



Department of Planning, Housing and Infrastructure

Submitted via the NSW Planning Portal

24 October 2025

Attention: Nicholas Beck, Contact Planner

Dear Mr Beck,

Re: Objection to SSD-82599709 – Proposed 51 storey mixed use building containing ancillary retail premises, hotel and 296 residential apartments at 153–157 Walker Street, North Sydney

Background

We have been engaged by the owners of 141 Walker Street, North Sydney, which is located to the south of the subject site, to submit an objection to SSD-82599709 for a proposed 51 storey mixed use building, containing ancillary retail premises, hotel rooms and 296 residential apartments at 153–157 Walker Street, North Sydney.

The development proposes:

- 296 residential apartments, including 9 affordable units.
- A 164-room hotel,
- Retail floorspace at street level,
- 11 basement levels, including 233 car parks,
- Communal open space and amenities,
- A Planning Proposal to permit 'Shop Top Housing' as an additional permitted land use at the site under the North Sydney Local Environmental Plan 2013.

The development of 153- 157 Walker Street, North Sydney will have implications for both the current on site development and any future development potential for 141 Walker Street, North Sydney.

Nature of Submission

Having considered the site, its surrounds and the details of the application currently before The Department of Planning, our clients are not opposed to the redevelopment of the subject site. However, they are opposed to the excessive scale of the development proposed and the implications for their site and Little Walker Street as a result of the works proposed.

The owners of 141 Walker Street, North Sydney have a larger neighbouring site, sitting to the south of the subject development site. It is imperative that any redevelopment at 153-157 Walker Street consider the current site conditions at 141 Walker Street, North Sydney, but also the future development potential. Redevelopment of the subject site should not be approved if it will reduce or prevent the development potential of our client's site. Any implications on the current and future development must be considered as a part of this application.

The proposed development, in its current form will have unacceptable impacts with regards to:

- Building height,
- Solar access,
- Traffic,
- Excavation and construction,
- Views,
- Privacy,
- Setbacks
- Privacy
- Site isolation.

Zoning and Land Use Generally

The property is zoned E2 Commercial Centre under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). The objectives for this zone include:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.*

The proposed development is best defined as 'Shop Top Housing' by NSLEP 2013 and this land use is prohibited in the E2 Commercial Centre Zone. The development is relying on a concurrent Planning Proposal, to introduce Shop Top Housing as an additional permitted use on the site, which if supported, will result in the loss of land specified for Commercial uses.

The proposed shop top housing is not supported under Council's strategic planning position and will limit the opportunity for employment generating land uses by reducing the opportunity for the development of commercial office space.

Given the proposed land use is prohibited in the zone and is of a significantly larger scale than surrounding development, it is considered to be at odds with the objectives of the zone and should not be supported in its current form.

If residential uses are to be introduced it should not be done at the detriment of other possible development sites, including 141 Walker Street, North Sydney. A broader scale consideration of development in the immediate area is essential, so that the introduction of residential is not considered as a site specific rezoning, but rather as a study of the immediate area and sites, also with development potential, so that uses including residential areas shared within the identified area, and development of one lot, does not preclude development of another.

Building Height – Unjustified and Excessive

The site is mapped with a maximum building height of RL 215m and the development proposes a non-compliant maximum height of RL 234m (+19m or 8.8%).

Buildings surrounding the site include 7-21 storey commercial and mixed-use developments to the north, 5-32 storey commercial buildings to the south, 11-29 storey commercial buildings to the east and 7 – 20 storey commercial towers to the west.

While the applicant claims the variation is justified, at 51 storeys, the scale of the proposed tower is disproportionate to its context and will dominate adjacent buildings and the North Sydney skyline, as illustrated in the plan extract below.



Figure 1: Extract: Montage

The justification for the building height variation, relies heavily on the previously approved commercial tower (DA393/22) on the site, yet that scheme was discontinued and did not include residential uses.

