

MP08_0238 Preferred Project Report

88 Walker Street and 77-81 Berry Street, North Sydney Proposed Commercial Tower and Hotel Building

Submitted to
Department of Planning
On Behalf of Eastmark Holdings Pty Ltd

October 2009 ■ 08510

Reproduction of this document or any part thereof is not permitted without prior written permission of JBA Urban Planning Consultants Pty Ltd.

JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by: Jennie Masson

Signature



Date 09/10/09

This report has been reviewed by: Bernard Gallagher

Signature



Date 09/10/09

Contents

1.0	Introduction	2
2.0	Revisions to the Project Application	3
3.0	Commercial Tower	6
3.1	Justification for Building Height	6
3.2	Overshadowing on Whaling Road Dwellings	7
3.3	Urban Context	9
3.4	Beau Monde Apartments View Analysis	12
3.5	Privacy Impacts on Beau Monde	17
3.6	Reflectivity Impacts on Beau Monde	17
3.7	Rooftop Articulation	18
4.0	Proposed Hotel Building	20
4.1	Northern Elevation to 88 Walker Street	20
4.2	Relationship with Firehouse Hotel	20
5.0	Public Domain and Ground Plane	21
5.1	Pedestrian Bridge	21
5.2	South-East corner of Spring Street and Little Spring Street	21
5.3	Mid Block Through Site Link	23
5.4	Landscape Treatment	26
5.5	Wind Impacts	26
6.0	Traffic and Transport	30
6.1	Traffic Generation / Cumulative Impacts	30
6.2	Mount Street / Walker Street Intersection	31
6.3	Walker Street / Berry Street Intersection	32
6.4	Vehicular Access to Loading Dock	32
6.5	Bus / Coach Parking for Hotel	32
7.0	Summary	33
7.1	Public Benefits	33
7.2	Merits of the Project	34
7.3	Conclusion	34
8.0	Revised Statement of Commitments	36

Figures

1	The commercial tower and hotel as viewed from the Warringah Freeway	4
2	The revised hotel and commercial tower as viewed from Walker Street looking north	5
3	The shadow increments between 2.50pm and 3.00pm in midwinter	7
4	The dense vegetation in the rear yards of the dwellings on the southern side of Whaling Street	8
5	Photo of the blank eastern side of No. 1 Whaling Road	8

Contents

6	Location of buildings over RL175 as proposed under Draft LEP Amendment 28	10
7	The proposed CBD skyline viewed from Waverton Park	11
8	The proposed CBD skyline viewed from Luna Park	11
9	The proposed CBD skyline viewed from Kurraba Road, Neutral Bay	12
10	The proposed CBD skyline viewed from Pacific Highway (near the Union Hotel)	12
11	Southern view from Level 27 showing the impact of LEP 2001 complying envelopes	14
12	Southern view from Level 36 showing the impact of LEP 2001 complying envelopes	14
13	Impact of draft LEP Amendment 28 on the view from Level 36 of Beau Monde	15
14	Impact of the proposal on the view from Level 36 of Beau Monde	15
15	Impact of additional height on the outlook of the higher level apartments in Beau Monde	16
16	View from Level 27 with an 18m setback	16
17	View from Level 27 with a 24m setback	17
18	Proposed roof line of the towers	19
19	New pedestrian link connecting Walker Street and Denison Street	21
20	Image of original treatment of corner of Little Spring and Spring Streets	22
21	Revised treatment of the corner of Little Spring and Spring Streets	22
22	Photomontage of the commercial lobby entrance from Denison Street	24
23	Night time image of mid block through site link	24
24	Comparison of 88 Walker Street and 126 Phillip Street	25
25	Recommended ground level wind treatments	28
26	Recommended upper level wind treatments	29

Tables

1	Wind amelioration measures	27
2	Traffic survey results	30
3	Revised Statement of Commitments	36

Contents

Appendices

- A** Letter Summarising Key Issues to be Addressed
Department of Planning
- B** Revised Architectural Drawings – see Volume 2
Rice Daubney
- C** Table of Responses to Agency and Public Submissions
JBA Urban Planning Consultants with advice from the sub-consultants
- D** Shadow Analysis
PSN Matter
- E** View Analysis
Simurban
- F** Reflectivity Statement
Windtech
- G** Building Code of Australia Assessment
Phillip Chun
- H** Heritage Impact Statement
Noel Bell Ridley Smith
- I** Landscape Plans
Oculus
- J** Wind Impact Analysis
Windtech
- K** Traffic Statement
Halcrow MWT
- L** Shadow Illuminance Report
Aurecon

Statement of Validity

Prepared under Part 3A of the Environmental Planning and Assessment Act, 1979
(as amended)

Environmental Assessment prepared by

Name	Jennie Masson
Qualifications	BPlan (Hons) MPIA
Address	Level 7, 77 Berry Street, North Sydney
In respect of	Preferred Project Report

Project Application

Applicant name	Eastmark Holdings Pty Ltd
Applicant address	5 Rogers Avenue, Haberfield NSW 2045
Land to be developed	88 Walker Street and 77 – 81 Berry Street, North Sydney

Environmental Assessment

An Environmental Assessment (EA) is attached

Certificate

I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:

- It is in accordance with the Environmental Planning and Assessment Act and Regulation.
- It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature



Name

Jennie Masson

Date

9 October 2009

1.0 Introduction

An Environmental Assessment Report (EAR) for a Project Application (PA) relating to the construction of a commercial tower and hotel building on the land known as 88 Walker Street and 77 – 81 Berry Street was publicly exhibited between 3 June 2009 and 3 July 2009.

In response to the public exhibition, the Department of Planning has advised that it has received 68 submissions. In a letter dated 11 August 2009 (**Appendix A**), the Department of Planning requested that a response be prepared in relation to a number of key issues arising from the submissions and the Department's assessment.

The proponent, Eastmark Holdings Pty Ltd and its specialist consultant team have reviewed and considered the Department's comments and the public submissions and, in accordance with clause 75H (6) of the Environmental Planning and Assessment Act 1979, this Preferred Project Report (PPR) presents Eastmark Holding's response to the issues raised and outlines a number of revisions to the Project Application for which development approval is now sought.

Specifically, this PPR includes the following:

- Revised plans for approval (**Appendix B**);
- Response to the issues raised in the Department's letter of 11 August 2009 and advice regarding consequential changes to the Project Application for which the Minister's approval is now sought;
- Response to issues raised in submissions to the public exhibition of the Concept Plan modification (**Appendix C**);
- Various supporting consultants reports (see Appendix list); and
- A revised Statement of Commitments (**Section 8.0**).

2.0 Revisions to the Project Application

In response to the public submission and comments raised by the Department of Planning several amendments have been made to the proposed scheme. At **Appendix B** of this report is a revised set of architectural drawings which include the following modifications:

- Deletion of the pedestrian bridge over Little Spring Street;
- Reconfiguration of the internal layout of the hotel levels including the ground level of the hotel as well as design amendments to the external facades of the hotel;
- Reconfiguration of the south-eastern corner of the commercial podium such that the lifts are rotated and the corner now comprises a glazed finish rather than a solid finish;
- Provision of a new retail tenancy on the southern side of the through site link on the commercial site;
- Reinstatement of the Tower Square Footbridge;
- Revised articulation of the roof level of the commercial and hotel buildings; and
- Amendments to the public domain corresponding with the changes made to the ground level of the hotel and revised planting selections.

Revised photomontages of the commercial and hotel buildings are provided in **Figures 1 and 2**.

The changes to the proposed scheme do not change the overall heights of the buildings, they have resulted in the following changes to the proposed GFA of the buildings. The GFA and FSR of the proposal are now as follows:

- Commercial Building (77 – 81 Berry Street):
 - GFA: 59,090m²
 - FSR: 18.81
- Hotel Building (88 Walker Street):
 - GFA: 11,860m²
 - FSR: 19.53



Figure 1 – The commercial tower and hotel as viewed from the Warringah Freeway

Source: David Duloy



Figure 2 – The revised hotel and commercial tower as viewed from Walker Street looking north

Source: David Duloy

3.0 Commercial Tower

3.1 Justification for Building Height

In its letter dated 11 August 2009, the Department of Planning stated:
"The Department has concern with the height exceedence under the recently exhibited provisions of the North Sydney Draft LEP 2001 (Amendment 28). The current EA does not provide sufficient justification to depart from this height requirement. Any departures from the Draft LEP require strong justification including an assessment of the impacts arising from the non-complying height of the proposed development, particularly in relation to bulk and scale, overshadowing and view loss for adjoining residents within Beau Monde."

Clause 28D of North Sydney LEP 2001 contains provisions relating to maximum building heights within the North Sydney CBD. In summary maximum building heights are controlled by way of an overall maximum building height of RL1 95m and shadow controls. Notwithstanding the maximum building heights, variations to the maximum heights are permissible by the consent authority (Council) but only if:

- (a) it is satisfied that the variation is justified due to the merits of the development application and the public benefit to be gained, and*
- (b) it is satisfied that any increase in overshadowing will not reduce the amenity of any land, and*
- (c) in relation to a variation of the operation of subclause (2) (b), the variation will result in not more than 2 hours net increase in overshadowing of land referred to in that paragraph between the hours of 9am and 3pm, 21 June, and*
- (d) in relation to a variation of the operation of subclause (2) (c), the variation will result in not more than 15 minutes net increase in overshadowing of land referred to in that paragraph between the hours of 10am and 12 noon, and no net increase between the hours of 12 noon and 2pm, on any day.*

Draft amendment 28 to Clause 28D of LEP 2001 seeks to prescribe maximum building heights for individual sites and lessen the restrictions relating to overshadowing of public open space and special areas within the North Sydney CBD. The draft LEP retains the consent authority's ability to vary the specific heights in instances where they are satisfied that:

- (a) the variation is justified by the merits of the development and the public benefit to be gained, and*
- (b) any increase in overshadowing between the hours of 9am and 3pm, Eastern Standard Time, will not reduce the amenity of any dwelling that is outside the North Sydney Centre.*

This project satisfies the above provisions and further justification for the proposed height of the commercial tower is set out in the proceeding sections, namely:

- the overshadowing impacts on dwellings outside of the CBD at Section 3.2;
- a discussion of the urban context and skyline at Section 3.3;
- the analysis of view impacts on the apartments in Beau Monde at Section 3.4;
- a summary of the merits and public benefits of the project at Section 7.1.

