



Mr G Mannes
GPT Funds Management Ltd
Level 5, 25 Martin Place
SYDNEY NSW 2000

D393/22
JD6 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION - Refusal**

Issued under Section 4.15 of the Environmental Planning and Assessment Act 1979 ("the Act"). Clause 100 of the Environmental Planning and Assessment Regulation 2021 ("the Regulation")

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| Development Number: | 393/22 |
| Land to which this applies: | 153-157 Walker Street, North Sydney Lot No.: 1, DP: 84729 |
| Applicant: | GPT Funds Management Ltd |
| Proposal: | Demolition of existing buildings on-site and the construction of a 43-storey commercial tower. |
| Determination of Development Application: | At its meeting of 1 November 2023, the Sydney North Planning Panel (SNPP) , as the consent authority, considered PPSSNH-360 - North Sydney - Development Application No. 393/22 and the subject application has been refused for the reasons stated below. |
| Date of Determination: | 1 November 2023 |

Reasons for Refusal:

In respect of the matters for consideration of section 4.15 (1) of *the Environmental Planning and Assessment Act, 1979*, the application is refused, as the proposed development fails to satisfy the provisions of :

A. The North Sydney Local Environmental Plan 2013:

1. The third, fifth and sixth objective of the E2 Commercial Centre zone.
2. Clause 4.3 (1) NSLEP 2013, the proposed development exceeds the maximum building height development standard.
3. Clause 4.6 NSLEP 2013, the written request to vary the development standard does not adequately demonstrate that compliance is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravention of the standard.

4. Clause 6.3 (1) (d), the application does not adequately demonstrate that the proposal provides reasonable pedestrian comfort and safety. Neither does the proposal have human scale and it is unacceptably visually dominant.
5. Clause 6.3 (5) (a), The proposed building's scale and form is incompatible with its environmental context, as it:
 - a) Will likely have unacceptable impacts on the microclimate and amenity of the public domain and buildings adjacent to the site, noting that information submitted with the application has not demonstrated otherwise,
 - b) Could better realise the potential of the site if developed in conjunction with adjoining land north of the site, to achieve an acceptable yield and maintain reasonable environmental impacts in a built form that complies with the intent of the DCP and LEP for development in the CBD, and
 - c) Is of a scale, form and massing which has unacceptable impacts on built and natural environments.
6. Clause 6.3 (5) (b), the proposed development has adverse impacts on view lines and vistas to and from the CBD, when compared to a compliant development.

B. The North Sydney Development Control Plan 2103:

1. Various provisions of NSDCP 2013 Part B Section 2, clauses:
 - a) 2.2.1 Diversity of Activities, Facilities, Opportunities and Services,
 - b) 2.3.3 Windspeed,
 - c) 2.3.6 Awnings,
 - d) 2.3.7 Solar Access,
 - e) 2.3.8 Views,
 - f) 2.4.1 Context,
 - g) 2.4.3 Setbacks,
 - h) 2.4.4 Podiums,
 - i) 2.4.6 Skyline,
 - j) 2.4.9 Through Site Pedestrian Links,
 - k) 2.4.10 Streetscape,
 - l) 2.4.13 Public Spaces and Facilities,
 - m) 2.5.7 Vehicular Access, and
 - n) 2.5.8 Car Parking.
2. Provisions of NSDCP 2013 Part C Section 2 North Sydney Planning Area, clause 2.1 Central Business District:
 - a) 2.1.2 Desired Future Character:
 - i) P2 Provision of a variety of different sized office, retail, community and entertainment spaces,
 - ii) P3 Provision of a variety of outdoor and indoor community spaces (e.g., urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts),
 - iii) P14 Provision of roof top gardens and/or public facilities that allow the public and/or residents to access district views, and

- iv) P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.

- b) 2.1.3 Desired Built Form:
 - i) P1 Development sites should be of a size which enables:
 - (a) the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy, and
 - (b) adequate setbacks and breaks between tall buildings above podium levels to preserve sky views and sunlight in the public domain.
 - ii) P10 Buildings are to provide a zero-metre setback to all street frontages and adjacent to heritage items.
 - iii) P13 Podiums are to be provided in accordance with the Podium Heights Map (Figure C-2.2). On the site podium heights required are:
 - (a) 2-5 storeys on Walker Street, and
 - (b) 2-3 storeys on Little Walker Street.
 - iv) P15 All of a podium must be setback as required by P10-12.
 - v) P17 Podium heights should match or provide a transition between immediately adjoining buildings.
 - vi) P20 All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with Figure C-2.3. Above podium setbacks for the site are:
 - (a) 5.0m on Walker Street
 - (b) 4.0m on Little Walker Street
 - vii) P23 Where a building is to be erected on land zoned B3 Commercial Core or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:
 - (a) the area of the site is less than 1,000sqm; and
 - (b) the building does not exceed 45m in height.
 - viii) P27 Where there is more than one tower located above the podium level on land zoned B3 Commercial Core or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.
 - ix) P28 Provide architectural detailing, high quality materials and ornamentation providing a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.
 - x) P31 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.
 - xi) P39 Have regard to the North Sydney Centre Public Domain Strategy and North Sydney Council Infrastructure Manual in designing the public domain and the proposal's contribution to it.

C. Other provisions of Section 4.15 (1) as follows:

1. Paragraph (b), as the likely impacts of the development, for reason of the non-compliances specified in Parts A and B above, will unacceptably compromise the natural and built environments.

2. Paragraph (c), as the design of the proposal, because of the non-compliances specified in Parts A and B, cause the site to be unsuited to the development.
3. Paragraph (e), because of the non-compliances specified in Parts A and B, likely environmental impacts and unsuitability of the site for the development, granting consent to the application would not be in the public interest.

How community views were taken into account:

The subject application was notified to surrounding properties and the CBD and Stanton Precincts for 21 days between 3 March 2023 and 24 March 2023 and three (3) submissions were received, identifying several issues that have been considered in this report.


Review of determination and right of appeal:

Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

20 November 2023

DATE



Signature on behalf of consent authority
JIM DAVIES
EXECUTIVE PLANNER (ASSESSMENTS)