

# 88 Walker Street, North Sydney

## Response to Submissions



Submission	Key Issue Raised	Response
RTA	1. Traffic generation rates too low	The report prepared by Halcrow MWT at <b>Appendix I</b> demonstrates that the traffic generation rates used tend to over estimate the number of trips generated by the development.
	2. To improve traffic flow on the Mount Street west approach at the intersection of Mount Street / Walker Street, the existing angle parking on the northern side of Mount Street between Walker and Dennison should be banned during peak hours	This suggestion is something for the Council to consider and is outside the control of the Proponent.
	3. To improve level of queuing in Berry Street and Walker Street the developer will be required to provide improvements to the intersection of Berry Street / Walker Street – may include altering the lane assignment on the Walker Street south approach	Refer to <b>Section 6.3</b> and <b>Appendix K</b> for a response.
	4. Concerns raised with regard to proposed changes and treatments on Dennison Street & Little Spring Street and potential increase in conflicts between pedestrians and trucks. A management plan should be prepared to the satisfaction of Council.	The proposed development will improve the safety of pedestrians by way of reducing the number of driveways in Little Spring Street and the pedestrianisation of Dennison Street. This will reduce the number of street crossings pedestrians need to make between North Sydney station and Berry Street.  A management plan is not considered necessary as the proposed road layout provides clear sight lines and bollards will be in place to separate pedestrian and truck movements.
	5. Proposal is estimated to generate 1,500 public transport trips/ peakhour. Further information required that the existing public transport infrastructure would cope with increase	The North Sydney LEP 2001 allows for an additional 250,000m <sup>2</sup> of commercial floor space within the North Sydney CBD on the basis that North Sydney Station will be upgraded. As the station upgrade is now complete and the proposed new GFA will not result in an exceedence of the additional floorspace within the CBD, the existing transport infrastructure should have sufficient capacity to accommodate the 3,500 new workers which will be employed in the proposed development.

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	6. Bus/coach facility has not been provided for the hotel – information to be provided as to how this requirement will be met.	As noted in the Halcrow report at <b>Appendix I</b> the loading dock within the basement of the commercial building can accommodate up to a 25 seater bus. It is noted that the proposed hotel will focus on business clientele rather than tourist patronage and as such is unlikely to receive large tourist groups that require large buses for travelling.
	7. Taxi / drop off facility should be provided to the satisfaction of the DoP & Council	A taxi drop off zone is proposed in Little Spring Street which will be available to both hotel patrons and business clients.
	8. Swept path analysis shall be provided to the satisfaction of Council, demonstrating that the largest vehicle (10.7m rigid truck) would be able to enter / exit the site and the local road network.	Swept path analysis diagrams are included in the Halcrow Report at <b>Appendix I</b> .
MOT	9. Identification of measures to mitigate potential impacts for pedestrians and cyclists during the construction stage of the project.	Protection measures for pedestrians and cyclists were identified in Section 5.8 of the Preliminary Construction Management Plan submitted with the Environmental Assessment Report (Appendix L of the EAR)
	10. Preparation of a Workplace Travel Plan	Refer to the revised Statement of Commitments at <b>Section 8</b> of the PPR.
	11. Car parking initiatives to reduce car usage to and from the site.	Refer to the revised Statement of Commitments at <b>Section 8</b> of the PPR.
Sydney Water	12. Sydney Water believes it may be feasible to abandon the existing pipeline and construct a replacement pipeline along Spring Street. To find the right replacement pipe size, the developer needs to do a detailed investigation of the stormwater and overland flow system. The investigations need to be done before a preliminary concept agreement to the proposed deviation will be given. Developer will need to fund all costs involved in the deviation.	Noted. Investigations will be carried out once development consent is issued. The proponent will liaise with and seek the consent of Sydney Water prior to works commencing on this aspect of the development.