3.2 Overshadowing on Whaling Road Dwellings

In order to further demonstrate that the proposed development will not have an unacceptable overshadowing impact on any property zoned for residential purposes outside of the CBD, PSN Matter were commissioned to undertake a detailed shadow analysis of the properties at the western end of Whaling Road (refer **Appendix D**).

Figure 3 illustrates that the properties at the western end of Whaling Road are only affected for up to a maximum of 8 minutes late in the afternoon around June 21. Those properties affected are not overshadowed by any other development to the north and receive uninterrupted sunlight from 9am onwards. The properties therefore receive well in excess of 3 hours of sunlight around June 21 – the typical standard.

The aerial image at **Figures 4** and **5** shows the dense vegetation that has been planted in the rear gardens of the subject properties and therefore it is doubtful that these properties would receive any significant amount of sunlight at that time of day with or without the proposed development in place.

Importantly, the shadow impact satisfies Clause 28D of LEP 2001 Draft Amendment 28 in that the almost insignificant shadow impact does not reduce the amenity of the dwellings on Whaling Road.

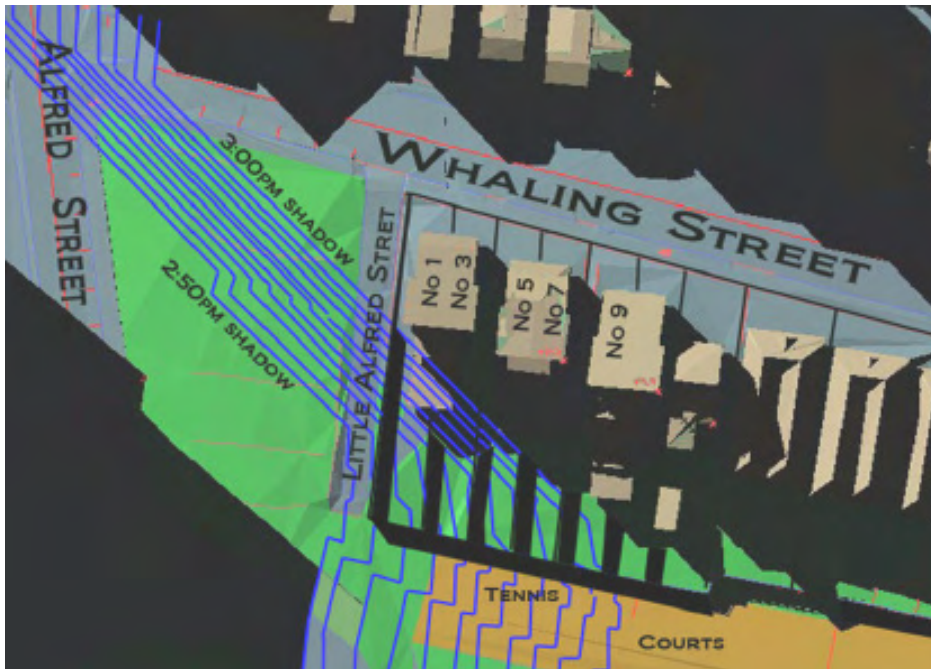


Figure 3 – The shadow increments between 2.50pm and 3.00pm in midwinter

Source: PSN Matter

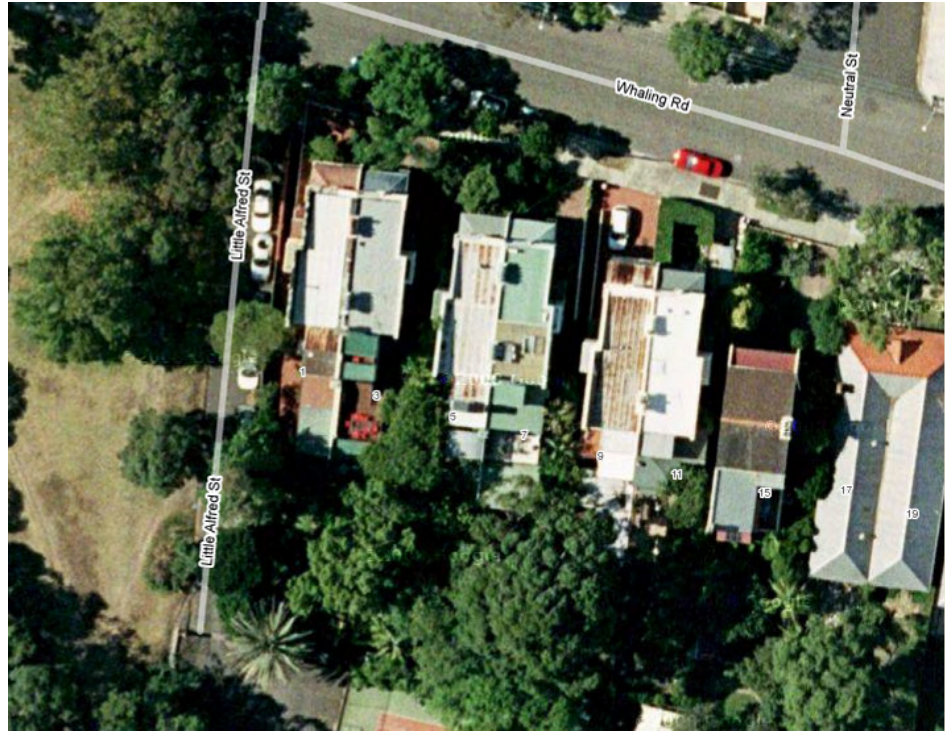


Figure 4 – The dense vegetation in the rear yards of the dwellings on the southern side of Whaling Street

Source: Google Maps



Figure 5 – Photo of the blank eastern side of No. 1 Whaling Road

3.3 Urban Context

The Sydney Metropolitan Strategy and the Draft Inner North Subregional strategy both outline additional jobs, and therefore additional commercial floor space, that must be provided within the North Sydney CBD by 2031. One of the main reasons that the existing planning controls seek to provide increased heights in the centre of the CBD is the restricted ability of increased developments to be placed at the edge of the North Sydney CBD. In this regard, Council's assessment report notes that:

"if the required additional commercial floor space is not located within the central core of the CBD where overshadowing to residential areas can be minimised or avoided all together, it is questionable where the required floor space can be located within the CBD without adversely impacting on adjacent residential areas."

The North Sydney Character Statement which is contained within the North Sydney Development Control Plan has for a long time sought to create an arc effect in terms of the CBD skyline whereby the tallest buildings are located in the middle of the CBD – stepping down to the periphery. **Figure 6** below shows the locations of the sites within the North Sydney CBD which Draft LEP 2001 Amendment 28 prescribes a maximum building height over RL175. In terms of the sites location, Council's assessment report states:

"The site is located within the heart of the CBD and the heights prescribed within draft Amendment 28 clearly reflect this by allowing for the highest buildings within the core block bounded by Miller, Mount, Walker and Berry Streets."

As can be seen in **Figure 6**, 77 – 81 Berry Street and 88 Walker Street are located within the centre of the North Sydney CBD and as such should form part of the top of the CBD skyline. The provision of a building on the southern end of the Berry Street site at a height of RL198 is entirely consistent with the aims and objectives of the draft LEP as the proposal will provide a transitional height down from 100 Mount Street to the Beau Monde building. It will also provide a height consistent with Northpoint (100 Miller Street) which is RL195. The images of the tower at **Figures 7 to 10** from various view points around the North Sydney CBD clearly demonstrate that the proposed height of the towers will be consistent with the achievement of the aims and objectives of the draft LEP. Council's assessment report comments:

"... although this building will exceed the height of the existing building on the northern portion of the site [Beau Monde] referred to in the clause [28D], the proposed height will nevertheless create the desired arc effect of taller buildings in the centre of the CBD stepping down towards the boundaries... Notably, the proposed commercial building will still be consistent with the height of No. 100 Miller Street and the future developments on Walker and Mount Street as allowed for by the proposed heights contained within Amendment 28."

The proposed building is of a height and scale which is appropriate for its central location within the North Sydney CBD. As outlined above, the proposed height is consistent with existing buildings within the North Sydney CBD and also those envisaged under the draft North Sydney LEP 2001 (Amendment 28).

The proposed development provides a floor plate in excess of 1,000m² but has been designed in such a way that it does not appear as a long or bulky building. As outlined in the EAR, the proposed building actually reads as two separate buildings as a result of the treatment and articulation of the external façade. The twisting and spacing of the shading elements and the varying heights of the two components of the building create an illusion of two separate buildings.

Notwithstanding the above, it is noted that the proposed building will never be read as a single stand alone element. The building will only be read from the immediate public domain at ground level and also from afar in the skyline.

North Sydney Council has for quite some time now been seeking to encourage large commercial floor plates (greater than 1,000m² in size) within the North Sydney CBD. 77 – 81 Berry Street is one of the few sites within the CBD that is able to deliver such floor plates without the need for site amalgamation to occur.

