

30 July 2024

Department of Planning, Housing and Infrastructure

Attn: John Martinez

Re: DA Objection to SSDA for a Residential Development at 173-179 Walker Street & 11-17 Hampden Street, North Sydney NSW 2060

I write on behalf of the strata at the adjoining residential property at No. 88 Berry Street, North Sydney to object to the State Significant Development Application (SSDA) currently being considered by the Department of Planning, Housing and Infrastructure (DPHI) for a proposed residential development at 173-179 Walker Street & 11-17 Hampden Street, North Sydney NSW 2060. The development comprises one 12-storey and one 30-storey residential flat building (inclusive of an affordable housing component) and an ancillary 4-storey residential communal facility building as well as 5 shared levels of basement parking. The application is currently on exhibition until 1 August 2024.

No. 88 is located to the southeast of the site and is currently occupied by a 10-storey residential flat building containing 58 apartments with associated car parking. My client has concerns about the height and scale of the development, desired future character of the area, overshadowing and loss of solar access, visual intrusion and tree removal, privacy impacts and the basement excavation. These issues are addressed in further detail below.



Figure 1: Location of 88 Berry Street (shown in red) in relation to the proposed development viewed from the Warringah Freeway (Rothelowman, edits by The Planning Studio)

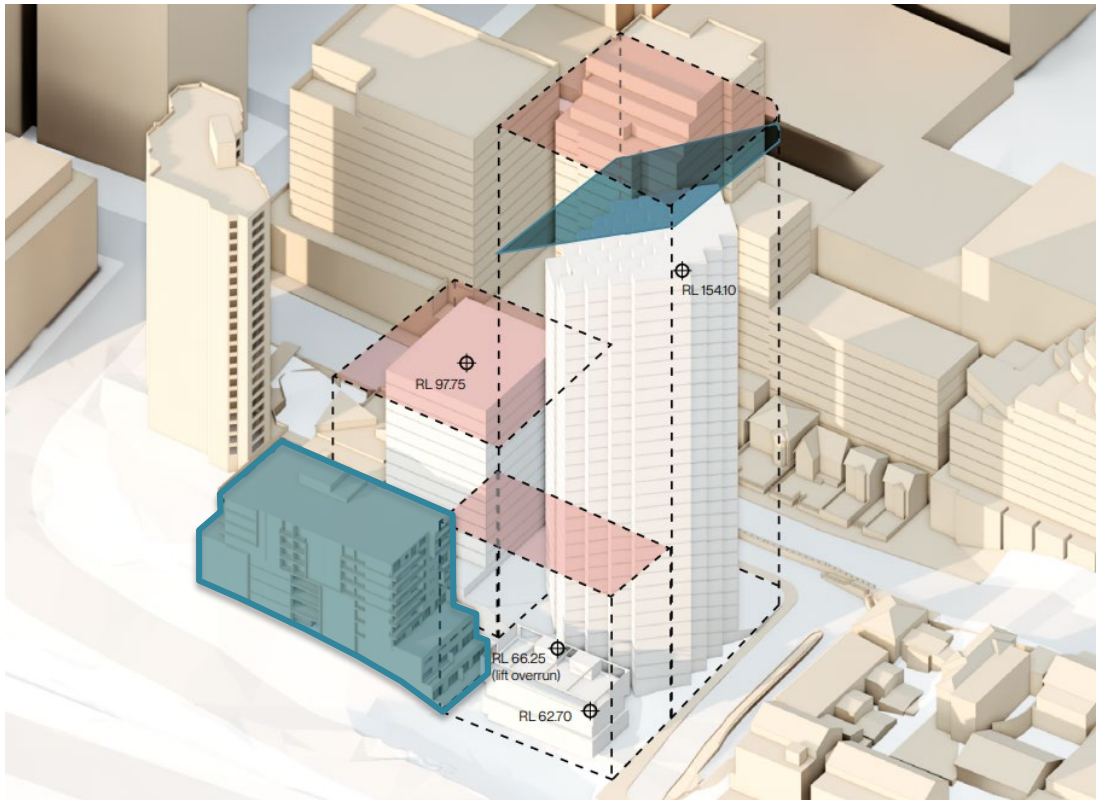


Figure 2: Proposed envelopment of development and location of 88 Berry Street shown in blue (Rothelowman, edits by The Planning Studio)

Height

The development proposes a height of:

- Building A (located on 173-177 Walker Street): RL99.42 (12 storeys)
- Building B1 (located on 179 Walker Street and 11 Hampden Street): RL154.30 (30 storeys)
- Building B2 (located on 15-17 Hampden Street): RL66.25 (4 storey)

The development seeks to utilise a 30% bonus height uplift under the State Environmental Planning Policy (Housing), in addition to the North Sydney Local Environmental Plan (LEP) height limit applying to the site. Whilst it is acknowledged that the development may satisfy the numerical height requirements under the state and council planning policies, it is considered that the site cannot sustain the bonus height uplift sought as the proposal results in unacceptable impacts. These impacts include:

- Results in a scale of development that is inconsistent with the existing buildings within the local context; and
- has significant amenity impacts on No. 88 Berry St, including excessive overshadowing, loss of solar access, visual / outlook impacts and significant loss of privacy.

