

Objecting to the proposal at 173-179 Walker Street and 11-17 Hampden Street

My clients live in The Belvedere building at 138 Walker Street North Sydney. They live on the 12th floor and purchased this apartment because of the amazing views and beautiful sunlight they get in the mornings. Being a Town Planner working for a NSW Council myself, I can see the many non-compliant aspects of this proposal.

This proposal is highly contentious and problematic as it marks the fourth attempt in five years to push through a massive development, now under the guise of affordable housing. The plan to construct a 30-storey high-rise tower in a low-rise valley is completely out of character for the neighbourhood. It has been previously dismissed by a private Planning Consultant's report to North Sydney Council, the NSLPP, and North Sydney Council itself. Additionally, an attempt to advance this proposal in the Land and Environment Court was withdrawn by the applicant. The development will negatively impact more than 1,000 dwellings on Walker, Hampden, McLaren, Miller, and Berry Streets, causing loss of solar access, residential amenity, and views. It is not in the public interest, significantly exceeds surrounding building heights, and lacks any height transition.

View Analysis

The biggest concern is the view loss. The proposed development will significantly and detrimentally impact my clients property at 138 Walker Street by completely obstructing the eastern views of the water and district. These views are a key aspect of the property's value and the residents quality of life, providing aesthetic enjoyment and a sense of openness and connection to the natural surroundings. The obstruction of these views by the new building would result in a substantial loss of amenity, leading to a decrease in property value and a negative impact as they stare at this new development 24/7 instead of the current views. The enjoyment of these views is one of the primary reasons they chose to reside in this location, and their loss cannot be overstated. As such, I strongly urge the determination body to reconsider the approval of this development in its current form. The proposal does not meet the Tenacity principles (*Tenacity Consulting v Warringah Council* [2004] NSWLEC 140), which dictate that even moderate view loss from non-complying developments can be considered unreasonable.



Photos: Depicting where the 12 storey building will come in relation to our one window. 100% blocking our harbour views which are deemed iconic.

Major Traffic Issues

The nearby road network is already overburdened with severe congestion, particularly at the Walker/Berry intersection, just 50 meters away. The traffic report fails to accurately assess the impact of additional vehicles and overlooks the fact that Berry and Miller Streets are the only exits from the precinct.

- The site is on a one-way lane ending in a dead end.
- Northbound access is extremely difficult; southbound access requires dangerous U-turns in traffic.
- No turning circle is possible at the dead end due to a heritage-protected median garden strip.
- The Walker/Berry intersection is effectively part of Highway 1 with constant heavy traffic.
- Construction vehicle access would be impossible.
- Peak hours and school times already result in gridlock.
- Two major schools are within 100 meters.
- Garbage trucks must reverse down the one-way lane.

Future traffic pressure has also been ignored:

- The Aqualand development at 168 Walker St has added 386 apartments.
- 45 McLaren Street's future development will add over 100 new apartments.
- The Western Harbour Tunnel impacts and on-ramp effects.
- The new Reddam School in McLaren Street starting January 2025.
- A 57-storey building at 110 Walker Street.

Proper and detailed traffic analysis reports are needed, including access and intersection modeling and performance assessments.

First Responder Access

The proposed development presents critical issues for first responders, posing significant health and safety risks in emergencies. Approval places a heavy burden on those responsible.

Solar Access

The monstrous building will significantly reduce our solar access. My clients only have one form of sunlight and that is through their eastern side windows. They don't have any other windows in the apartment. The constant shade will cause damp and mold. There is no reasonable case to allow a development to lose 100% of their sunlight – this is what will happen to us and our building. This is the sunlight they get in winter in the mornings. If this is taken, then they will have no form of direct sunlight which is in contradiction to the controls. You can see from the image below the beautiful sunlight they get in winter. I have sketched up the proposed buildings. You can see they will deplete the solar access by 100%.