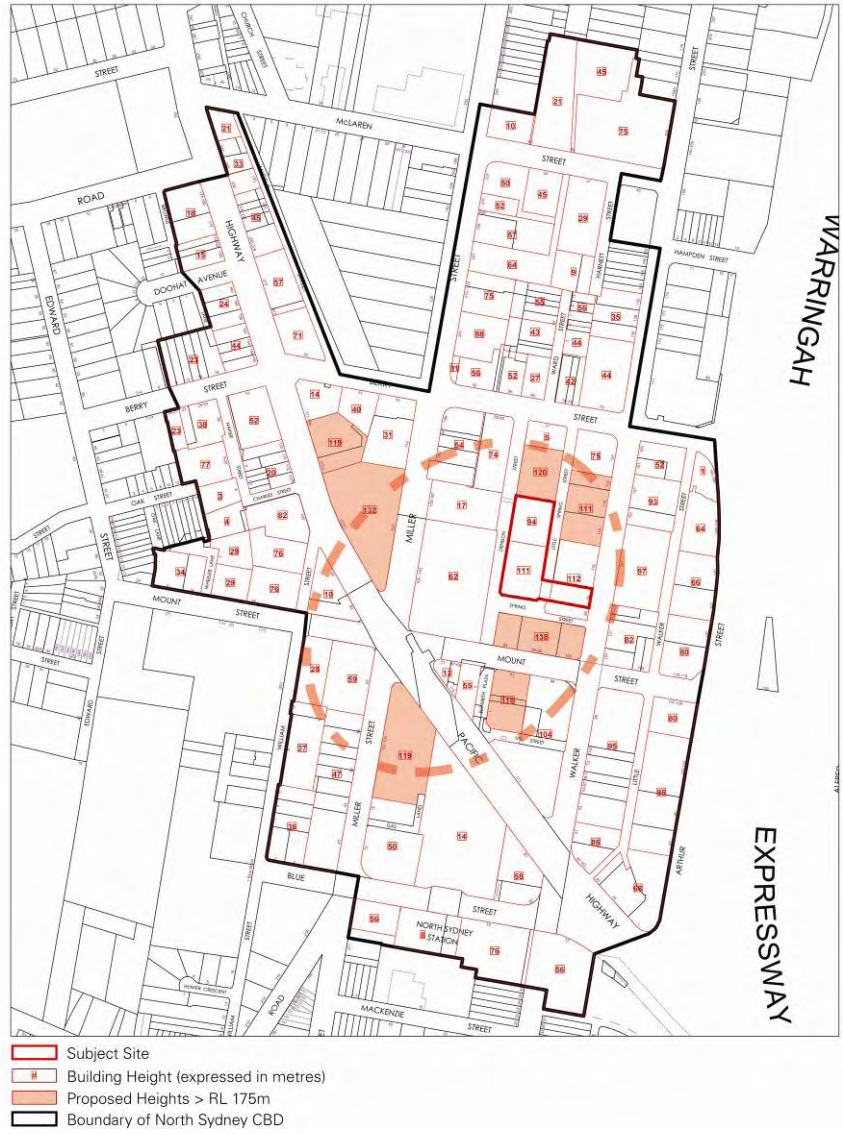


Figure 6 – Location of buildings over RL175 as proposed under Draft LEP Amendment 28



Figure 7 – The proposed CBD skyline viewed from Waverton Park

Source: Simurban



Figure 8 – The proposed CBD skyline viewed from Luna Park

Source: Simurban



Figure 9 – The proposed CBD skyline viewed from Kurraba Road, Neutral Bay

Source: Simurban

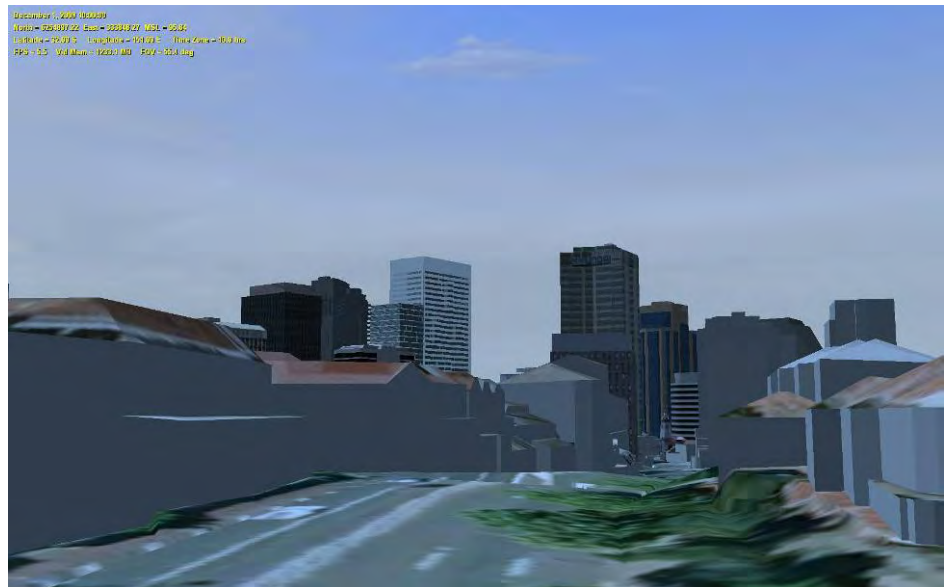


Figure 10 – The proposed CBD skyline viewed from Pacific Highway (near the Union Hotel)

Source: Simurban

3.4 Beau Monde Apartments View Analysis

Simurban were commissioned to further assess the impacts of the proposal in terms of view loss from the Beau Monde Apartments. In particular they were asked to investigate:

- existing views obtained from different levels of Beau Monde;
- the impacts of development already permissible under North Sydney LEP 2001 on the views of the residents within Beau Monde; and
- the impacts of a building with a 18m setback from Beau Monde (vs a 24m setback).

The above scenarios were tested at four different levels as discussed below. The views shown are obtained from Simmersion's simulator which can be verified by a surveyor. The building envelopes within the simulator include the above podium setbacks required by the North Sydney DCP. The images below are included in larger scale at **Appendix E**.

Existing Views

The images at **Appendix E** show the existing views obtained from a person standing on Level 15 (RL112) of Beau Monde are generally dominated by the surrounding buildings in the North Sydney CBD with the exception of a partial iconic view towards the Sydney Harbour Bridge.

At Level 20 (RL126) the existing views start to open up and water glimpses begin to appear. A larger proportion of the Sydney Harbour Bridge can be seen, however the Opera House is still obscured by surrounding commercial buildings.

At Level 27 (RL145) of Beau Monde, views towards the harbour heads, Harbour Bridge, CBD skyline and the western harbour are obtained. The view towards the Opera House is still obscured by CBD buildings.

At the top most level of the building (Level 36 – RL170) 180 degree views are obtained of the Harbour heads, the Sydney Opera House and Harbour Bridge, the CBD skyline and the western harbour.

Impacts under North Sydney LEP 2001

The building envelopes currently permissible under LEP 2001 at 100 Mount Street and along Walker Street have a significant impact on the views from all levels of Beau Monde. All existing views to the east are lost as a result of the building envelopes which can be built along the western side of Walker Street.

The LEP 2001 building envelopes also obscure the existing views to the south, which include the iconic views of the Harbour Bridge, the Opera House and the CBD Skyline (**Figures 11 and 12**). The permissible Mount Street envelope has the most impact on these views as it is able to rise to a height of RL195 and is in the direct line of view of all of the south facing apartments. Half of the Mount Street site is affected by the existing overshadowing provisions within the LEP and as such some views to the south prevail under the LEP, however the iconic elements of the southerly views are obscured by the currently permissible building envelope.

It is noted that in the images shown for this scenario that no envelope is shown on the southern end of the Berry Street site given that the site is currently deferred. What is evident is that these building envelopes, which are complying building envelopes under the North Sydney LEP 2001 can be built today without any amendments required to the LEP and that these would all result in a major impact on and obscure the iconic views of the south facing units of Beau Monde. This has been the case prior to the construction completion of Beau Monde in 2005.



Figure 11 – Southern view from Level 27 showing the impact of LEP 2001 complying envelopes

Source: Simurban



Figure 12 – Southern view from Level 36 showing the impact of LEP 2001 complying envelopes

Source: Simurban

Draft LEP 2001 (Amendment 28)

As noted above, the iconic views obtained from the south facing units of Beau Monde will be lost if the permissible building envelopes under LEP 2001 are constructed. However partial views to the south of the western edge of the CBD and Darling Harbour are retained under the existing LEP. As shown in **Figure 13**, the effect of the draft LEP 2001 Amendment 28 is that the whole of the Mount Street envelope is able to be built out and as such the existing southerly views are lost. As a result of the permitted building envelope on the southern portion of the Berry Street site, the views towards the west are also significantly affected, particularly at the lower and mid levels.



Figure 13 – Impact of draft LEP Amendment 28 on the view from Level 36 of Beau Monde

Source: Simurban

View / Outlook Impacts of Proposed Building Envelope

In terms of outlook from the south facing units, it is noted that the additional height does not result in any additional loss of iconic views when compared to the envelopes permissible under the existing LEP 2001 controls and the draft LEP 2001 Amendment 28 (**Figure 14**). The additional height will result in the loss of some of the sky viewed from the upper levels of the units in Beau Monde (as shown in **Figure 15**), however it has been previously pointed out that these units generally have 90 – 180 degree views and as such will retain significant views to the east and west and as such will retain a high quality outlook.



