

12 December 2024

Kiersten Fishburn
Secretary
Department of Planning, Housing and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta, NSW 2150

Attention: Manwella Hawell, Senior Planning Officer

**SSD-61000021 – 146 Arthur Street, North Sydney – Built-to-Rent
Lendlease Investment Management Pty Ltd - Submission**

This submission has been prepared on behalf of Lendlease Investment Management Pty Ltd (Lendlease) in relation to 146 Arthur Street Built-To-Rent (BTR) State significant Development Application (SSD-61000021) in North Sydney. Lendlease are the Investment Managers of 141 Walker Street, North Sydney, which is located to the south-west of the proposed development at 146 Arthur Street.

141 Walker Street (known as Lot 1, DP 738392) contains a 23 storey commercial tower above a 2-3 storey podium. Located between Walker Street and Little Walker Street, the existing building contains a mixture of retail tenancies and commercial floor space. The building is generally consistent with the surrounding CBD context.

One of the key tenancies of note to this submission is the Guardian Childcare and Education Centre located within the podium levels of the building. This childcare centre is a large facility, accommodating 60 children, servicing North Sydney locals, as well as employees who work within the North Sydney Centre.

Most significantly, the childcare centre has a large terrace that looks to the east over Little Walker Street, located to the north of the main tower element on the site at 141 Walker Street. This is the only outdoor space servicing the childcare centre (see Figure 1).

As per the *Child Care Planning Guideline* prepared by the Department and the NSW Government, childcare centres are a sensitive use that should be able to access solar and natural light, as well as acoustic privacy. Given the dense, urban location of the childcare centre, ensuring that the amenity of the facility is protected is critical.

In principle, Lendlease have no objection to the development of 146 Arthur Street, and are supportive of the introduction of BTR accommodation in the North Sydney CBD, given the recent introduction of the Sydney Metro station at Victoria Cross, improving transport accessibility to the area. However, we have reviewed the Environmental Impact Statement (EIS) and supporting material which has been made available on the Major Projects portal and we raise the following matters for the Department of Planning, Housing and Infrastructure's (the Department) consideration:

- The proposal fails to take into account the additional overshadowing of the outdoor terrace utilised by the Guardian Childcare and Education Centre to the south-west of the proposed

development at 146 Arthur Street. This terrace is the primary outdoor space for the childcare centre, and given the density of the CBD location, overshadowing is already a critical issue.

- The documentation does not consider the potential noise and construction impacts to the childcare caused by the development. No specific noise or construction mitigation measures are given that provide surety that the sensitive use of the childcare centre will be protected during construction.

It is for these reasons that we recommend that the proposed scheme be reviewed to ensure that the development being considered seeks to mitigate impacts to 141 Walker Street.

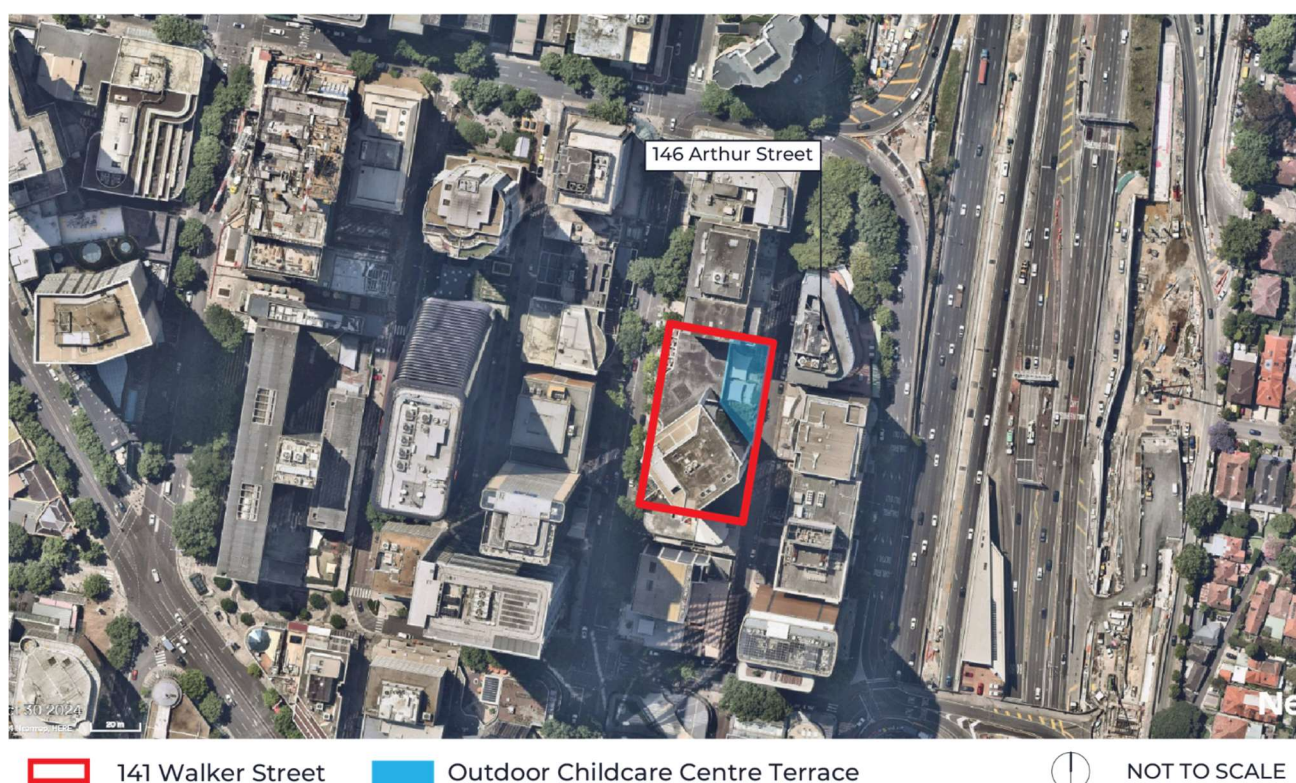


Figure 1 Aerial map of 141 Walker Street adjoining 146 Arthur Street, subject of SSD-6100021

Source: Nearmap

1.0 Objections to 146 Arthur Street BTR

The key objection identified by Lendlease as Investment Managers of 141 Walker Street is that the BTR State significant development application currently on exhibition does not consider any impact to the Guardian Childcare and Education Centre, particularly with regard to the outdoor terrace that relies on Little Walker Street for solar access, light and air.

