing component will be managed by a registered community housing provider (CHP) for at least 15 years commencing on the day an occupation certificate is issued for the development.</p> <p>Letters of Support from the following CHPs are provided at Appendix LL to the EIS and indicate their willingness to manage the affordable housing component for a minimum of 15 years when they are selected:</p> <ul style="list-style-type: none"><li>• Bridge Housing;</li><li>• St George Community Housing; and</li><li>• Evolve Housing.</li></ul>
<p>(b) the affordable housing component will be managed by a registered community housing provider.</p>	
<p>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	<p>Not applicable to the development.</p>
<b>Chapter 4 Design of Residential Apartment Development</b>	
<b>144 Application of Chapter</b>	
<p>(2) This chapter applies to the following—</p> <p>(a) development for the purposes of residential flat buildings,</p>	<p>No change.</p> <p>This chapter applies to Buildings A and B1 which are residential flat buildings that consist of the erection of new buildings, are at least 3 storeys (not including underground car parking storeys), and contain at least 4 dwellings.</p>
<p>(3) This chapter applies to development only if—</p> <p>(a) the development consists of—</p> <p>(i) the erection of a new building</p> <p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p>	
<b>147 Determination of development applications and modification applications for residential apartment development</b>	
<p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p>	<p>No change. Complies.</p> <p>An Updated Design Verification Statement is provided at <b>Appendix H</b>.</p>
<p>(b) the Apartment Design Guide,</p>	<p>A full assessment against the relevant objectives and design criteria of the ADG is provided within the Updated Design Verification Statement at <b>Appendix H</b>.</p>

Provision	Comment
<b>148 Non-discretionary development standards for residential apartment development – the Act, s 4.15</b>	
(2) The following are non-discretionary development standards— (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	Complies. No change.
(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,	Complies. No change.
(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	Complies. No change.

### North Sydney Development Control Plan 2013

The North Sydney Development Control Plan 2013 (North Sydney DCP) is not a matter of consideration for the proposed development as it State Significant Development. The DCP continues to guide the development, changes to compliance against relevant provisions of the DCP are discussed in **Table 19** below.

**Table 19** *Assessment against North Sydney DCP: Section 2.4 – Hampden Street Neighbourhood Relating to Setbacks*

Section	Control	Assessment
2.4.4 East Walker Street Precinct Controls	Front Setbacks (Walker Street): P1 2m landscaped setback to Walker Street	Variation. Building A provides a 3.6m front setback to Walker Street which exceeds the minimum 2m. The minimum landscaped setback for Building B1 to Walker Street is 1.9m. However, this minimum landscaped setback is limited to the western-most serrated points of the façade. The serrated form creates pockets of landscaped area up to approximately 4.5m in depth, while landscaped setback of approximately 9m are provided at the corners of Building B1.
	Front Setback (Hampden Street): P2 2m landscaped setback to Hampden Street	Variation. The minimum landscaped setback for Building B1 to Hampden Street is 1.9m. However, this minimum landscaped setback is limited to the western-most serrated points of the façade. The serrated form creates pockets of landscaped area up to approximately 4.5m in depth, while landscaped setback of approximately 9m are provided at the corners of Building B1.
	Side Setbacks (17 Hampden Street): P3 Nil side setbacks to the eastern side property boundary of 17 Hampden Street.	Complies. No change.
	Rear Setbacks for 173-179 Walker Street: P4 12m from the properties at 173-179 Walker Street.	Variation. There is a 9.66m rear setback proposed for Building A. The variation is mitigated by an opaque façade and utilising angled walls to direct the views away from 88 Berry Street. See Amended Design Report at <b>Appendix G</b> .
	Rear Setbacks for 15-17 Hampden Street: P5 12m for Hampden Street properties (15-17 Hampden Street).	Variation. An 8.22m setback is proposed for Building B2. A variation is considered acceptable as Building B2 is limited to four storeys. See Amended Design Report at <b>Appendix G</b> .



Section	Control	Assessment
	Upper Level Podium Setback: P9 3m upper level podium setback	Variation. Building A has a minimal upper level setback of approximately 0.65m. The reduced upper level setback is mitigated as the podium is setback 3.6m from the street, as opposed to the required 2m setback. Building B1 does not include an upper level setback. However, the serrated form results in an average setback of 6m which exceeds the required total 5m setback (2m street setback + 3m upper level setback), and creates additional opportunities for landscaping at the ground level.
	Building Separation: P10 12m separation distance above the podium base, is to be provided between the two building forms.	Variation. No change in assessment.