Figure 14 – Impact of the proposal on the view from Level 36 of Beau Monde

Source: Simurban

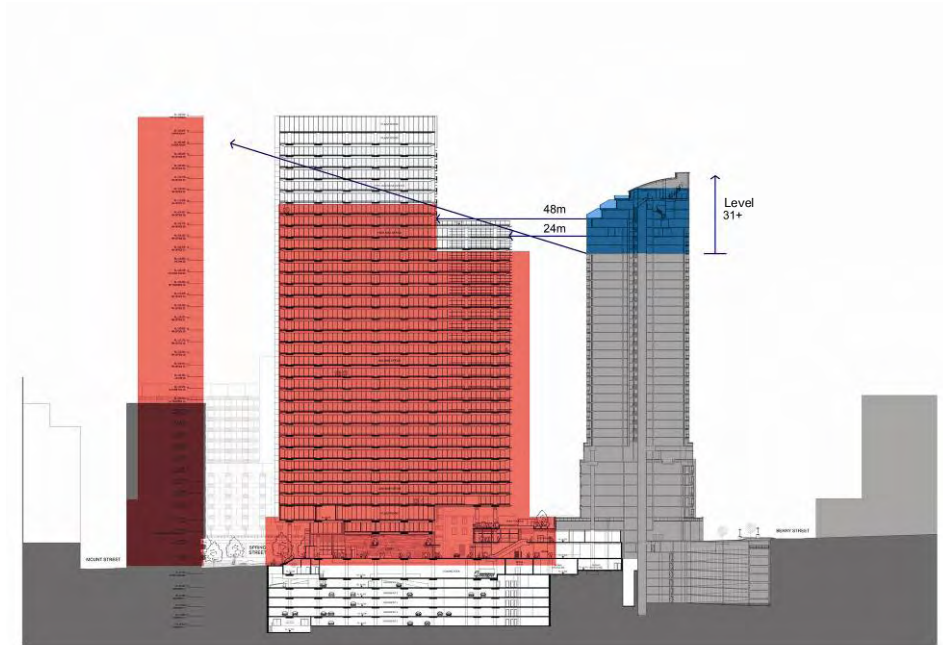


Figure 15 – Impact of additional height on the outlook of the higher level apartments in Beau Monde

Impact of the 24m Setback to Beau Monde

The provision of a 24m setback (vs an 18m setback which was used in North Sydney Council’s Capacity Studies for the site) between the commercial building and the Beau Monde Apartments benefits all of the south facing units. The 24m setback means that larger view corridors are retained to the west by more apartments at more levels. The images shown below (Figures 16 to 17) clearly demonstrate the benefits that a 24m setback between the proposed commercial building and Beau Monde has as opposed to an 18m setback in terms of views obtained to the south west. Providing this view corridor will benefit more units within the building than those at the upper level who which lose some of their outlook towards the sky.



Figure 16 – View from Level 27 with an 18m setback



Figure 17 – View from Level 27 with a 24m setback

Source: Simurban

3.5 Privacy Impacts on Beau Monde

The proposed development is consistent with the building separation distances outlined within the Residential Flat Design Code. A separation of 24m is considered to achieve a sufficient level of separation between two habitable rooms.

In this instance the proposed building will be commercial and as such is considered to be a non-habitable use and a separation distance of only 18m is required. However, in recognition of the need to maintain the amenity of the residents on the southern side of the Beau Monde building, a separation distance of 24m has been proposed. In addition to the above it is noted that the shading screens placed on the northern elevation of the building will also obscure views out of and into the proposed building.

Finally it is noted that the two different uses of the adjoining buildings mean that the buildings are likely to be occupied at different times of the day, and as such the commercial building is unlikely to be occupied in the evenings and on weekends when residents will be at home and using their balconies or the like.

3.6 Reflectivity Impacts on Beau Monde

“A report addressing potential impacts from reflectivity and glare generated from the northern elevation of the main office building and the impacts on the Beau Monde residential building and identifying any measures needed to ameliorate impacts.”

Windtech (**Appendix F**) were also asked to respond to the comments made by the residents of Beau Monde in terms of potential reflectivity impacts. In their report at **Appendix F** Windtech outline that the reflectivity report appended to the Environmental Assessment presented a general condition in relation to the impact on the occupants of neighbouring buildings as opposed to analysing the glare intensity. This is because pedestrians and occupants of neighbouring buildings have greater flexibility in terms of their sightline as opposed to drivers whose sightline is restricted to the direction in which they are travelling.

It is Windtech's experience that provided no surface on the subject development has a normal specular reflectivity greater than 20% then the impact is minimal. A 20% normal specular reflectivity restricts the sightline of occupants to about 10-degrees from the offending section of the building for the time when the sun is actually reflected from that aspect. Windtech have included a discussion paper as part of their response which looks at the impact of reflectivity on occupants of neighbouring buildings.

3.7 Rooftop Articulation

"The Department has concern with the lack of articulation and visual interest to the roofline / skyline of the main office building and requires a number of different design options to be provided. Any articulation of the skyline should have regard to the view loss and visual impacts for adjoining residents of Beau Monde."

Rice Daubney has reviewed several options in order to provide greater articulation to the roofline of the commercial and hotel buildings. For the commercial building greater articulation of the roof is achieved by expressing 3 distinct elements at the top of the building. This has been achieved by

- varying the heights of the different elements of the top of the building. The top of the core is now the tallest part of the building (same overall height as the previous design);
- The plant room, which is set in line with the main tower façade, has been reduced slightly in height (about 1.2m) and is now treated with louvers within the same facade panel as the curtain wall below; and
- The screens have been set beyond the facade (previously wrapped around the entire top) and below by a further 1.2m (approximately).

In addition to the above, the signage locations have been rationalised. The sign which previously faced Beau Monde has been removed leaving two signage zones on the building, one facing east and one west both on the screens.

With regard to the hotel building, greater articulation has been achieved by lowering the heights of the eastern and western elements of the building so as to give greater prominence to the central portion of the building and clearly articulate the northern façade into three elements with deep recesses between.

The proposed rooflines are shown in **Figure 18**.

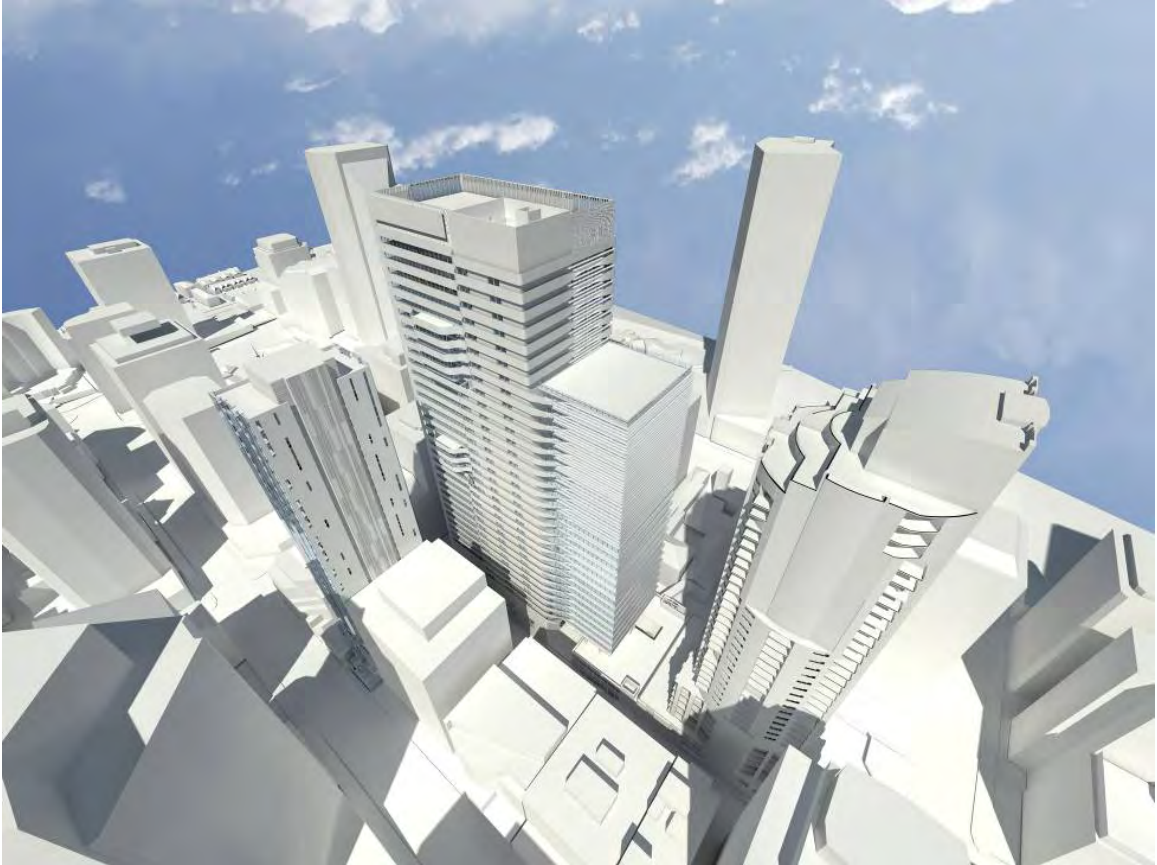


Figure 18 – Proposed roof line of the towers

Source: Rice Daubney

4.0 Proposed Hotel Building

4.1 Northern Elevation to 88 Walker Street

“The Department has concern with the bland presentation to the northern wall of the proposed hotel building (88 Walker Street) and requires that a number of different design options be provided.”

In response to the Department’s comments and also the submission made by the owner of 86 Walker Street the design of the hotel has been reconfigured so as to provide better connectivity at the ground level and activation and articulation to all 4 of the facades.

The 200 hotel rooms are now orientated east and west rather than south as previously proposed. The building has been divided into 3 main components which are described as a central core component with the hotel rooms positioned on either side of the building. The east and west facades of the building are articulated by four vertical elements which will comprise of angled glazing. The building retains the same overall height and continues to provide weighted average setbacks on the east and west elevations.

The central core component is narrower in width than the two side elements thereby creating lightwells which will allow for natural light to penetrate the core and also some of the hotel rooms. This also provides added articulation to the side elevations of the building until such time as a new building is constructed on the adjacent site. The additional windows and revised massing of the building means that the northern elevation of the building is now activated and articulated, providing a high quality design as shown in **Figure 2**.

4.2 Relationship with Firehouse Hotel

Secondary windows have been positioned on the north and south elevations of the building which do not need an easement as they are not the primary source of light and ventilation. This has meant that hotel rooms are no longer reliant on a light and ventilation easement over 86 Walker Street, thereby resolving the issues raised by the owner of that property. A revised BCA report for the hotel building, prepared by Phillip Chun Code Consulting, is included at **Appendix G**.