Specifically, Lendlease have identified the following issues that will impact upon 141 Walker Street:

- Overshadowing to the outdoor childcare terrace, particularly with relation to the additional height that SSD-61000021 is seeking above the height limit.
- Construction impacts to the childcare centre operations, including noise, vibration and environmental impacts such as dust and pollution.

Overshadowing

As per the overshadowing diagrams accompanying the EIS, there is additional overshadowing being caused by the new tower, including that resulting from the portion of the tower that is within the height limit, as well as that which is extending beyond the height limit.

There is very obviously a portion of the tower that is newly overshadowing the childcare terrace in both March and September, whilst it appears that the terrace is already in shade at the winter solstice in June as per the diagrams. Again, given the CBD and dense nature of the locale, protecting solar access to this facility throughout the year is critical and should be more closely considered in the application. Figure 2 and Figure 3 below demonstrates the additional overshadowing to the childcare centre terrace shown in the documentation provided by Aqualand.

Further to the above, it is unclear as to whether the additional height proposed beyond the height limit will have an impact on this terrace area and the access to light that is provided from solar reflecting on adjoining buildings. Whilst the additional height may not directly impact solar access to the terrace itself, additional overshadowing on the tower element of 141 Walker Street caused by the additional uplift may result in a darker terrace for the childcare, through the loss of reflective light.

Overshadowing to the childcare centre has the potential to have long lasting impacts for the facility and its operations. Based on this, it is requested that the overshadowing impacts of the development in relation to the terrace are reviewed and, if necessary, changes to the scheme are made so that the sensitive use of the childcare and the adjoining terrace is better protected from overshadowing impacts. This will enable the critical operation of the childcare to continue to the highest standard.



Figure 2 Overshadowing, March 11am
(terrace in yellow).

Source: Woods Bagot, SSD-61000021

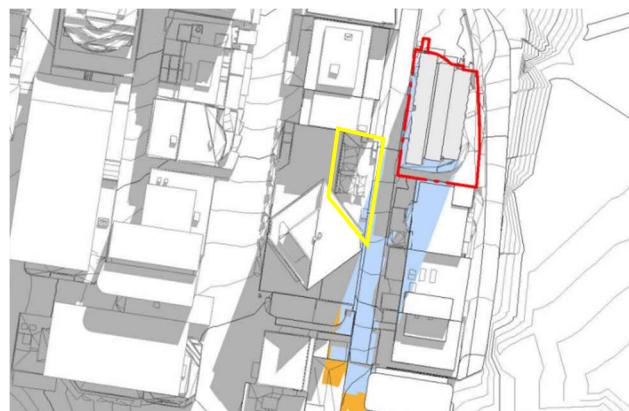


Figure 3 Overshadowing, September 11am
(terrace in yellow)

Source: Woods Bagot, SSD-61000021

Construction Impacts

The Noise Impact Assessment prepared to accompany the EIS notes that there will noise impacts as part of the construction, with quite substantial exceedances for some surrounding receivers. However, the report concludes that the noise emissions are capable of complying with the relevant acoustic requirements.

The Noise Impact Assessment has no consideration of the Guardian Childcare and Education Centre as a sensitive use immediately adjoining the site. Further, the assessment makes no reference to relevant childcare guidelines or any potential mitigation measures that should be incorporated to ensure that the acoustic impacts of the construction of the development do not adversely affect the operation of the childcare, and the children who utilise the facility.

Further, no reference to the protection of the childcare centre in relation to dust, pollution or other general construction management measures is made.

It is requested that a review of the noise and construction impacts to the childcare centre is undertaken, to ensure that the impacts are minimised as much as possible, enabling the ongoing safe and healthy operation of the childcare centre. If additional mitigation measures are identified to protect the childcare centre at 141 Walker Street, these should be incorporated into the scheme.

2.0 Conclusion

Lendlease are of the opinion that the proposed development of 146 Arthur Street for BTR accommodation in North Sydney is not sufficiently justified in its current form, as it fails to take into account the impacts of the development on the sensitive land use of the childcare centre located in the podium of 141 Walker Street. The proposal in its current form is insufficient because:

- It fails to take into account the additional overshadowing of the outdoor terrace utilised by Guardian Childcare and Education Centre caused by the tower. This terrace is the primary outdoor space for the childcare centre, and given the density of the CBD location, overshadowing is already a critical issue.
- The documentation does not consider the potential noise and construction impacts to the childcare caused by the development. No specific noise or construction mitigation measures are



given that provide surety that the sensitive use of the childcare centre will be protected during construction.

Therefore, it is requested that further design and noise assessment analysis be undertaken by Aqualand to better understand the impacts to 141 Walker Street and the childcare centre caused by the development. In demand and sensitive services such as childcare should be protected, particularly in such a dense location where commercial and residential floorspace is growing.

We appreciate the opportunity to provide comment on this proposal. Should you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,
JLL