## 6.3 Built Form and Urban Design

**Section 4.1** outlines the architectural design changes made to the proposed development, including the reasons for these changes. An Amended Architectural Design Report (**Appendix G**) and Updated Architectural Plans (**Appendix F**) have been provided by Rothelowman. These documents have been provided and the Amended Design Report summarises the amendments made to the design and provides an additional built form assessment where required.

The proposed design amendments are refinements of the built form that was previously assessed and found to be acceptable within the publicly exhibited EIS. Where changes to the built form are proposed, these either do not alter the previous assessment, or reduce the environmental impacts/enhance the project benefits of the proposed development.

### 6.3.1 Building Height

The site's permitted height is controlled by two clauses in the North Sydney LEP:

- Clause 4.3 stipulates a permitted building height of RL 133 for the sites north-western portion at 11 Hampden Street and 179 Walker Street, as well as RL 84 for its north-eastern portion at 15 and 17 Hampden Street, and also RL 89 for its south-western portion at 173, 175 and 177 Walker Street.
- Clause 6.19C stipulates that, despite the provisions of Clause 4.3, the total maximum height permitted at the site is RL 148. Clause 6.19C(2)(a) and (b) state that development consent must not be granted to a building up to a height of RL 148 unless the site is consolidated into one lot to be known as 'Area 1', and that any building on Area 1 land will not result in a net increase in overshadowing of Doris Fritton Park between 12pm and 2pm from the March equinox to the September equinox, inclusive.

Additionally, the project is also subject to the additional 30% uplift height bonus, pursuant to the in-fill affordable housing provisions of the State Environmental Planning Policy (Housing) 2021, which are designed to encourage and incentivise additional affordable housing to meet the State's housing crisis. The application of these bonus height allowances has been determined by calculating the difference between the natural ground level and the LEP height limit expressed as an RL. Therefore, with this 30% incentive increase applicable under the Housing SEPP, the maximum building height that could be sought under current legislation for the site is:

- RL 177.62 for Building B1 – derived from a natural ground level of RL 54.8;
- RL 100.92 for Building A – derived from a natural ground level of RL 51.16; and
- RL 94.76 for Building B2 – derived from a natural ground level of approximately RL 48.

There have been minor revisions to the heights of Building B1 and Building B2. The overall height of Building B1 has increased by 2.2m to RL 156.5 and Building B2 has increased by 1.95m to RL 68.2.

An increase to the overall height of Building B1 is required to accommodate a small plant area. An increase to the parapet height of Building B1 is required to accommodate adjustments to floor-to-floor heights for Levels 25-28 increased to 3350mm was required to accommodate services and structural requirements and ceiling heights for Levels 29-30 were also increased to 3000mm. These changes were as a result of design development during the RTS phase. The increase in height does not impact the proposal's existing compliance with the solar access

plane to Dorris Fitton Park, nor does it impact compliance with the Housing SEPP's maximum permissible height under the 30% bonus. Further discussion on overshadowing is discussed below in **Section 6.4** and at Section 7.1 of the exhibited EIS.

Building B2 was also required to increase building height and floor-to-floor heights to accommodate the lift overrun, pool, structure, acoustic and services requirements to a total of RL 68.2. Building B2 is also well-below the maximum height control in order to preserve solar access and views to 88 Berry Street to the south, and improve the development's relationship with low-scale heritage buildings on the northern side of Hampden Street. The height of Building B2 remains compliant with the Housing SEPP and does result in any additional environmental impacts than the previously exhibited EIS at Section 7.1.1.

There are no proposed amendments to the height of Building A, and therefore, no further assessment is required for Building A. Refer to Section 7.1.1 of the exhibited EIS.

Building B1 and B2 both remain compliant with the applicable Housing SEPP 30% bonus maximum building heights and continue to achieve the solar access plane to Dorris Fitton Park.

### 6.3.2 Gross Floor Area

While the arrangement of GFA within the development has been adjusted, there is no change to the overall total Gross Floor Area (GFA) or floor space ratio (FSR).

The proposal's maximum permitted GFA (or FSR) is controlled by Clause 4.4 in the North Sydney LEP, which allows a site-specific FSR of 6.1:1 available to the site. However, notwithstanding the LEP FSR control, the proposal is made under Chapter 2, Division 1 of the Housing SEPP which provides a 30% incentive when 15% in-fill affordable housing is provided, which are designed to encourage and incentivise additional affordable housing to meet the State's housing crisis. The proposal provides 15% in-fill affordable housing and is therefore able to access an additional 30% incentive to the base FSR, equalling an incentive FSR of 7.93:1.