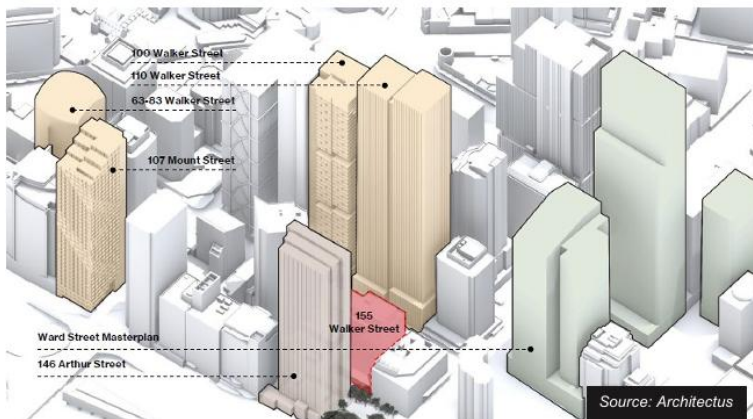


Figure 2: Extract: Surrounding (top) and emerging (below) high-rise context.

Combined with the approval of a commercial tower at 110 Walker Street and a build to rent tower at 146 Arthur Street, the proposal will result in an overdevelopment of the locality.

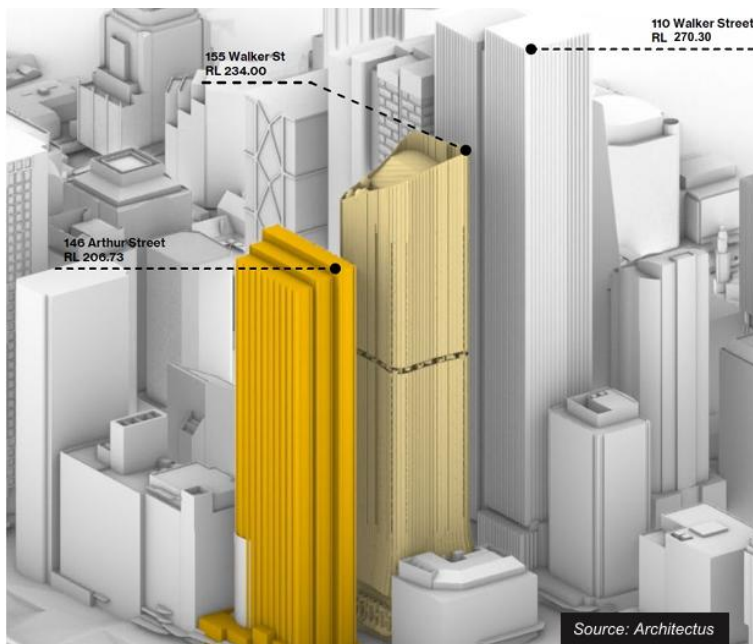


Figure 3: Extract: Proposed Tower Heights

Overshadowing and Solar Access

The proposed development does not comply with solar access requirements and will create unacceptable overshadowing and loss of solar access for surrounding properties.

In accordance with the Apartment Design Guide, the number of apartments receiving no solar access, should not exceed 15% and the proposal does not meet this minimum standard. The development proposes to orient approx. 20% of units to the south and these units do not achieve the minimum solar access required.

In addition, the EIS submitted with this application, relies on the shadow footprint approved by the previously proposed commercial tower DA393/22, which is discontinued, rather than assessing the new tower development on its own merit.

The argument that overshadowing is “less than the approved DA” is misleading, as the approved DA did not include residential land uses and was assessed under different planning assumptions.

A study of possible development options for 141 Walker Street, North Sydney has been undertaken by the stakeholders and it was found that residential would be a development option based on consideration of solar access. The Architectus solar access studies, that have been included in the SSDA submission, have been prepared on the basis that the proposed development exists and is approved in its current condition. In reality, the current buildings at 153 & 157 Walker St do not have an adverse impact on ADG compliance for a future development at 141 Walker St. A significantly smaller floor plate for the proposed development, or a lot consolidation at with 161 & 165 Walker Street which

allows increased setbacks from the south should be considered to avoid an adverse impact on 141 Walker Street.

The details provided with the current SSD application for 153-157 Walker Street, Sydney are misleading suggesting that residential would not be an option for 141 Walker Street, North Sydney. While there are some challenges in a successful design, it is considered to be possible based on current surrounding development.