The heritage consultant (**Appendix H**) has reviewed the proposed design in terms of its impacts on the adjoining Firehouse Hotel and provides the following comments:

“The changes to southern elevation and removal of the aerial bridge do not adversely impact upon the former fire station or adjacent heritage items. The modification of the minor recess expressed in the glazed lobby butting against the former Fire Station, that was originally proposed, to an entry with a more substantial recess and separation is a beneficial impact of the design and goes some way to addressing the detail of the interface amendment recommended in our earlier report.

We confirm that the design, as amended, has a minor and acceptable impact upon the former North Sydney Fire Station and other heritage items.”

5.0 Public Domain and Ground Plane

5.1 Pedestrian Bridge

“The Department has concerns with the lack of justification for the proposed pedestrian bridge and an assessment of other alternatives, including at grade access. Further analysis including different design options is required.”

One of the most significant changes made to the proposed scheme is the deletion of the pedestrian bridge across Little Spring Street. In lieu of this, a new ground level pedestrian connection has been created along the southern boundary of 88 Walker Street (see **Figure 19**). This link will provide direct visual connection to the commercial building and will be open during normal business hours. The link potentially provides the opportunity to gain a greater appreciation of the northern boundary wall of the Firehouse Hotel.

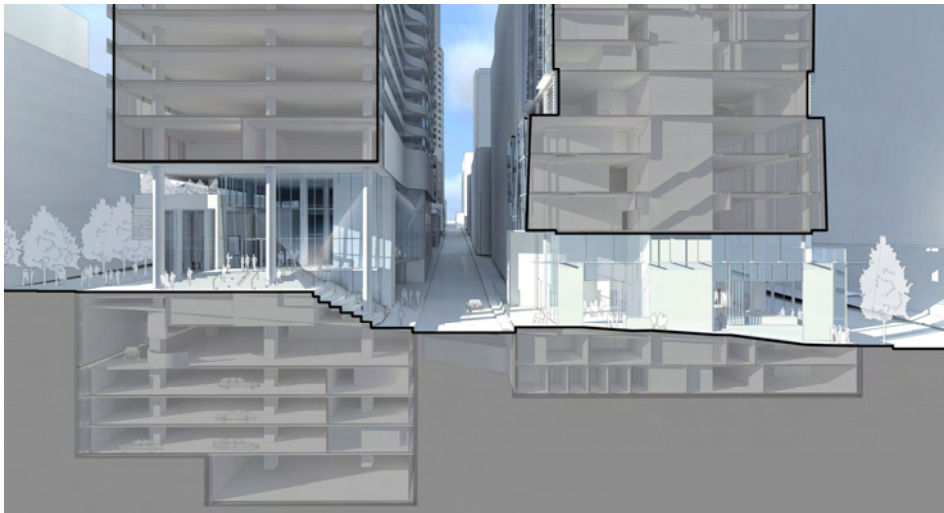


Figure 19 – New pedestrian link connecting Walker Street and Denison Street

Source: Rice Daubney

5.2 South-East corner of Spring Street and Little Spring Street

“The Department has concerns with the lack of ground floor activation at the south-east corner of the proposed office building at the corner of Spring Street and Little Spring Street which does not relate well to the public domain. Further analysis including different design options is required.”

The deletion of the pedestrian bridge provides the opportunity to reconfigure the lobby of the commercial building and also the south eastern corner of the commercial podium. The lifts which provide access from the car park to Little Spring Street and the lobby level have been rotated so that they now open outwards towards the south. The entire south-east corner of the building will now be wrapped in glazing allowing clear visibility into the lift lobby from the stairs from the public domain. Images of the original and revised corner treatments are provided at **Figures 20** and **21**.



Figure 20 – Image of original treatment of corner of Little Spring and Spring Streets

Source: David Duloy



Figure 21 – Revised treatment of the corner of Little Spring and Spring Streets

Source: David Duloy

5.3 Mid Block Through Site Link

“The Department has concern with the design of the internal walls and soffit to the through site link. Further design resolution is required to improve activation of elevations at ground level and to maximise penetration of natural light.”

The new through site will be highly activated with retail aligning the entire northern side of the link and an entrance to the commercial lobby on the southern side (**Figures 22 and 23**). In order to provide greater activation on the southern side of the link, a new ‘hole in the wall’ type retail space has been included in the design. This will likely accommodate a small take away coffee type tenancy or a florist. The glazing of the tenancy on the corner of the new through site link and Denison Street has also been further wrapped around the corner of the building, thereby creating greater activation of the southern side of the link. In order to increase the natural lighting of the through site link, the soffit will now be faceted and treated with a reflective material.

The through site link is approximately 16.6m high and will receive a high level of daylight. It is similar to that of 126 Phillip Street, Sydney as shown in the diagram at **Figure 24**. 126 Phillip Street is a highly regarded public space which is considered by many to provide a good example of a public space. It is noted that 126 Phillip Street is surrounded by tall CBD buildings and is more enclosed than that of the space that is proposed as part of this proposal. It is therefore likely that the proposed through site will receive significantly higher levels of daylight.

A Shadow Illuminance Report has been prepared by Aurecon (**Appendix L**) to assess impact of shadow being cast onto a space in terms of illumination levels measured in lux. Through measured data the report demonstrates that although the area cast in shadow may be perceived as dark relative to adjacent areas exposed to direct sunlight, the Illuminance levels are far in excess of the requirements of the Australian Standard 1158.1.1:2005 ‘Lighting for Roads and Public Spaces’.

Lighting will also be installed in the laneway such that sufficient levels of lighting will always be provided for the space despite the fact that no artificial lighting is required to meet the relevant Australian Standard.



Figure 22 – Photomontage of the commercial lobby entrance from Denison Street

Source: David Duloy



Figure 23 – Night time image of mid block through site link

Source: David Duloy

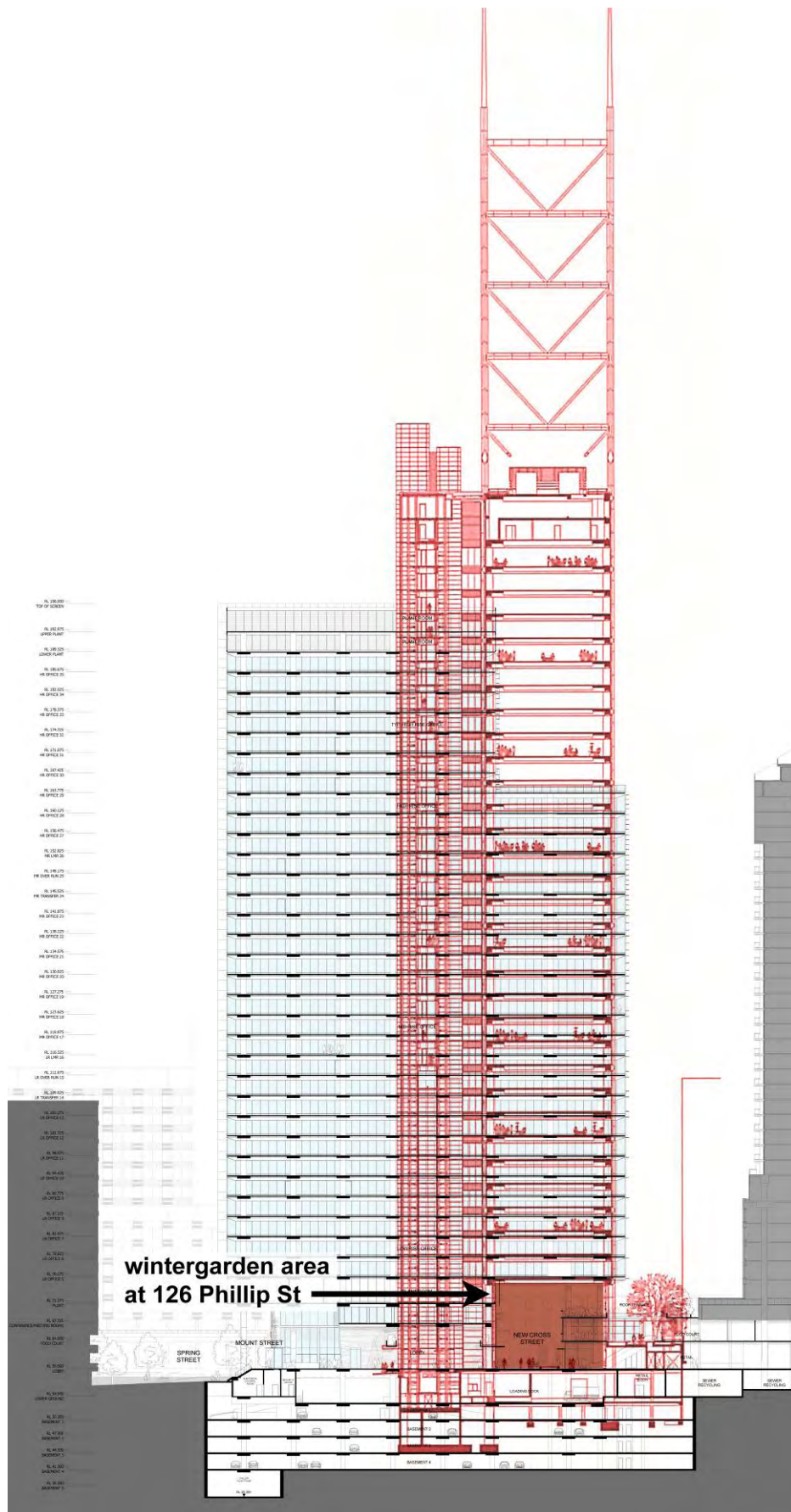


Figure 24 – Comparison of 88 Walker Street and 126 Phillip Street

Source: Rice Daubney

5.4 Landscape Treatment

Minor changes have been made to the landscaping around the site in response to Council's specific landscape comments and other broader design changes. Oculus has prepared amended landscape plans which are located at **Appendix I**. The proposed amendments include:

- New tree species: the Indicative Planting Schedule has been revised to address Council's comment's. The trees along Spring Street have been replaced with Brushbox which has a less aggressive root structure. The trees along Denison Street have been replaced with Manchurian Pear and Water Gum which are more likely to grow to maturity under the current solar access conditions.
- Revised layout: the landscaping layout has been revised to accommodate the other design changes as part of the Preferred Project, specifically the removal of the pedestrian bridge.