This remains compliant with the applicable Housing SEPP floor space ratio bonus provisions allowable at the site. It is noted that wintergardens have been included in the calculation of gross floor area. No further assessment is required, please see Section 7.1.2 of the exhibited EIS.

### 6.3.3 Building Facades and Articulation

The building façade strategy has been further developed by Rothelowman and is detailed within Section 9 of the Updated Architectural Design Report in **Appendix G**. The building materiality and façade remains consistent with the assessment undertaken at Section 7.1.4 of the exhibited EIS. The proposed façades of each building design are highly responsive to the site's North Sydney CBD and heritage context and will make a positive contribution to the North Sydney streetscapes. In particular, the adoption of consistent spandrel materiality across Buildings A and B1 will improve cohesion and consistency of design across the site.

## 6.4 Environmental Amenity

### 6.4.1 Overshadowing

Updated shadow analysis is provided in the RTS Design Report (**Appendix G**) which demonstrates that the amended proposal will not result in any additional overshadowing to Doris Fitton Park at any time between 12pm and 2pm from the March to September equinox inclusive.

Moreover, the minor amendments to building height will not result in any substantial change to overshadowing outcomes as originally assessed in the EIS.

### 6.4.2 Residential Amenity and the NSW Apartment Design Guide

The amended development continues to provide a high standard of residential amenity for residents of both Building A and Building B1.

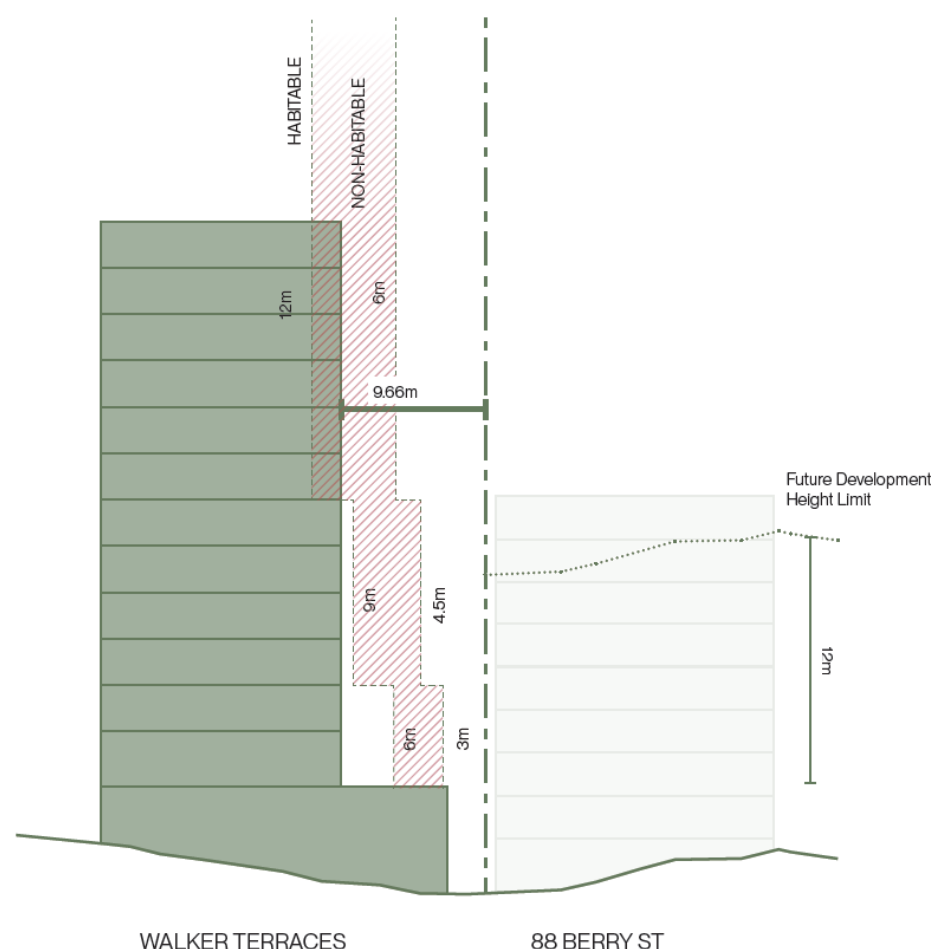
An Updated Design Verification Statement is provided at **Appendix H**, which demonstrates that the amended proposal has been designed with consideration of the nine principles of the Housing SEPP 2021 Schedule 9 and its accompanying Apartment Design Guide.