The SSD application does not adequately assess the potential impacts of the development and considering the non-compliant building height and bulk and scale of the tower, a rigorous assessment is required, particularly the overshadowing impacts to 141 Walker Street, which is located to the south of the site.

A revised development should be prepared and should consider:

- the impact on existing offices, level 1 balcony and childcare outdoor areas within the existing development at 141 Walker Street; and
- solar access implications if 141 were to be redeveloped in a similar manner with residential development at the same scale.

Traffic

The EIS submitted with this application claims that the *proposed development will result in a minimal change to net traffic generation*. This claim is inaccurate and misleading, as the development surpasses the threshold to classify it as 'Traffic Generating Development' and will result in a significant increase in vehicle and pedestrian movements, proposing 232 car parking spaces, 24 motorcycle spaces and 398 bicycle parking spaces, across 11 basement floors.

Vehicular access to the site is proposed via Little Walker Street, currently a low traffic service lane, which is not suitable for the volume of traffic and pedestrians that will be generated by the proposed commercial land use, hotel and residential traffic entering the single vehicle access point for the site.

The strategic plan for Little Walker Street is to improve public amenity, prioritise pedestrian access and facilitate ground floor activation and the proposed vehicle access point and traffic generated by the development will be in direct conflict with this goal.

It is considered the application does not adequately address the potential impacts of the development on traffic generation and conflict with pedestrian, especially when considered in conjunction with the recently approved neighbouring development at 146 Arthur Street, North Sydney, which also relies on access from Little Walker Street.

Vehicular Access

One shared driveway is provided on Little Walker Street with one lane entering and one lane exiting the site. This is used for the hotel and residences and deliveries. Truck deliveries share this access, and it appears that they will need to reverse into the main residential/hotel access lanes to turn and exit the site in a forward direction.

We query the compliance of the swept path and the turning path proximity to the southern wall of the driveway. We suggest that this will be a difficult manoeuvre that cannot be done in one turn, which will block access for all other uses and create further disruption and delay on Little Walker Street.

Little Walker Street will vastly change with the combination of the already approved 146 Arthur Street development. With the additional vehicles proposed with this application, and consideration of future development potential for other sites, including 141 Walker Street, it is critical that there is a smooth flow of traffic. Separation of the loading deliveries from the other vehicles entry points would be a preferred solution for the site and all neighbours to Little Walker Street.

Excavation and Construction Impacts

Extensive excavation is proposed to accommodate 11 basement car parking levels, with cut proposed to the site boundaries. This extensive excavation raises concerns about the structural integrity impacts on neighbouring properties.

The basement of 141 Walker Street is excavated directly into the natural rock. No supporting walls are provided to the boundaries to a level of RL49.00, and we have been advised that the existing excavation is close to boundary. Accordingly, when the excavation occurs for the proposed development, there is concern regarding stability of the basement levels of 141 Walker Street, and possible implications for the building above. Consideration of 141 Walker Street basement level construction is crucial to determining how close to the boundary development can safely be approved. It would appear a safer option to provide additional setback to this boundary. We request that greater consideration of this matter to ensure that the proposed excavation is safe and structurally possible when the neighbouring development constraints are also considered.

While it is suggested that the degree of excavation be modified, should the DA be successful in its current form, it is key that dilapidation reports are undertaken prior and post construction and that works be appropriately monitored by structural and geotechnical engineers, including implications for 141 Walker Street.

Tenant Discomfort

It is requested that respite periods during excavation and construction are provided and delayed start times enforced, due to the large extent of excavation and construction proposed and the resultant disturbance to surrounding properties.

The geotechnical advice recommends a vibration criteria is recommended at 8mm/second, which may lead to tenant discomfort as its recommended at a level above previous development (5mm/s). Given the significant impacts of the extensive excavation, this is considered to be an unacceptable additional level.

The anticipated noise and vibrations and dust impacts for external area including the level 1 balconies, and the playground area of the ground floor childcare centre are likely to be significant.

