

17 November 2024

**Kevin Lim, Senior Planning Officer**

Department of Planning, Industry and Housing

4 Parramatta Square, 12 Darcy St

Parramatta, NSW, 2150

**RE:** Strong Objection to SSD-67175465, East Walker Street, North Sydney

Dear Kevin,

This submission has been prepared by the residents of U1905, 168 Walker Street, North Sydney in response to the revised state significant development application, SSD-67175465, relating to 173- 179 Walker Street and 11-17 Hampden Street, North Sydney. We **strongly object** to the proposal as originally submitted and as modified as part of the response to submissions.

The grounds for the objection are as follows and are discussed in further detail below:

- Devasting and unacceptable view loss
- Overdevelopment of the site and non-compliant building envelope, resulting in adverse environmental and amenity impacts and a built form which is contrary to the desired future character of the site
- Insufficient consultation with the new community at 168 Walker Street as required by the SSD process
- The proposal is not in the public interest

**Catastrophic view impacts**

The applicant's view impact consultant, Ethos Urban, has prepared supplementary view impact analysis. 168 Walker Street is one of several adjoining sites that will be adversely affected by the SSD proposal. We are the owners of Unit 1905 (i.e. level 19). Most relevant to our impacted unit, is the assessment of U1605, U1608 and U2105. Ethos Urban's assessment of these units are extracted overleaf.

## Existing view



Figure 76 168 Walker Street, North Sydney (Aura), apartment 1605 (existing view)



Figure 78 168 Walker Street, North Sydney (Aura), apartment 1608 (existing view)



Figure 82 168 Walker Street, North Sydney (Aura), apartment 2105 (existing view)

## Proposal view



Figure 77 168 Walker Street, North Sydney (Aura), apartment 1605 (proposed view)

Note: Assessed as 'severe' impact by the applicant



Figure 79 168 Walker Street, North Sydney (Aura), apartment 1608 (proposed view)

Note: Assessed as 'moderate' impact by the applicant

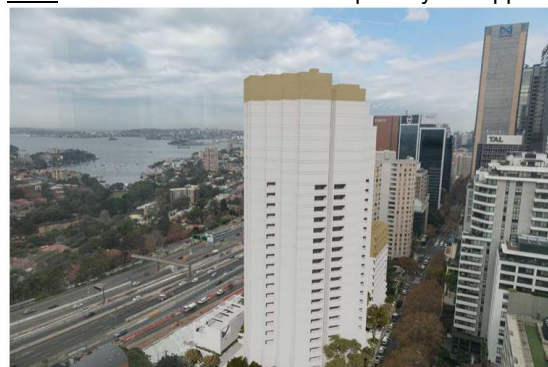


Figure 83 168 Walker Street, North Sydney (Aura), apartment 2105 (proposed view)

Note: Assessed as 'moderate' impact by the applicant

The view from our property's living room and wintergarden is in between these units on level 19 and illustrated in the following photograph taken on 17 November 2024.



Figure 1 View from U1905

As can be seen the proposal will take away our view of:

- The iconic Opera House and Sydney Harbour bridge which are the highest regarded views
- The harbour east of the Harbour Bridge
- The buildings and landscaping of Kirribilli
- Foreshore and buildings of Lady Macquarie's Chair and Circular Quay

The applicant's VIA has greatly understated the severity of the proposal's view impacts onto the south-east facing units within 168 Walker Street, including our unit. Having regard to 'Tenacity' test, the **view loss is devastating** and directly results from the non-compliant portions of the building beyond that allowed under the planning controls, the bulkiness and hexagonal like shape of building B2 and placement of buildings across the site.

### Non-compliant building envelope

Under the North Sydney Local Environmental Plan 2013 (LEP) the site is zoned R4 High Density Residential within a maximum floor space ratio (FSR) of 6:1 and a varying maximum height of 84 metres, 89 metres and 133 metres as shown below.