5.5 Wind Impacts

"The Department has concerns that the Wind Report prepared by Windtech Consultants Pty Ltd has not taken into account the cumulative impacts from the proposal and future developments surrounding the subject site (in particular the proposal for 86 – 96 and 100 Mount Street). The Department request the lodgement of a revised Wind Report that addresses the above matters."

"A report addressing the potential wind impacts on the southern elevation of the Beau Monde residential building and identifying any measures needed to ameliorate impacts."

In order to address the concerns of the Department, Windtech (**Appendix J**) were commissioned to retest the development scenario of the two proposals at 88 Walker and 100 Mount Street and the resultant wind impacts at the following 80 locations:

- 49 ground level locations;
- 10 locations on the upper level terrace locations at 77 – 81 Berry St & 88 Walker Street;
- 4 locations on the Level 8 Roof Garden of 100 Mount Street;
- 2 locations on the Level 20 Sky Garden of 100 Mount Street; and
- 15 locations at the existing Tower Square, Beau Monde and Fire Station Hotel outdoor areas.

The wind comfort criteria used for the study are as follows:

- Wind conditions for all pedestrian accessible ground level areas within and around the proposed development sites should not exceed the existing wind conditions, or if they do they should not exceed 13m/s for the annual maximum peak wind speeds (as specified in the North Sydney DCP).
- Wind conditions for private balconies and terraces of the proposed developments should satisfy the safety limit of 23m/s for the annual maximum peak wind speeds. However, if a terrace is used frequently as a communal area (accessible by all occupants of the development), the short exposure criterion of 5.5m/s for the weekly maximum Gust Equivalent Mean (GEM) wind speeds should also be satisfied.

Existing wind conditions were measured initially to determine which areas of the two proposals and the surrounding public domain would require amelioration treatments. Where amelioration treatments were required, Windtech modelled the proposed treatment and repeated the wind test to see if the proposed amelioration treatment would result in a satisfactory wind environment. A summary of the treatments required at each location and the resultant wind conditions is provided in **Table 1**.

Table 1 – Wind amelioration measures

Location	Proposed Wind Amelioration Treatment	Resultant Wind Condition
Pedestrian areas along Denison Street	Densely foliating evergreen trees capable of growing to 3m tall with 3m wide canopy	Wind speeds will be better than corresponding existing wind conditions
Commercial building through site link	Wind deflector/awning, approximately 1 level high above street level	Wind conditions are acceptable (no existing condition)
Pedestrian areas along Spring Street	1 densely foliating tree capable of grown 5m tall with 5m wide canopy 3 densely foliating evergreen tree capable of growing 3m tall with 3m wide canopy 2 densely foliating trees capable of growing 3m tall with a canopy 3m wide	Wind conditions meet the 13m/s criterion
Pedestrian areas along Little Spring Street	7 densely foliating trees capable of growing to 3m tall with a 3m wide canopy	Wind speeds will be better than corresponding existing wind conditions
Pedestrian areas along Walker Street	Awning and 2 densely foliating trees capable of growing to 5m tall with a 5m wide canopy	Wind conditions meet the 13m/s criterion
Pedestrian areas along Berry Street	Tree planting along Little Spring & Denison Streets	Wind conditions along Berry Street will be similar to or better than the existing wind conditions
Restaurant level outdoor terrace areas 77 – 81 Berry Street	1.2 metre high impermeable balustrade And densely foliating evergreen trees, capable of growing to 3m tall with 2m wide canopy	Terrace areas will suitable for their intended use
Tower Square outdoor areas	N/A	Wind conditions will remain similar or better than current existing conditions and will continue to be suitable for their intended use
Beau Monde Balcony and Podium areas	N/A	Wind conditions on the podium and various critical balcony locations of Beau Monde will be generally equivalent to or better than the current wind conditions. Wind conditions of proposed development generate a slightly better wind environment than that which results if the building is only setback 18m.

The locations of the proposed wind amelioration treatments are shown in **Figures 25** and **26**. Windtech are of the opinion that with these measures in place, the proposed development will not generate any unacceptable impacts in terms of amenity of the public domain. All of the recommendations made by Windtech have been incorporated into the proposal.