146 Arthur Street, North Sydney

The recently approved development at 146 Walker Street, North Sydney will likely be under construction at the same time as the proposed development if approved. There is concern for the construction management of both developments concurrently, with limited access available from the one way Little Walker Street. The construction management plan for 146 Arthur Street should be considered as part of the assessment of the current proposal, to ensure that vehicles and pedestrian movement are not unreasonably impacted during the dual construction time period.

During the busy peak hour times at the start and end of the day it is suggested that vehicle movements and parking be limited to ensure that tenants of other buildings accessed from Little Walker Street are able to freely travel to and from their work places.

Views

Iconic views across Sydney Harbour are obtained from properties surrounding the subject site and these views will be available from the midsection of the proposed tower.

The EIS submitted with this application relies on the Visual Impact Assessment provided with the previously proposed commercial tower (DA393/22 – discontinued) and claims that *there are no formally documented or protected views across the site that would be affected by the proposed development*, despite an acknowledgement of the significant views obtained from the site as illustrated below.

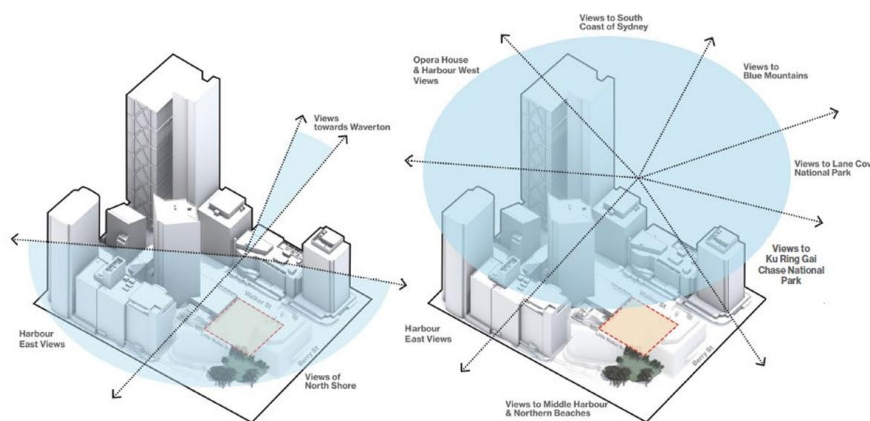


Figure 4: Extract from EIS: Access to low rise (left) and high rise (right) views at the site.

The assumptions in relation to view loss are disputed, as the application does not adequately assess the potential impacts of the development. We anticipate that views will be, to a large degree, lost as a result of the development proposal. Considering the non-compliant building height, reduced setbacks and bulk and scale of the tower, a rigorous assessment is required and a revised development should be considered.

Greater consideration of view loss impacts for current and future development is needed to determine the view loss implications of the proposal.

Privacy

As noted by the applicant, the development faces *privacy challenges* posed by the adjacent build to rent housing scheme (approved at 146 Arthur Street), the approved commercial tower at 110 Walker Street and the existing commercial tower at 141 Walker Street.

It is considered the façade and glazing treatments proposed do not adequately mitigate the direct overlooking that will occur between towers, particularly given its elevation and proximity to existing towers. These concerns will be further enhanced if 141 Walker Street were to develop in a similar manner in the future.

The DCP and ADG require careful consideration of building separation which is compromised by the excessive height and narrow setbacks.

The rendered images provided in the DA package do not provide appropriate consideration of privacy with views/angles provided that only show a preferred angle and do not consider a direct view access to 141 Walker Street, which is very misleading.

Setbacks

The building setbacks proposed are non-compliant and do not provide adequate separation between buildings to ensure the retention of privacy, allow for view corridors, provide adequate solar access and retain the opportunity for future development on adjoining sites.

The ADG requires a minimum 12 metre setback on each site between habitable rooms, achieving a combined separation of 24 metres between adjoining buildings. The development proposes setbacks of just 3 metres (north) and 6 metres (south), significantly less than the minimum required, as illustrated below.



Figure 5: Plan Extract: proposed setbacks on Level 32

The proposed setbacks are not adequate and demonstrate the site is not large enough to accommodate a building of this scale.