Importantly, both Buildings A and B1 remain independently consistent with the ADG, and where inconsistent, are justified based on merit and the circumstances of the building and site. This ensures that both market build-to-sell residents and affordable housing residents are provided with high residential amenity. A detailed assessment against Parts 3 and 4 of the ADG is provided in the Updated Design Verification Statement at **Appendix H**.

It is noted that the building footprint of Building A has shifted 400mm to the east. However, this does not change the proposal's consistency with Objective 3F – Visual Privacy of the ADG.

The eastern façade of all habitable rooms within Building A are setback 9.66m from the rear boundary to 88 Berry Street. It is noted that even though 88 Berry Street is built to boundary, the ADG specifies that building separation should be shared equitably and that any existing shortfall on an adjoining property does not need to be made up for or compensated for a new development site. As shown in **Figure 11**, up to Level 2 (12m) the proposal complies with the 6m habitable room setback, Levels 3-6 (height up to 25m), the proposal complies with the 9m habitable room setback. Notwithstanding, given the close proximity to 88 Berry Street which is built to boundary, the proposal has sought to include angled facades to ensure high amenity for current and future residents. A plan and section of the angled facades are shown at **Figure 11**. The eastern facade will contain opaque glazing panels up to standing height for visual privacy, with a clear fixed glazing panel above standing height to provide solar access. A smaller glazing panel angled towards the north-east allows for oblique views to the north-east past 88 Berry Street

As shown in **Figure 11**, the upper half of the building from Levels 7-12 is above the roof line of 88 Berry Street and therefore is not similarly impacted by visual privacy constraints. Therefore, a variation to the 12m ADG recommended setback is acceptable as 88 Berry Street has a height control of 12m, meaning future development would be limited in height to the equivalent of Level 2 in Building A, due to the fall of the land. Notwithstanding, the amended development includes opaque spandrel glazing to the lower extents of the Level 7-12 east-facing windows, further enhancing visual privacy outcomes.



**Figure 11** Section showing ADG visual privacy recommended setbacks to 88 Berry Street

Source: Rothelowman

### 6.4.3 Wind Impacts

WindTech has prepared an Addendum Wind Impact Statement assessing the wind impacts of the amended proposal. The most relevant design amendments for wind impacts are the re-arrangement of the Building A communal lobby and inclusion of a communal external terrace towards the north-western corner of the Building A footprint. WindTech expect the new outdoor terrace will experience wind comfort conditions suitable for short exposure and standing activities due the structural elements that flank this terrace and also the inclusion of nearby landscaping and planting proposed along Walker Street, which are acceptable wind conditions for the terrace's proposed use.

Overall, WindTech has determined that the proposed design amendments will have a negligible impact on the ground level and elevated area wind environment conditions reported in the original Pedestrian Wind Environment Study which included a Wind Tunnel Study. Therefore, WindTech conclude that the results and recommendations of the original Pedestrian Wind Environment Study publicly exhibited with the EIS are still applicable to the amended proposal.

### 6.4.4 Communal Spaces

Communal open space in Building A has been increased in area and enhanced in amenity. The area of Building A communal open space has increased from 389.2m<sup>2</sup> to 409.6m<sup>2</sup> largely owing to the addition of an outdoor terrace to the Walker Street elevation and introduction of three façade protrusions on the northern side of the communal area. The quality and amenity of the Building A communal open space has been improved in the following respects:

- The additional outdoor terrace provides an additional covered outdoor area for group gatherings, solar access and general outdoor amenity.
- The functionality of the internal communal spaces has been improved.
- The privacy of the internal communal open space has been improved through greater separation to the lobby.
- The lobby entrance has been repositioned to improve legibility and accessibility from the street, while also providing clearer sight lines.
- The addition of the three façade protrusions improves the visual link between the indoor communal space and adjacent outdoor landscaping, creating the effect of bringing the outdoor landscaping into the communal area.

It is also noted that the new outdoor terrace will enhance the street presence of Building A and passive surveillance to the public domain and porte cochere. The doors to the new external terrace will have automatic door openings to ensure safety of residents and allow access to be regulated.