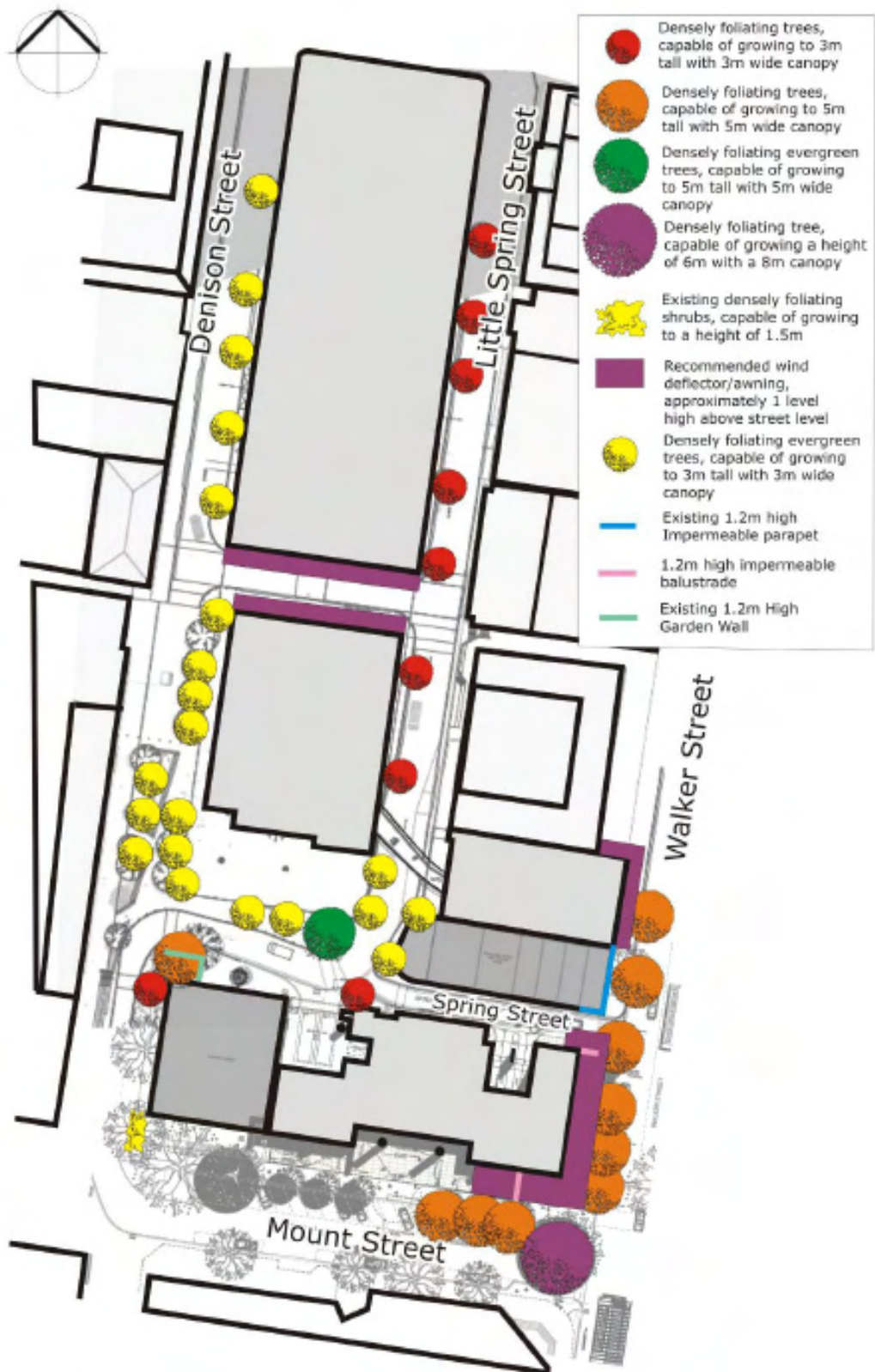


Figure 25 – Recommended ground level wind treatments

Source: Windtech

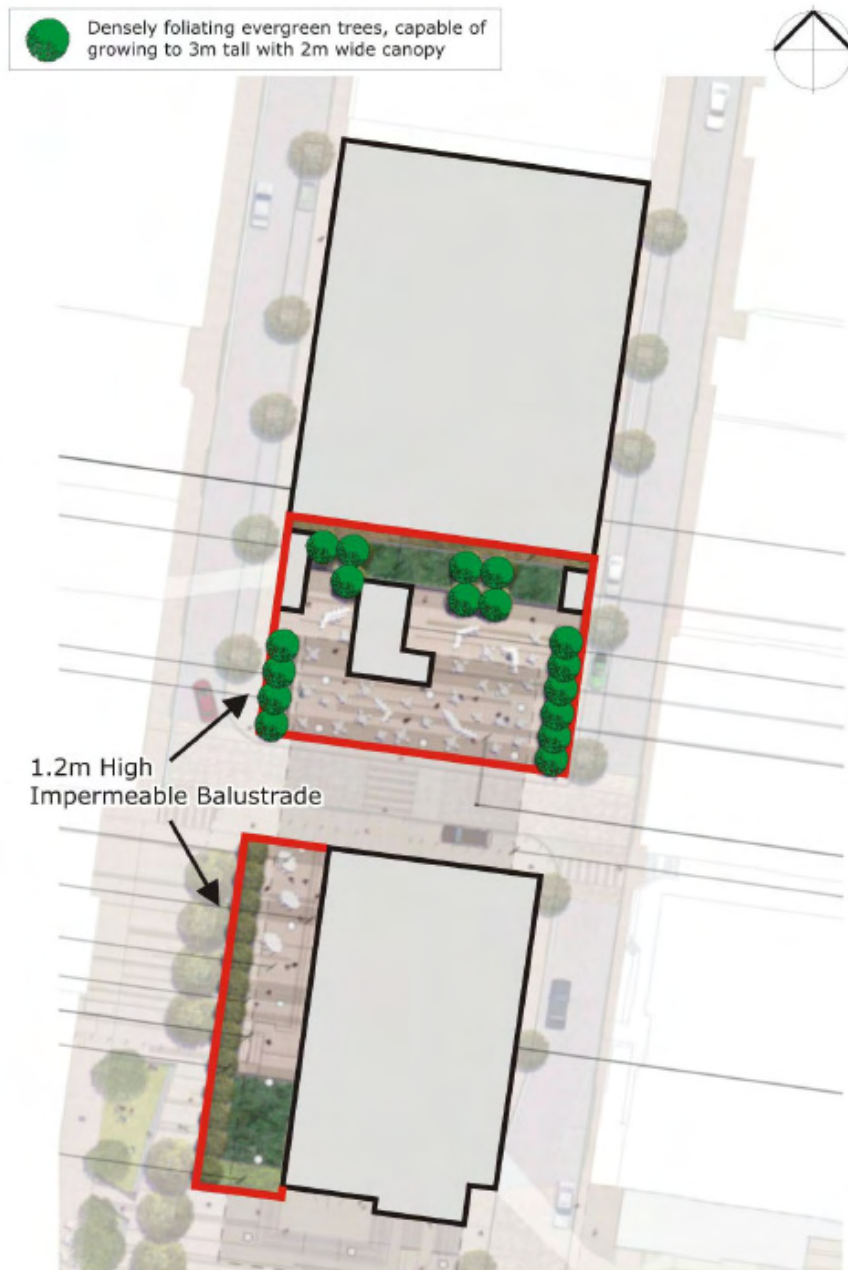


Figure 26 – Recommended upper level wind treatments

Source: *Windtech*

6.0 Traffic and Transport

“The Department has a number of concerns regarding the Traffic Assessment Report prepared by Halcrow MWT and requires that additional matters be considered as follows:

- *The cumulative effects of future developments surrounding the subject site (in particular the recently submitted proposal for 86 – 96 and 100 Mount Street);*
- *It is stated that the Walker Street / Berry Street intersection is currently operating near capacity, however, the report does not state additional measures that need to be considered to cater for the additional capacity at this intersection when other proposed developments are operational. The reconsideration of this issue should be based on cumulative traffic impacts;*
- *It is stated that access to the dock area can be achieved by heavy vehicle access to/from the site can occur in a forward direction, however, the Department requires additional information to support this claim; and*
- *The lack of justification for the non provision for bus/coach parking to serve the proposed hotel.”*

6.1 Traffic Generation / Cumulative Impacts

Office Trip Generation

In order to determine actual traffic generation rates of existing development within the North Sydney CBD, Halcrow MWT undertook traffic surveys of two additional commercial sites (**Appendix K**). A summary of the sites surveyed and the resultant trip generation rates is provided in **Table 2** below. The analysis demonstrates that the following rates are appropriate in North Sydney as opposed to Council’s suggested rated of 0.5 veh trips/space/hr:

- AM Peak Hour – 0.30 veh/hr/space
- PM Peak Hour – 0.22 veh/hr/space.

As the above trip rates are lower than Halcrow’s original assessment which assumed 0.4 veh trips/space/hr, the traffic generation rates in both Halcrow’s report and CBHK’s report for 100 Mount Street are considered to be appropriate and that the previous estimates have tended to overestimate the traffic generation of the office parking.

Table 2 – Traffic survey results

No.	Site	No. Parking Spaces	AM peak hour rate	PM peak hour rate
1.	90 – 100 Mount Street (surveyed by Colston Budd Hunt Kaffes)	71	0.21 to 0.28 veh/hr/space	0.21 to 0.28 veh/hr/space
2.	Berry Square (surveyed by Halcrow)	117	0.30 veh/hr/space	0.25 veh/hr/space
3.	88 Walker Street (surveyed by Halcrow)	22	0.18 veh/hr/space	0.23 veh/hr/space
4.	40 Miller Street (surveyed by Halcrow)	107	0.40 veh/hr/space	0.23 veh/hr/space
5.	100 Pacific Highway (surveyed by Halcrow)	170	0.34 veh/hr/space	0.20 veh/hr/space
6.	Sites 1, 3, 4 & 5 combined	370	0.30 veh/hr/space	0.21 veh/hr/space
7.	All sites combined	487	0.30 veh/hr/space	0.22 veh/hr/space

Source: Halcrow

Hotel Tip Generation

Council's report refers to a survey of 4 hotels conducted by Traffix in 2005. Of the 4 hotels surveyed, the Vibe Hotel is considered to be the most akin to the proposed hotel at 88 Walker Street for the following reasons:

- Walker Street is not an obvious location for a tourist hotel but is extremely well located to cater for the business market;
- restricted parking on site for hotel guests would limit its attractiveness for guests with their own car, and
- any function business would cater mainly for businesses located in North Sydney.

Halcrow disagrees with the 2009 Traffix report prepared for the residents of Beau Monde which suggests that the traffic generation of the hotel should be calculated in accordance with the Rydges Hotel. Halcrow outlines that the Rydges Hotel is dissimilar because:

- it has a large onsite public car park;
- it has larger function facilities; and
- it is somewhat further from the station.

Using the Vibe Hotel trip generation rates, the proposed hotel at 88 Walker Street would generate 36.4 trips in the AM peak (original report stated 21.8 trips in the AM peak) and 21.8 trips in the PM peak (original report stated 20 trips).

Combined Traffic Generation Rates

The revised traffic estimates for the 88 Walker Street project are the following:

- AM Peak Hour
 - Original: 45 veh/hr
 - Revised: 48.4 veh/hr (+ 3.4 veh/hr)
- PM Peak Hour
 - Original: 50 veh/hr
 - Proposed: 27.8 veh/hr (-22.2 veh/hr)

With the 100 Mount Street additional traffic added there would be 15.5 additional AM peak vehicle trips per hour generated by both developments combined compared to the allowance for 88 Walker Street in the original Halcrow Report and 11.2 vehicles per hour less in the PM peak.

6.2 Mount Street / Walker Street Intersection

Halcrow agrees with the Council's Traffic Officer that the intersection of Mount Street and Walker Street should be upgraded to provide more exit capacity from the area. Given that this requirement is generated by both the proposed redevelopment of 88 Walker Street/77 – 81 Berry Street and that of 100 Mount Street it is suggested that this cost is shared proportionately between the two developments.

However there is a danger that the first development to proceed may have to bear the full cost. Given that it is North Sydney's intention to significantly increase the floor space in the CBD and that these upgrades would be likely regardless of where development first occurs, it is suggested that a monetary contribution be made to North Sydney and that each development (88 Walker and 100 Mount) contributes towards half of the work required to be undertaken.

6.3 Walker Street / Berry Street Intersection

The critical intersection in the morning peak is the Walker Street / Berry Street intersection. When considering the above additional traffic generation rates Halcrow outline that in the morning most traffic would be arriving at the site and hence the two proposed developments would impose little additional traffic on the Berry / Walker Streets intersection, the developments would therefore have minimal impact in the morning peak period.

The revised forecast including both developments in the peak period is less than the original forecast and as such Halcrow's original conclusion that "the traffic and parking impacts of the development can be accommodated on the adjoining road network without detrimental impacts and are therefore satisfactory" remains true.

Notwithstanding the above, RTA's submission requires that the Proponent provides unspecified improvements to the intersection of Berry Street and Walker Street.

The condition suggested by the RTA is ambiguous and does not specify improvements that would need to be undertaken, nor does it take into account that there are two developments which contribute towards the additional traffic generation and therefore the requirement to upgrade the intersection.

It is proposed to provide a monetary contribution to Council of \$10,000 to undertake the works. This payment of the contribution will form part of the VPA.

6.4 Vehicular Access to Loading Dock

Halcrow have placed swept path analysis diagrams onto the architectural plans which demonstrate that heavy vehicle access to and from the site can occur in a forward direction (refer **Appendix K**).

6.5 Bus / Coach Parking for Hotel

As demonstrated in the Halcrow report, the proposed basement can accommodate a 25 seater bus. Where groups of guests are required to be picked up from the hotel, the bus will be parked in the managed loading dock. Bus and Coach drop off will be able to occur within the taxi zone outside the front of the hotel on Little Spring Street. Given that the proposed hotel will target business clients and not tourists, it is unlikely that large tourist groups will be staying at the hotel.

7.0 Summary

7.1 Public Benefits

The Project will deliver significant public benefits in the form of monetary contributions and works in kind.

In terms of monetary contributions the Section 94 liability of the Project would have been around \$6.9 million if North Sydney Council had been the consent authority for the Project's Development Application. As the Project is being considered under Part 3A of the Environmental Planning and Assessment Act, Section 94 Contributions no longer apply to the Project. For this reason, as an alternative to Section 94 contributions, EMH offers benefits totalling just over \$9 million in cash and works in kind in the Statement of Commitments to be delivered under the proposed VPA, as well as an ongoing share in the profits of the car park within the development. This is a significant public benefit over and above what would have normally been required under Part 4 of the Act.

In addition to the above, the Project will provide a \$6.4 million contribution towards the upgrade of the North Sydney Station.