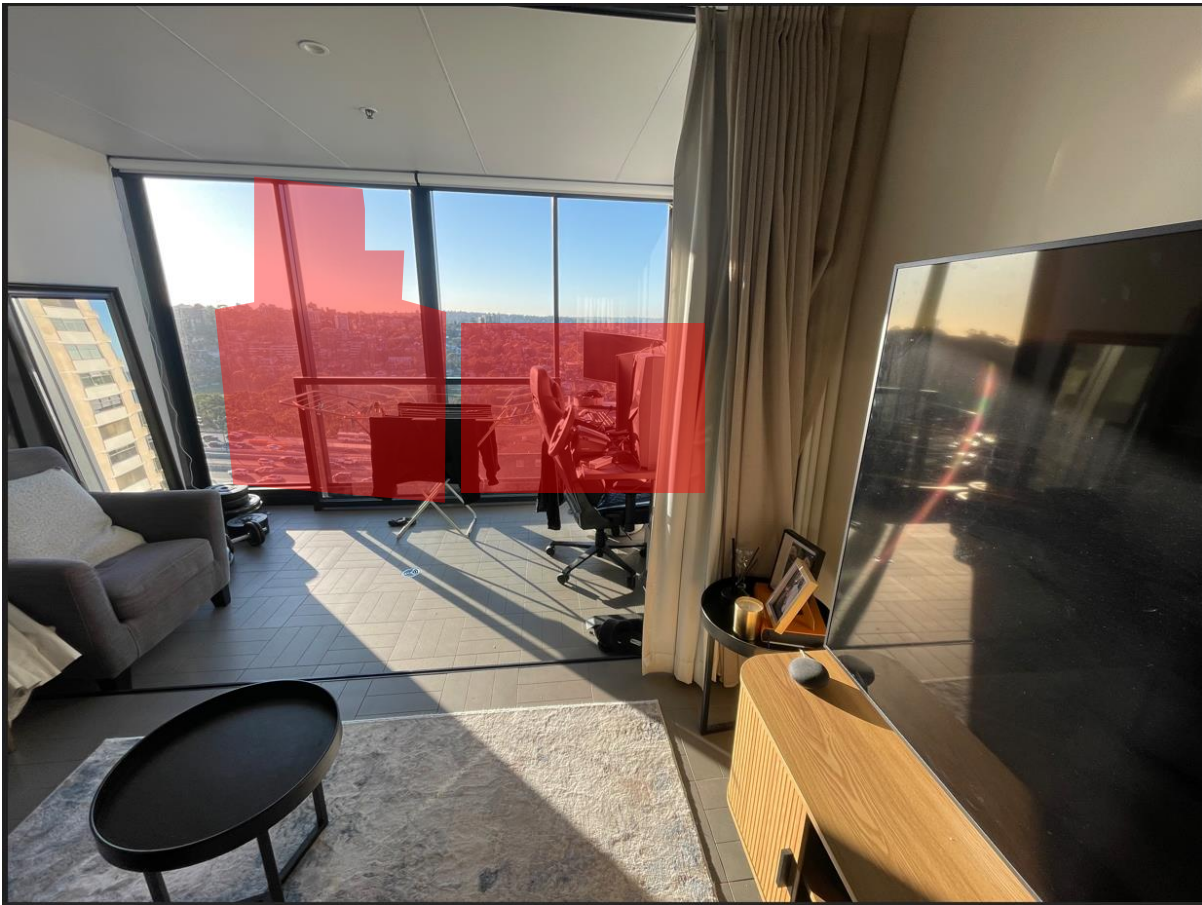


Photo of the proposed development and the sun they will block

Heritage

The development is across the road from a row of Victorian terraces to the north, disrupting their historical context. It also affects important heritage buildings to the west and a heritage-protected sandstone wall.

Supporting Documents

The current reports fail to address previous submissions and objections and do not fully consider upcoming developments in the area. Comprehensive and accurate reports are required.

Past Planning Panel Approval

Despite substantial issues, the Sydney North Planning Panel, under the then-Minister Stokes and Chairman Peter Debnam, approved a 29-storey building. This decision dismissed 145 detailed objections from residents, other developers, and North Sydney Council. The panel did not adequately address these objections, resulting in a cursory and undemocratic decision. The planning process has failed residents.

Nevertheless, it is crucial to note that the previous SNPP approval had specific requirements:

- A slender built form – this proposal is not slender.
- 12m building separations – this proposal lacks the required separation.
- Reduced length along Walker Street – the length has increased.
- Avoidance of overshadowing to the south – overshadowing has increased.
- A maximum of 8 storeys for the secondary building – now proposed to be 12 storeys.

These critical points show the new proposal violates the SNPP approval and the Department of Planning's own report. The Department's Urban Design team also raised concerns about floor plate sizes, solar access modeling, building bulk, and the design's appropriateness for the view corridor. The Department of Planning did not support the proposal with conviction.

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

There is unanimous and strong local consensus that the proposal is unacceptable and inappropriate. It cannot be justified on planning principles, policy, or process, and it is contrary to the public interest.

In-fill Affordable Housing SEPP

This proposal attempts to exploit in-fill affordable housing regulations to justify a 30-storey luxury building and increase the previously approved 8-storey building to 12 storeys. However, the SEPP's bonuses for building height apply only to the affordable housing component, not the luxury apartments. A merit assessment will reveal this disingenuous tactic. Additionally, the Planning Department's "Planning Secretary's Environmental Assessment Requirements" have not been adequately addressed by the proponent and need to be upheld.

No existing development should have to suffer to this extent so that developers can make money. There is enough land there to build a lower and more appropriate building. Maximum height and FSR controls are that, a maximum. You should only allow a development that does not detrimentally impact other developments. Everyone in the building is against this development. They have genuine concerns backed by evidence. I ask you to please utilise the planning controls and not approve a development that will detrimentally impacts surrounding properties.

Kind regards

Caitlin McNally – Town Planner