## 6.5 View Loss and Visual Impact

An Addendum View and Visual Impact Assessment (VVIA) (**Appendix M**) has been prepared by Ethos Urban. It provides revised photomontages showing the proposal as amended in response to submissions (the amended proposal). It demonstrates that in terms of view impact, the amended proposal is substantially the same as the original proposal. It is noted that the setback between Buildings A and B1 has increased from approximately 11m to 13.65m (exhibited EIS) to 11.767m to 14.331m, widening the view corridor between Buildings A and B1 which is a positive outcome.

Moreover, to provide DPHI with a better understanding of the view impact of the 30% affordable housing bonus under the Housing SEPP, all photomontages included in the original VVIA and prepared for the Addendum VVIA have been amended to clearly show the additional massing compared to the massing in accordance with the North Sydney Local Environmental Plan 2013.

Further assessment was undertaken for the Addendum VVIA which provided updated and additional photomontages from 27 additional viewpoints in 21 different dwellings across 6 buildings including 191-195 Walker Street, 138 Walker Street, 150 Walker Street, 229 Miller Street, 45 McLaren Street and the Hampden Street Terraces. The Addendum VVIA confirms that the proposed development remains compliant with the North Sydney LEP, the Housing SEPP and relevant provisions of the North Sydney DCP. Overall, the proposal has minimal impact on the views of Sydney Harbour as recognised in the North Sydney DCP. The Addendum VVIA raises that the preservation of the totality of the view is not critical due to the Sydney Harbour view as it is not a characteristic of Walker Street. The Addendum VVIA concludes that the assessment and outcome remain the

same as the original VVIA (Appendix L of the EIS) in that the view and visual impact of the proposal is considered acceptable.

## 6.6 Parking

### 6.6.1 Loading and Parking Requirements

#### Car Parking

Chapter 2, Part 2, Division 1, 'In-fill affordable housing' of the *State Environmental Planning Proposal (Housing) 2021* (Housing SEPP) applies to the proposal. Section 19(2)(e) and (f) outlines non-discretionary parking rates for dwellings used for affordable housing and dwellings not used for affordable housing. If complied with, these rates prevent the consent authority from requiring more onerous standards. The proposed car parking has been reduced to align exactly with these non-discretionary parking rates, as demonstrated in **Table 20** below.

As recommended by DPHI, the amended proposal has deleted all visitor parking within site. This is deemed an acceptable outcome, as the site is proximate to a range of high-frequency public transport options, including the Victoria Cross Metro Station.

There is no change to the number of accessible spaces, 48, which compiles the BCA's requirements.

The amended proposal includes one (1) car wash bay, which compiles the requirement of the North Sydney DCP.

**Table 20** Parking Requirements

Component	Minimum Parking Rate	Number of Dwellings	Required Parking	Proposed Parking
<b>Affordable Housing Component</b>				
Studio	0.4 spaces per unit	29	11.6	-
1-bedroom	0.4 spaces per unit	18	7.2	-
2-bedroom	0.5 spaces per unit	20	10	-
<b>Sub Total</b>		<b>67</b>	<b>28.8 (29)</b>	<b>29</b>
<b>Market Housing Component</b>				
1-bedroom	0.5 spaces per unit	18	9	-
2-bedroom	1 space per unit	69	69	-
3-bedroom	1.5 spaces per unit	50	75	-
4-bedroom	1.5 spaces per unit	20	30	-
Penthouse	1.5 spaces per unit	4	6	-
<b>Sub Total</b>		<b>172</b>	<b>189</b>	<b>189</b>
<b>Total</b>		<b>239</b>	<b>218</b>	<b>218</b>

#### Motorcycle Parking

The North Sydney DCP requires one (1) motorcycle space per 10 car parking spaces. As such, the number of proposed motorcycle parking spaces has reduced in accordance with the reduction in proposed car parking spaces. 22 motorcycle spaces are required based on the provision of 218 car parking spaces. The amended proposal includes the required number of motorcycle spaces.

#### Traffic Impact

Traffic modelling is based on trip generation as per the TfNSW Guide to Traffic Generating Developments, which is calculated based on the number of proposed dwellings. There is no change to the number of dwellings,

therefore there is no change to the conclusions of the traffic impact analysis which accompanied the publicly exhibited EIS.

## 6.7 Landscaping and Tree Removal

### 6.7.1 Tree Planting and Tree Removal

An Updated Arboricultural Impact Assessment has been prepared by Tree Management Services (**Appendix P**) to reflect the amended development. However, the amended development has not changed the proposed tree removal.

The Updated Landscape Plans (**Appendix I**) tree planting schedule notes that there will be a total of 201 compensatory trees provided (increased from 122 compensatory trees as was originally proposed in the SSDA).