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	13. No comments are given in the application on any specific WSUD measures. Sydney Water suggests the post construction targets in 1997 NSW EPA Managing Urban Stormwater Guidelines. Developer will need to demonstrate compliance with these targets through submission of MUSIC modelling of the proposed site stormwater system.	Water Sensitive Urban Design measures and issues of water quality were included within Aurecon's Assessment in the original EAR. These have since been resubmitted to Sydney Water for assessment.
North Sydney Council	14. The proposal fails to comply with the floor space ratio control (FSR) in clause 20 of North Sydney Local Environmental Plan 1989	This statement is correct, however as noted in Section 5.3.1 of the EAR and stated in the Council Officer Planning Report " <i>it is clear that the 20 year old FSR control within LEP 1989 does not reflect the current intentions for development within the CBD as evidenced by the three year process related to draft Amendment 28 of LEP 2001 that seeks to zone the subject Berry Street site 'commercial' and currently to impose an FSR of 23:1.</i> "
	15. The proposal fails to comply with the aims and objectives of the North Sydney Environmental Plan 2001 (LEP 2001) in particular with clauses 3 (c) (ii) and 3 (f) (iii).	<p>Clause 3(c)(ii) states the following "<i>ensure that non-residential development does not adversely affect the amenity of residential properties and public places, including adverse affectation by reason of the use, design, bulk, scale or appearance of the development, or the traffic generation and parking associated with the development,</i>"</p> <p>The environmental assessment and this preferred Project Report demonstrates that the proposed development:</p> <ul style="list-style-type: none"> <li>is of a high quality architectural design;</li> <li>is of a suitable scale and form for a non-residential building located within a significant commercial CBD;</li> <li>will not result in adverse traffic impacts on the surrounding road network;</li> <li>will not affect the residential amenity of any residential dwelling in terms of loss of sunlight or wind impacts; and</li> <li>will not result in any unacceptable view loss.</li> </ul>

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		<p>Clause 3(f)(iii) states the following “ensure the social and economic effects of development are appropriate”.</p> <p>The proposed development will have the following positive social and economic effects:</p> <ul style="list-style-type: none"> <li>creation of approximately 3,500 new jobs within the North Sydney CBD;</li> <li>creation of a new public plaza which will receive significant sunlight;</li> <li>provision of new public parking spaces within the North Sydney CBD;</li> <li>creation of a new through site link within the North Sydney CBD; and</li> <li>payment of monetary contributions towards new community facilities within the North Sydney CBD.</li> </ul> <p>It is noted that the proposed development will provide public benefits over and above that which is normally required under Section 94.</p>
	<p>16. The proposal fails to comply with the North Sydney Centre Objectives in LEP 2001 in particular clauses 28B (j), (l), (m), (o) and (p)</p>	<p>With regard to objective (j) it is noted that refurbishment and / or recycling of the existing buildings is not possible or feasible as the existing structures do not provide sufficient structural support for the development proposed. The use of the existing structures would not make the most efficient and economic use of the land.</p> <p>The proposed development complies with objective (l) (i.e. promote high quality urban environments and residential amenity) as it will improve the public domain within the North Sydney CBD and does not generate any unacceptable impacts on residential amenity.</p> <p>As outlined in the response above, the proposal will provide significant public benefits over and above that normally required under LEP 2001 and as such the proposal complies with objective (m).</p> <p>The proposal provides improved accessibility within the North Sydney CBD by way of a new through site link and as such is compliant with Objective (o).</p> <p>The proposed development does not generate any adverse overshadowing on residential properties outside of the CBD and as such complies with objective (p).</p>

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		<p>The overshadowing generated by the hotel building on Elizabeth Plaza is outweighed by the benefit that the Dennison Street Plaza will deliver and the fact that the proposed development will result in a net increase of public open space in sunlight at that time of day.</p>
	<p>17. The proposal fails to comply with clause 28D (1) (a)-(f) inclusive and 28D (2) (a)-(d) inclusive of LEP 2001.</p>	<p>It is noted that these clauses only apply to the proposed hotel building.</p> <p>The proposed building is consistent with the objectives of the building heights and massing controls in that it:</p> <ul style="list-style-type: none"> <li>▪ is consistent with desired dome effect of the North Sydney CBD providing a transitional height between the existing North Point and Beau Monde buildings down to the edge of the CBD;</li> <li>▪ the proposed development is not considered to have any adverse impacts on land zoned residential;</li> <li>▪ the proposed development does not impact on the privacy of any residents within and around the North Sydney CBD;</li> <li>▪ the podium of the building is of a scale and massing that provides for pedestrian comfort in terms of weather protections, solar access and visual dominance;</li> <li>▪ the site has been consolidated with 77 – 81 Berry Street</li> </ul> <p>With regard to clauses 28D (2) (a)-(d) inclusive:</p> <ul style="list-style-type: none"> <li>▪ The proposed hotel building does not generate any adverse overshadowing of land zoned residential outside of the CBD.</li> <li>▪ The proposed development will generate some additional overshadowing within Elizabeth plaza between the hours of 10am and 12 midday, however it is noted that this clause is proposed to be deleted from the existing LEP and that the proposed development will result in the provision of new open space in sunlight during that period of the day (PSN to confirm).</li> </ul>