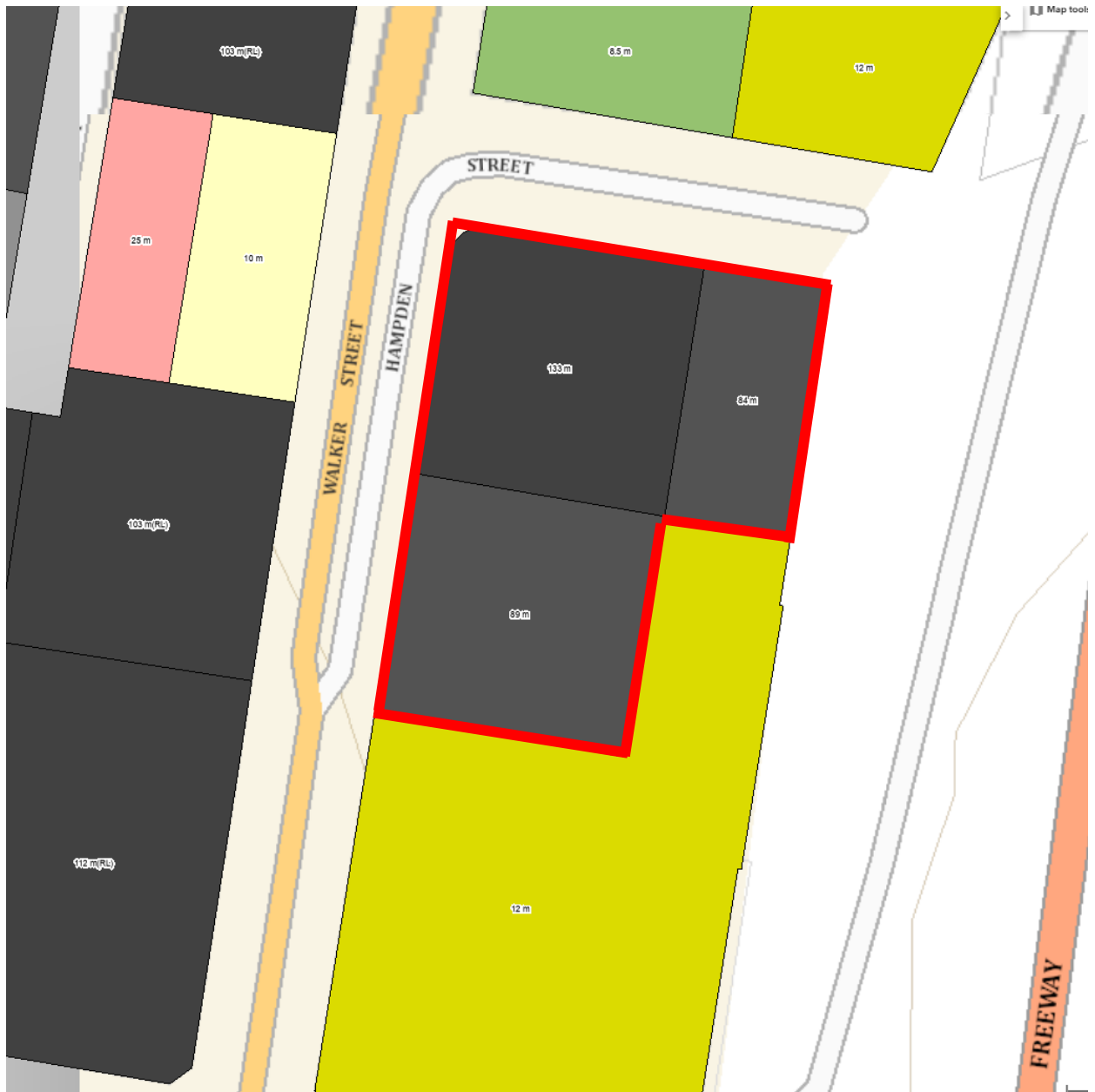


Figure 2 Extract of maximum height mapping, site outlined in red

This height was established in prior site-specific Planning Proposal PP-2020- 141. During this lengthy and contentious PP process the appropriateness of the heights of buildings and maintaining views were a key consideration.

The subject SSDA, which follows this PP process, has complete disregard for the fact the PP was originally allowed on the basis that the heights (as shown on the now gazetted HOB map extracted above) were:

- an appropriate height transition down to the east from 41 McLaren Street and 168 Walker Street and,
- that views from the west could be maximised even in light of a future development proposal on the site.