### 6.7.2 Landscaping

The amended landscape design is consistent with the publicly exhibited landscape design. There is no change to the proposed deep soil percentage of 15%. It is noted the amended stormwater diversion through the north-western corner of the site will not affect any deep soil in that area, as the stormwater pipe will be within the rock level, as shown in the section in **Section 6.8** below.

## 6.8 Stormwater and Flooding

### 6.8.1 Stormwater

The amendments to the stormwater diversion will reduce disruption to Walker and Hampden Street during construction.

TTW's Stormwater Management Plan states that the amended stormwater diversion is designed in accordance with the North Sydney DCP 2013 to accommodate the 5% AEP storm event, considering the existing peak pipe flow in the existing trunk drainage system.

A 2.5m wide easement is proposed for the stormwater diversion where it is within the existing site boundary. TTW has assessed the proposed 2.5m easement width against North Sydney Council's technical specifications for stormwater infrastructure and are satisfied that this is an appropriate width for access and maintenance of a 1200mm diameter pipe.

Reference to the updated sediment and erosion control plan is amended in the Amended Mitigation Measures (**Appendix C**).

### 6.8.2 Flooding

An Updated Flood Impact and Risk Assessment (FIRA) has been prepared by TTW Civil (**Appendix Z**). The Updated FIRA confirms that the proposed development's floor levels have now been raised above the PMF level, including passive protection to the basement which includes all points of water ingress such as service ducts and ventilation being set above the PMF level.

A Flood Emergency Response Plan (FERP) has also been prepared by TTW Civil and is provided **Appendix AA**. Implementation of the FERP is included in the Amended Mitigation Measures at **Appendix C**.

The Updated FIRA (**Appendix Z**) concludes that the proposed development will result in acceptable flooding impacts and warrants approval

## 6.9 Other Issues

**Table 21** summarises how the project amendments described in **Section 4** relate to the prior assessment of environmental impacts outlined in the EIS. **Table 21** should be read in conjunction with further assessment and clarifications provided in the responses to submissions set out in **Section 5** of this report.

**Table 21 Other Impacts**

EIS Assessment Matter	Comment
Built Form and Urban Design	Refer to <b>Section 6.3</b> and the Amended Architectural Drawings ( <b>Appendix F</b> ), the Updated Design Verification Statement ( <b>Appendix H</b> ) and the RTS Design Report ( <b>Appendix G</b> ).
Landscaping and Public Realm	Refer to <b>Section 6.7</b> and the Amended Landscape Plans ( <b>Appendix I</b> ) and the Updated Landscape Report ( <b>Appendix J</b> ).
Environmental Amenity	Refer to <b>Section 6.4</b> and the RTS Design Report ( <b>Appendix G</b> ). The assessment remains consistent with the exhibited EIS and impacts are considered suitable.
View Loss and Visual Impact	Refer to <b>Section 6.5</b> and the Addendum View and Visual Impact Assessment ( <b>Appendix M</b> ). The assessment remains consistent with the exhibited EIS and impacts are considered suitable.
Transport and Transport	Refer to <b>Section 6.6</b> and the Transport and Accessibility RTS Addendum ( <b>Appendix U</b> ) and the Updated Transport and Accessibility Impact Assessment ( <b>Appendix V</b> ).
Noise and Vibration	No change from previous assessment. Refer to the Noise and Vibration Impact Assessment at Appendix Z of the EIS.
Tree Removal	No change from previous assessment. Refer to the Update Arboricultural Impact Assessment at <b>Appendix P</b> .
Sustainability	An Updated BASIX Certificate will be provided prior to determination.
Safety and Security	Refer to the CPTED Addendum at <b>Appendix O</b> .
Hazardous Materials, Contamination and Remediation	No change from previous assessment. Refer to the Hazardous Material Survey at Appendix II, Remedial Action Plan and Appendix GG and the Detailed Site Investigation at Appendix FF of the EIS.
Ground and Water Conditions	No change from previous assessment. Refer to the Groundwater Impact Assessment at Appendix BB of the EIS.
Water Management	Refer to <b>Section 6.8</b> and the Updated Stormwater Management Plan at <b>Appendix Y</b> .
Biodiversity	No change from previous assessment. An Updated Biodiversity Assessment Report is provided at <b>Appendix Q</b> .
Flooding	Refer to <b>Section 6.8</b> and the Updated Flood Impact and Risk Assessment ( <b>Appendix Z</b> ) and the Flood Emergency Response Plan ( <b>Appendix AA</b> ).
Waste Management	Refer to the Updated Operational Waste Management Plan at <b>Appendix BB</b> . The assessment remains the same as the exhibited EIS.
Construction Management	Refer to the Updated Preliminary Construction and Environmental Management Plan at <b>Appendix CC</b> .
Aboriginal Cultural Heritage	Refer to the Aboriginal Cultural Heritage Assessment Report Addendum at <b>Appendix R</b> . No further management of the heritage items is proposed and the assessment remains the same as the exhibited EIS.
Environmental Heritage	No change from previous assessment. Refer to Appendix T of the exhibited EIS.
Archaeological Heritage	No change from previous assessment. Refer to Appendix S of the exhibited EIS.