The proposal also assumes that our client's site will be retained in its current form or be redeveloped as commercial, which has a far lesser level of privacy and setbacks required. However, a reasonable assumption is that 141 Walker Street may development in the same manner as the 153-157 Walker Street. If this is the case, it is imperative that the maximum setbacks are provided, so that the development potential of 141 Walker Street is not compromised. We strongly oppose the proposed setbacks to 141 Walker Street, based on the substantial impacts the proximity has on future development potential with regard to residential amenity, privacy, solar access and general bulk and scale. We note that this should also be considered for 161-165 Walker Street, as they may also wish to develop in the future.

Lot consolidation

If the development were to proceed in its current form, the future development potential of 141, 161 and 165 Walker Street would be severely limited, in particular No. 161 and 165 will become isolated, as they are bound by Berry Street to the north (illustrated below).



Figure 6: Aerial Image of the subject site and the isolation of No. 161 & 165 Walker Street.

It is considered the development would be better suited to a consolidated site, incorporating the lots to the north, as this would allow for improved site access, increased solar access and a sufficient area to provide generous and compliant building setbacks.

Fire Evacuation

Concern is raised over the capacity of Little Walker Street to accommodate fire evacuation assembly points for the increased number of people occupying the area. We request consideration of evacuation strategies and existing fire gathering points for neighbouring sites including 141 Walker Street.

Encroachment onto public land

The current design proposes significant encroachment onto the public street frontages of Walker Street and Little Walker Street, with a portion of the privacy walls between the hotel rooms and the curved awnings proposed to be constructed outside of the site boundary.



Figure 7: Plan Extract – Level 1, illustrating encroachment



Figure 8: Extract – Level 1, illustrating encroachment

Design and Materials

The development proposes a GRC clad wall immediately facing 141 Walker Street, on the boundary for up to 5 levels above the podium. This will be an unappealing aesthetic, and articulation and revised materials should be considered to ensure that a pleasing architectural treatment presents to the neighbouring site.

Services

We request that consideration of the maximum electrical demand be considered with regard to the number of EV stations within the car park. It is noted that a substation is proposed as a part of the application. However, we would like to ensure that there is not detrimental impacts on electrical capacity at 141 Walker Street, North Sydney as a result of the proposal.

We would encourage and support the amplification and upgrading of water services down Walker Street, toward Mount Street.

Conclusion

For the reasons outlined above, we respectfully request that the proposed development for a 51 storey mixed use building, containing ancillary retail premises, hotel rooms and 296 residential apartments at 153–157 Walker Street, North Sydney, be substantially revised to address non-compliances, inadequate assessments and better consider implications on neighbours including 141 Walker Street, North Sydney.

Specifically, we urge the Department to require the following:

- If consideration of the planning proposal for shop top housing is supported, consideration of the implications for neighbouring development, also developing in the same manner and ensuring that development potential is not reduced as a result,

- Limit the building height to RL 215m in accordance with NSLEP 2013,
- Require compliance with minimum solar access standards,
- Require a more rigorous assessment of overshadowing impacts on surrounding properties and public open spaces,
- Reduce the scale of the development to minimise traffic impacts on surrounding streets,
- Reconsider vehicular access to the site for all uses including deliveries on Little Walker Street, which is a low volume traffic lane,
- Limit the footprint and depth of excavation to retain structural integrity of neighbouring properties,
- Provide respite periods during excavation and construction to minimise disturbance to surrounding properties,
- Require a more rigorous assessment of potential view loss impacts to the iconic views across Sydney Harbour,
- Reduce the scale of the proposed development floor plate to minimise the impacts of overshadowing,
- Require greater setbacks and additional privacy treatments to mitigate overlooking between properties,
- Consideration of neighbouring fire evacuation points of 141 Walker Street on Little Walker Street,
- Ensure works are within private land.

The proposed development, while of similar bulk to DA 393/22, is not the same, with residential uses taking up the greatest portion. It is not adequate to rely on the previous approval as justification for consent of the current application. A more thorough consideration of views, shadows and privacy as well as other matters is essential as part of this application.

Alternatively, we believe the application must be refused in its current form. If you have any further enquiries on any matters in this regard, please do not hesitate to contact me on 0413341584.

Yours faithfully,



Sarah McNeilly
Director
Watermark Planning