There are several errors in the applicant's section drawings which result in a miscalculation of the proposed height:

- i) in accordance with the Standard Instrument LEP definition building height is to be calculated from 'ground level (existing)' to the highest point of the building. The applicant's drawings annotate this baseline as 'natural ground level' which is a historic approach to the HOB calculation.
- ii) the ground level (existing) line is not then extrapolated up the building and the 'LEP height limit' is incorrectly dashed in red and does not represent the slanted plane, consistent with the existing varying terrain below
- iii) in accordance with the definition, the calculation is to include 'plant' and 'lift overrun'. The sections show photovoltaic panels sitting above the highest building B2 at RL155.20. There is no information provided on how to tall these will be further adding to the non-compliance and impact
- iv) unlike other sites in the North Sydney Planning Area, the height of buildings map allows a maximum height in 'metres' compared to an RL, this is not reflected accurately in the architectural package

The building mass associated with affordable housing height bonus is not appropriately distributed at the upper levels of the buildings having regard to the site's existing ground level, adjacency and location of sensitive neighbouring land uses and the catastrophic view impacts which arise from the additional height.

The site is part of the 'North Sydney Planning Area' in the North Sydney Development Control Plan 2013 (DCP). The proposal fails to achieve the objectives in the area's character statement namely:

- an opportunity is not provided to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding area
- the proposed non-compliant built form will result in unpleasant and poorly lit areas along Walker Street and McLaren Street

The site forms part of the 'Hampden Neighbourhood' and 'East Walker Street Precinct' in the DCP. The neighbourhood statement in the DCP recognises the fall of the land in this neighbourhood and emphasises the importance of maintaining and enhancing the following views and vistas. The proposal destroys:

- a) views of Kirribilli and the Harbour from Walker Street
- b) the strong vista along Walker Street to the southern part of the CBD

The proposal does not complement the topography of the land to maintain views nor provide adequate building separation to provide a view corridor through the site.

The allowable envelope was the product comprehensive urban design work and a site-specific PP/DCP that duly considered the changing terrain across the site within its North Sydney Centre location and ensures that future commercial and residential floor space could be adequately accommodated without compromising amenity for

workers, residents and visitor alike. This SSDA proposal significantly exceeds the allowable height resulting in catastrophic view and amenity impacts.

The applicant has clearly chosen to pursue the SSD pathway to take advantage of section 2.10 of *State Environmental Planning Policy (Planning Systems) 2021* which notes that DCPs do not apply to SSDs. This is counter-intuitive in that the original PP was accompanied by a site-specific DCP that established an appropriate built form for future development. The SSD proposal, specifically its revised increase in heights, is inconsistent with this established envelope and makes the proposal (as amended) incompatible with the desired future character of the site, its precinct and the wider North Sydney Planning Area.

Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act) sets out the matters for consideration by consent authority (in this case the DPHI) in determining as application which includes (but is not limited to):

- i) the provisions of any environmental planning instrument
- ii) likely impacts of that development
- iii) suitability of the site, and
- iv) public interest

Having regard to the above matters for consideration in s4.15 of the Act:

- the proposed height, mass and scale of the development is excessive, unreasonable and does not having merit given the planning history and established development aspirations for the site
- the proposal results in adverse impacts by way of view loss, overshadowing, access to daylight for surrounding properties and streetscape amenity
- the suitability of the site in respect of its height, mass and scale was established in PP-2020- 141. The applicant's SSD proposal unreasonably exceeds this and is therefore not suitable
- the proposal is not in the public interest

### **Insufficient consultation**

The applicant has not duly consulted with community, particularly those residents at the recently complete 168 Walker Street. This is a failure of the SSDA consultation requirements.

**Conclusion**

We trust that the SSDA will be revised to be comply with the allowable height and density for the site and be consistent with the established planning controls, which were subject of significant controversy during the prior PP process. Should the SSDA to be amended accordingly, we strongly encourage DPHI to refuse the application for the reasons set out in this objection.

Kind regards,

**Jacqui and David Page**

Residents of Unit 1905, 168 Walker Street, North Sydney, NSW, 2060