Accessibility	Refer to the Updated Accessibility Report at <b>Appendix L</b> .
Building Code of Australia	Refer to the Updated Building Code of Australia Compliance Report at <b>Appendix K</b> .
Bushfire	No change from previous assessment.
Aviation	No change from previous assessment.
Infrastructure Requirements and Utilities	No change from previous assessment. Refer to the Infrastructure Plan at Appendix JJ of the EIS.
Construction Management	No change from previous assessment. Refer to the Updated Preliminary Construction and Environmental Management Plan at <b>Appendix CC</b> .
Social Impacts	Refer to the Social Impact Addendum at <b>Appendix T</b> . The design changes adopted for communal and outdoor spaces have improved functionality, amenity and overall space.
Contributions and Public Benefits	No change from previous assessment.
Structural Engineering	No change from previous assessment. Refer to the Updated Structural Statement at <b>Appendix EE</b> .

## 7.0 Updated Project Justification

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

Any additional mitigation measures that have been proposed as a result of the revised technical reports are provided in **Appendix C**.

Any design changes or assessments undertaken are in response to issues raised in submissions or further design development and have not increased the impact of the development. As such, the justification for the project as previously outlined in the EIS is reiterated and strengthened through the presented responses which comprise meaningful amendments to the Proposal.

### 7.1 Ecologically Sustainable Development

Section 193 of the EP&A Regulation outlines four (4) principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation, pricing and incentive mechanisms.

An analysis of these principles is provided in the original ESD Report submitted with the SSDA (Appendix W of the EIS).

#### 7.1.1 Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

Adequate due diligence has been conducted to understand the local environment and investigate any risks the project may pose. During design and construction, the main contractor will implement an Environmental Management Plan (EMP) that demonstrates the formalised systematic and methodical approach to environmentally friendly construction.

The proposal will deliver a high standard of ESD outcomes and initiatives at the site, as described above, and will minimise environmental impacts in areas of energy, water, and materials efficiency as per the project sustainability commitments and through the project mitigation measures (**Appendix C**).

This EIS and its supporting reports and studies has not identified any serious threat of irreversible damage to the environment and therefore, the precautionary principle is not invoked by the proposal.

#### 7.1.2 Intergenerational Equity

Intergenerational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both the existing and future generations by:

- Implementing passive and active design measures that reduce operational energy and water use from the proposed development.
- Energy consumption will be designed to achieve compliance with the National Construction Code NCC 2022 Section J requirements.
- A reduction in water use will be established through high rated water fixtures and fittings and the provision of a rainwater capture and reuse system.
- Waste separation to enable recycling and reuse with a reduction in the amount of waste sent to landfill.
- Reduce energy, water and waste ensures that the health, diversity and productivity of the environment is maintained for the benefit of future generations.

- Implementing safeguards and management measures to protect environmental values during construction and operation, including reduced waste to landfill and reduced portable water consumption.
- Facilitating housing supply for a diversity of residents, renters and affordable housing tenants, thereby contributing and assisting current future generations access high amenity, high accessibility housing.
- Facilitating homes in close proximity to jobs and public transport, allowing varied residents to access their places of work conveniently and with the potential to reduce car dependency.

The proposal has integrated short and long-term social, financial and environmental considerations so that any foreseeable impacts are not left to be addressed by future generations. Issues with potential long-term implications such as waste disposal would be avoided and/or minimised through construction planning and the application of safeguards and management measures described in this EIS and the appended technical reports.

### 7.1.3 Conservation of Biological Diversity and Ecological Integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration. The proposal would not have any significant effect on the biological diversity and ecological integrity of the study area.