With these extensive impacts, the development is considered to be an overdevelopment of the site and does not encourage the orderly development of land, as required by the Environmental Planning and Assessment Act 1979.

Desired Future Character Area

The site and No. 88 Berry St are located within Hampden Neighbourhood area which is one of six special character areas within the North Sydney Planning Area. Part C - Section 2.4 of North Sydney Development Control Plan (DCP) prescribes precinct controls to guide the desired future character of the area. Although the DCP does not apply for the purposes of the SSDA, it effectively describes the expected local character and identifies the expected future development of the broader Neighbourhood.

The proposed height of the development, in particular the 30 storey tower is out of scale with the existing buildings within the precinct. The proposal will also be inconsistent with the desired future character of the area as the height is far in excess of what would be permitted on the surrounding properties under Council's planning controls. The development will dwarf other buildings within the area and set an undesirable precedent that should not be supported. Please refer to Figure 2 above for context.

Overshadowing and Solar Access

The proposed development will create unacceptable overshadowing and loss of solar access for the residential flat building occupying No. 88, located to the south eastern side of the site. In accordance with the North Sydney DCP and the Apartment Design Guide, living rooms and private open spaces for at least 70% of dwellings within a residential flat building should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).

Whilst the development proposes a reduced height for Building B2 (located directly to the north of No. 88), Building B1 (located directly to the north west of No. 88) has an excessive height that creates unreasonable overshadowing impacts on No. 88. The development will provide less than 2 hours of solar access to the private open space and living areas of the dwellings at No. 88. Whilst the applicant argues that No. 88 currently does not comply with Council's solar access requirements, it is considered that this argument does not justify the development creating additional loss of solar access. This will result in poor amenity and quality of living for the residents of No.88. As such the development is considered to be an overdevelopment of the site and should not be supported.

Visual Intrusion & Tree Removal

The subject site currently has a well-established landscaped setting which includes 26 large trees. A number of these trees are located to the rear of the site, which provides a green leafy outlook with an abundance of natural light for the dwellings along the northern and western boundaries of No. 88. The development seeks to remove all 26 trees and proposes a 3 storey wall along the northern and western boundary to accommodate basement parking. The removal of these trees and the construction of 3 storey solid façades in close proximity to the boundaries will reduce the natural light and the quality of outlook experienced by No. 88. The proposed large-scale buildings will provide a visually intrusive outlook which is unacceptable and demonstrated with the figures below.

No. 88 has dwellings located on the ground level along the northern and western boundaries.



Figure 3: Existing view looking to the west from balcony of 88 Berry Street, Apartment 305 (Level 3) (Virtual Ideas)



Figure 4: Proposed view looking to the west from balcony of 88 Berry Street, Apartment 305 (Level 3) (Virtual Ideas)



Figure 5: Existing view looking to the west from balcony of 88 Berry Street, Apartment 603 (Level 6) (Virtual Ideas)



Figure 6: Proposed view looking to the west from balcony of 88 Berry Street, Apartment 603 (Level 6) (Virtual Ideas)

Privacy

The development proposes communal open space areas and private open space areas servicing dwellings directly opposite the existing dwellings along the northern and western boundaries of No. 88. Extensive acoustic and visual privacy impacts will arise from the use of these spaces. This is unacceptable as it reduces the quality of living and enjoyment of the dwellings at No 88.

Basement Excavation

The development proposes extensive excavation to accommodate five levels of basement parking, which appears to be a minimum 2.7m from the common boundaries shared with No. 88. This extensive excavation will impact the structural integrity of the existing residential flat building and the trees located along the northern boundary of No.88.

Conclusion

Thank you for the opportunity to provide this objection. My client would welcome any opportunity to discuss the proposal further with DPHI and modifications that can be made to address the issues in this objection and other amenity issues.

For the reasons outlined above, the development in its current form is considered to be an over development of the site and not within the public interest of the adjoining property at No. 88 and as such should not be supported.

Yours sincerely,



Harjeet Spence,
Associate Director, Planning