



Ms Jennie Masson
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NORTH SYDNEY NSW 2060

Contact: Andrew Smith
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Our ref: MP 08_0238

Dear Ms Masson,

Commercial, retail and hotel tower development and associated public domain works (MP 08_0238) at 77-81 Berry Street and 88 Walker Street, North Sydney.

I refer to your Environmental Assessment (EA) for the proposed development of 77-81 Berry Street and 88 Walker Street, North Sydney. The Department publicly exhibited the application from 3 June 2009 until 3 July 2009.

I have forwarded a copy of the submissions received to date, pursuant to Section 75H(5) of the *Environmental Planning and Assessment Act, 1979*. These submissions include a response from relevant Government agencies and North Sydney Council.

The Department has reviewed the submissions received and considered the proposal as detailed in the EA. The Department has identified a number of key issues with the proposal relating to Draft North Sydney LEP 2001 (Amendment 28) and height, cumulative wind impacts, cumulative traffic impacts and some design elements of the proposal. These issues are outlined in **Attachment 1**.

The Department will also require additional information to complete our assessment as outlined in **Attachment 2**.

The Director General, pursuant to Section 75H(6) of the Act, requires that you provide a response to the issues raised in the submissions. It is considered that a Preferred Project Report (PPR) should be prepared identifying how you have addressed these issues (including those raised by the Department) and how the PPR minimises the environmental impacts of the proposal.

The PPR should include a comprehensive analysis of any inconsistencies with the Draft North Sydney LEP 2001 (Amendment 28) that also takes into consideration the strong community concern about loss of views.

A revised Statement of Commitments is also to be provided incorporating any amendments following your response to the submissions.

It is recommended that you meet with Departmental Officers to discuss the issues raised in the public submissions and in this letter. In this regard, please contact Andrew Smith, Team Leader, Urban Assessments on (02) 9228 6369 or andrew.smith@planning.nsw.gov.au

Yours sincerely



Michael Woodland
Director
Urban Assessments

ATTACHMENT 1 – DEPARTMENT OF PLANNING KEY ISSUES

1. Draft North Sydney LEP (Amendment 28) and Height

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.

2. Design Elements

- **Public Domain**

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.

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.

New 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 maximize penetration of natural light.

- **Built form**

Articulation of the skyline

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

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.

3. 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.

4. Traffic Assessment

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.
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ATTACHMENT 2 - ADDITIONAL INFORMATION REQUIRED

In addition to any revised architectural plans and analysis of options and designs reflecting the matters raised in **Attachment 1**, the following information is also required:

- An amended survey plan (at least A1) to accompany any PPR;
- The public domain plan prepared by Oculus needs to be amended to show vehicle access into the MLC building loading dock;
- Architectural drawing DA 14 needs to identify the existing street and footpath widths;
- 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; and
- 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.