With regard to the works in kind, the following is proposed:

- Creation and dedication of a new road through the commercial site so as to enable the reconfiguration of traffic in the surrounding laneway and importantly the partial closure of the Denison Street to vehicular traffic;
- Dedication of a portion of the site at the corner of Spring and Little Spring Streets so as to widen the southern part of Little Spring Street, including its footpaths;
- Creation and embellishment of a new public plaza within Denison Street where it is closed to vehicles;
- Upgrade of the public domain surrounding the application site;
- Provision of a new public car park accommodating 42 cars which in part will replace 15 parking spaces lost in the surrounding laneway network as a result of the Project. This public car park will also provide replacement to those lost as a result of the public domain improvement of Miller Street as proposed by the Council. Further Council will also manage and receive the ongoing revenue of the car park; and
- Public artworks.

The estimated cost of the works to be provided in kind is \$5.7 million, excluding the value of the land being dedicated to the Council for the new road.

The proposal will deliver broader public benefits as a result of the significant commercial investment in 'Global Sydney'. The proposed development is estimated to have a capital investment value of \$271 million and will create approximately 3,500 new operational jobs within the North Sydney CBD. The proposal will also provide 200 new hotel rooms aimed primarily at supporting the operation of businesses within the North Sydney CBD.

7.2 Merits of the Project

The Project has the following merits:

- the proposed height and massing has no adverse impact on land in the public recreation zone or land identified as a special area on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment 28)" or on heritage items;
- the proposed height and massing has no adverse impact on residential land that adjoins the North Sydney Centre;
- the building provides a suitable transition of building heights in the North Sydney CBD,
- the proposal minimises overshadowing of, and loss of solar access to, land in the residential zone or the public recreation zone or identified as a special area on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment 28)";
- it provides a 24m setback from the Beau Monde building thereby protecting the privacy of residents within that building and retaining large view corridors from Beau Monde;
- it is of a scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access, and includes elements which relate to the human scale;
- it consolidates 77 Berry Street and 88 Walker Street and results in the provision of high grade, large floor plate commercial space, as well as new hotel accommodation; and
- will generate significant public domain benefits for the wider North Sydney community.

7.3 Conclusion

This PPR has been submitted in response to the issues raised by the DoP and in public submissions.

The design modifications and additional information provided respond to the issues raised by the Department of Planning, the Design Review Panel and Council. The additional information demonstrates that the environmental impacts in terms of wind, privacy and reflectivity and traffic are within acceptable levels.

With respect to overshadowing, the commercial tower overshadows the rear yards of 4 properties (for a maximum of some 8 minutes) at mid winter. This degree of impact is well within what is permitted under LEP 2001 Draft Amendment No 28.

With respect to view loss from Beau Monde, Council's current LEP 2001 (which was in place prior to Beau Monde being constructed and occupied) permits building envelopes that block the vast majority of views from Beau Monde towards the bridge and harbour. Draft Amendment No 28 largely obscures the same views. The proposed 'complying' draft LEP height for the commercial tower again obscures these same views. Importantly, the area of building above the proposed height limit does not result in the blocking of these harbour and bridge views. Setting the commercial tower back a minimum of 24m from Beau Monde results in a better view sharing outcome for more apartments throughout Beau Monde than reducing the height of the tower.

At a broader level, the North Sydney CBD is part of Sydney's 'Global City' under the Metropolitan Strategy 2005. As a CBD, its growth options are limited due to topography, the Warringah Freeway, and surrounding residential and heritage conservation areas. Accommodating the majority of the required commercial floor space capacity within the centre of the CBD (ie on sites such as this one and 100 Mount Street) is a rational and sensible planning proposition. Placing determinative weight on an issue such as view loss would undermine the positioning of the North Sydney CBD as a whole. This sentiment is echoed by Council planning staff who note (in the assessment report for 100 Mount Street project):

"Although significant impacts on views from residential apartments within the Beau Monde tower at No.77-81 Berry Street will occur, there are no planning controls, existing or proposed, that apply within the commercial zone to protect these residential views. If Council decides that the views from the Beau Monde should be protected, this would effectively sterilise much of the CBD from further development and severely limit the locations in which the required additional floor space within the CBD can be located."

The proposed commercial tower is both spatially and notionally in the heart of the North Sydney CBD. It will tower perfectly complement and reinforce the desired CBD skyline. The variation of the height is consistent with the provisions of Clause 28D of LEP 2001 Amendment 28 in that:

- the merits of the project are strong;
- the project delivers substantial public benefit;
- the envelopment impacts are within acceptable limits; and
- the urban design benefits are superior to a complying scheme.

8.0 Revised Statement of Commitments

Table 3 below outlines the revised commitments made in relation to the proposed development.

Table 3 – Revised Statement of Commitments

No.	Subject	Commitments	Timing
1.	Construction Management	The detailed Construction and Environmental Management Plan (CEMP) will be prepared by the relevant contractor for each stage of the development. The CEMP will include the following: <ul style="list-style-type: none"> ▪ Noise and Vibration Management Plan ▪ Soil and Water Management Plan ▪ Air Quality Management Plan ▪ Waste Management Plan ▪ Traffic Management Plan ▪ Occupational Health and Safety Management Plan 	Prior to each stage of the works commencing
2.	Construction Management	A project manager will be appointed for the project that will be responsible for the implementation of the CEMP.	Ongoing
3.	Construction Management	A sign will be erected on the boundary of the development site which will contain the following information: <ul style="list-style-type: none"> ▪ Project Managers name and contact details ▪ Developers name and contact details: ▪ A 24 hour emergency contact phone number ▪ Approved hours of construction work 	Ongoing
4.	Dilapidation Reports	Prior to works commencing, dilapidation reports will be prepared for the following buildings which adjoin the site: <ul style="list-style-type: none"> ▪ 77 Berry Street (Beau Monde); ▪ 100 Walker Street (Christie Building); and ▪ 86 Walker Street (Firehouse Hotel). 	Prior to works commencing
5.	VPA	It is intended that a VPA will be executed between North Sydney Council and Eastmark Holdings Pty Ltd to outline agreements and responsibilities in terms of contributions, land transfer, etc.	Prior to the issue of a Construction Certificate (CC).
6.	Sustainability	The proposed development will target the following ESD ratings: <p>Commercial:</p> <ul style="list-style-type: none"> ▪ 5 Star Green Star Rating– Office Design V3 ▪ 5 Star NABERS (Commercial) Rating <p>Hotel:</p> <ul style="list-style-type: none"> ▪ 4 Star NABERS (Hotel) Rating 	Ongoing
7.	Lighting	The lighting design for the development will be in accordance with Australian Standard - AS4282:1997 Control of the Obstructive Effects of Outdoors Lighting. Design details for the public domain are to be submitted to and approved by North Sydney Council.	Prior to a CC being issued for the public domain refurbishment works
8.	Reflectivity	Glazing used on the façade of each building will have a normal specular reflectivity of visible light of 20% or less.	Materials to be confirmed prior to issue of a CC being issued for the relevant stage of the project
9.	Acoustic Amenity	An acoustic engineer will inform the attenuation measures to be installed in the building and will ensure that the design complies with the external noise criteria established for the project.	Prior to an OC being issued

No.	Subject	Commitments	Timing
10.	Acoustic Amenity	The glazing for the commercial and hotel buildings will comply with the internal noise criteria established for the project.	Prior to a CC being issued for the relevant stage of the development
11.	Equitable Access	The proposal will provide equitable access to all public spaces within the development in accordance with AS1428.1, and where achievable will also meet AS1428.2.	Ongoing
12.	BCA	The proposed buildings will comply with the relevant provisions of the Building Code of Australia and Relevant Australian Standards.	Prior to a Construction Certificate being issued for each stage of the development
13.	Public Art	A contribution will be made for the placement of public art in the new public domain areas. A Public Art Strategy will be submitted to and approved by North Sydney Council prior to the installation of the art.	Prior to the issue of an Occupation Certificate
14.	Hazardous Materials	A hazardous materials management plan will be prepared and implemented prior to the removal of hazardous materials from the site. Once the hazardous materials have been removed a Clearance Certificate will be issued by a suitably qualified Occupation Hygienist.	Prior to demolition works commencing
15.	Contamination	Soil testing will be undertaken to confirm the soil quality.	Prior to the exportation of soils off the site
16.	Work Place Travel	Work Place Travel Plans will be prepared for the commercial and hotel buildings which will have an objective of reducing private car travel and outlining sustainable modes of transport available from and to the development	Prior to the issue of an Occupation Certificate
17.	Geotechnical	A geotechnical report will be prepared by a suitably qualified professional	Prior to bulk excavation works commencing

We have reviewed Council's draft conditions of consent and are generally happy to accept most that have been suggested, however there are a few which are considered to be either onerous or unnecessary and these are discussed below.

"That conditions B1 (Planning Agreement) and B2 (Construction Management Programme – Local Traffic Committee) be changed to deferred commencement conditions"

Deferred commencement conditions are unnecessary as both matters need to be resolved prior to the commencement of construction.

"Building construction shall be restricted to within the hours of 7.00am to 5.00pm Monday to Friday and on Saturday to within the hours of 8.00am to 1.00pm inclusive, with no work on Sundays and Public Holidays."

"Demolition and excavation works shall be restricted to within the hours of 8.00am to 5.00pm Monday to Friday only..."

Access to the site is severely limited due to the clearway restrictions in operation in Walker Street. If this condition were to be imposed it would significantly lengthen the excavation and construction of the project. This would therefore have an adverse impact on the amenity of the residents of Beau Monde and would unnecessarily delay the completion of the project.

It is therefore requested that the construction hours permitted in the Sydney CBD be imposed as this development is located within an area of similar characteristics.

"That the application be amended to ensure that additional shading devices are provided to the northern elevation of the proposed building to reduce the potential reflectivity impact of the proposal on Beau Monde"

As demonstrated in the reflectivity report at **Appendix F**, additional shading devices are not required as the proposed development will not generate any adverse glare and a commitment has been made to use glazing with a normal specular reflectivity of visible light of 20% or less

In Section 2.6 of their report (**Appendix K**), Halcrow has provided a detailed response to the conditions of consent drafted by Council. We request that the DoP consider the amendments proposed by Halcrow when drafting conditions of approval for this application.