The proposed landscaping strategy will include various Indigenous plant species as well as drought tolerate species. The landscaping strategy will increase ecological value. The EMP will ensure construction works do not adversely affect the biological diversity and ecological integrity of the site.

### 7.1.4 Improved Valuation, Pricing and Incentive Mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance. The valuation of the project's assets and services consider environmental factors through the implementation of various ESD initiatives.

## 7.2 Likely Impacts of the Development

Having regard to the natural environment, built environment, economic and social impacts of the proposed development, the likely impacts of the development (as amended) are considered acceptable as outlined in the following sections.

### 7.2.1 Natural and Built Environment

The proposed development (as amended) has demonstrated that the proposal adopts appropriate management strategies and will generate limited environmental impacts, due to the proposed mitigation measures and the design of the development.

All potential environmental impacts are thoroughly addressed in the EIS and **Section 6** of this Report.

### 7.2.2 Social and Economic

An assessment of the likely social impacts of the project have been undertaken in the Social Impact Assessment originally submitted with the SSDA (Appendix U of the EIS) and prepared in accordance with DPHI's *Social Impact Assessment Guideline 2023*. An Addendum Social Impact Assessment (**Appendix T**) has been prepared to assess the improved social impacts of the amended proposal. The assessment confirms that the proposal has the following positive social impacts:

- Introducing additional housing supply to Sydney, which includes both affordable and market housing choice.
- Improving the public domain and local character of the site and area by introducing high-quality new built form.

Any negative social impacts arising from the development, including changes to sense of place, cumulative construction impacts and cumulative demand on social infrastructure can be appropriately mitigated through the proposed original mitigation measures recommended within the exhibited EIS with no further SIA mitigation measures required through the further assessment. See the Mitigation Measures at **Appendix C**.

The proposal will generate a positive economic impact through the creation of 315 full time construction jobs. The provision of affordable housing will also have flow on economic benefits as prospective affordable housing residents will be provided with affordable rental rates, reducing the proportion of their income spent on rent.

### **7.3 Suitability of the Site**

Having regard to the characteristics of the Site and its location, the proposed development (as refined and amended) remains suitable for the site in that:

- The site is located within the R4 High Density Residential Zone.
- The proposed development will allow for the development of a dilapidated and currently unutilised site.
- The site is located on the north-eastern periphery of the North Sydney CBD, which has a prevailing high-rise built form that will continue to evolve over time as redevelopment occurs across the CBD fringe and the proposal is consistent with that typology and also responds to the lower density character to the north of the site through the careful placement of built form across the site and design of the podiums.
- All necessary utility services are readily accessible to the proposal, and are capable of accommodating any additional demand that may be associated with the residential uplift proposed for the site.
- The size and dimensions of the site are suitable for the scale of the proposed development.
- The site is proximate to a range of high-frequency public transport options, including the Victoria Cross Metro Station.
- The proposal is sympathetic to surrounding heritage items and compliments the broader historic context of the Hampden Street Neighbourhood.

### **7.4 Public Interest**

The proposed development remains in the public interest as it:

- It will increase the supply and choice of housing in a highly accessible location. The proposal presents an important opportunity to revitalise the site in accordance with the strategic vision for North Sydney.
- It will achieve significant residential supply at the site (including affordable housing dwellings), which is proximate to a range of employment opportunities in North Sydney CBD. This directly contributes to the achievement of the housing target of 5,900 completed homes in the North Sydney LGA by 2029.
- Direct employment opportunities will be created during the construction phase of the proposal.
- The development is consistent with its permissible planning controls under the North Sydney LEP and Housing SEPP, and implements the objectives of the ADG.
- The proposed development will provide a diverse range of dwellings that includes market apartments and affordable housing to increase the supply and choice of housing in North Sydney in accordance with the recent NSW State Planning interventions to incentive that land use and co-locate that land use with market housing to create diverse and vibrant communities
- The proposed development provides improved amenity by revitalising a currently underutilised property and remediating it for significant housing supply.
- The delivery of affordable housing will ensure that residents can access housing that is affordable and in close proximity to jobs, services and education.

## 8.0 Conclusion

As set out in this Submissions and Amendment Report, the Applicant has reviewed each of the submissions made by members of the general public and State and local Government agencies. In response to issues raised in these submissions, as well as matters identified by the Department, the Applicant has undertaken further environmental assessment and proposed a number of design amendments in order to respond to matters raised in the submissions, as well as a result of further project design development. This Submissions and Amendment Report has set out these matters as required under section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report* and *Appendix D- Preparing and Amendment Report*.