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	<p>18. The proposal fails to satisfy the provisions of clause 28D(5) of LEP 2001</p>	<p>The proposed hotel building is consistent with Clause 28D(5) in that it:</p> <ul style="list-style-type: none"> <li>▪ is consistent with the scale, form and massing of the North Sydney CBD;</li> <li>▪ provides public benefits including a new public plaza and through site link;</li> <li>▪ does not impact on any public view lines or vistas; and</li> <li>▪ will enhance the streetscape and public domain.</li> </ul>
	<p>19. The proposal fails to comply with draft clause 28D (1) (a), (b), (ba) and (c) of Draft Amendment 28 to LEP 2001(Draft Amendment 28).</p>	<p>The proposed development is consistent with the objectives of the Building Heights and Massing Controls in that it:</p> <ul style="list-style-type: none"> <li>▪ the proposed built form will create the desired arc effect of the CBD;</li> <li>▪ the proposed height and massing of the two buildings 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;</li> <li>▪ the proposed height and massing of the two buildings has no adverse impact on residential land that adjoins the North Sydney Centre;</li> <li>▪ 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)”;</li> <li>▪ the hotel building is not in close proximity to a residential building and as such does not compromise the privacy of such a building, a 24m separation distance is proposed between the commercial building and Beau Monde;</li> <li>▪ 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; and</li> <li>▪ it consolidates 77 Berry Street and 88 Walker Street and results in the provision of high grade commercial space, a new hotel and provision of public benefits.</li> </ul>

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	<p>20. The proposal fails to comply with draft clauses 28D (2), 28D (4) and 28D (4A) of Draft Amendment 28.</p>	<p>The proposed variation to the maximum building height is considered acceptable in this case for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ the proposed development satisfies the objectives of the control;</li> <li>▪ the development does not cause any adverse environmental impacts in terms of overshadowing or wind impacts;</li> <li>▪ the proposal does not result in any loss of public views; and</li> <li>▪ the proposed development provides significant public benefits including an increased setback from Beau Monde, a through site link and a new public plaza.</li> </ul>
	<p>21. The non-compliances with Council's building height controls (both existing and draft) will result in unacceptable impacts on the public domain including additional overshadowing of public open space within the North Sydney CBD and nearby precincts.</p>	<p>A discussion on shadow impacts is included in <b>Section 3</b> of the PPR.</p>
	<p>22. The non-compliances with Council's building height and massing controls (both existing and draft) will result in significant to devastating view loss for adjoining residential dwellings above RL170 (being the exhibited maximum height in Draft Amendment 28 to LEP 2001) on the northern portion of 77 Berry Street, North Sydney (Beau Monde).</p>	<p>A detailed discussion on view impacts is provided in <b>Section 6</b> of the PPR and <b>Appendix F</b>.</p>
	<p>23. The proposed public benefits are inadequate. The proposed public domain works are entirely on Council owned land and of a type normally expected for a development of this size. The developer proposes to deduct the costs of the public domain works from the s94 contributions Council would expect if it were the consent authority. The proposed public benefits do not satisfy clause 28D (5) (b) of LEP 2001 as the proposal does not include community facilities, child care centres or the like.</p>	<p>The value of the public benefits proposed exceed that which would normally be payable under Council's Section 94 Plan. The provision of the through site link is also a significant public benefit as it allows for the creation of the new public open space in Dennison Street.</p> <p>There is nothing preventing the introduction of a child care centre into the scheme in the future if a suitable operator approaches the proponent.</p>

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	24. There is insufficient information in respect of geotechnical and structural matters to adequately assess the impact of the proposed excavation.	A geotechnical report will be prepared prior to the commencement of works, refer to the revised statement of commitments at <b>Section 8</b> of the PPR.
	25. There is insufficient information in respect of wind impacts on the adjoining properties and surrounding streets.	A revised wind report has been prepared, refer to <b>Appendix G</b> .
	26. The proposal is not in the public interest.	The proposed development is in the public interest as it will generate significant public benefits without generating any unacceptable environmental impacts.
	27. Discussions and analysis is to be undertaken with the Department of Planning and property owners to determine the feasibility of an appropriately sized cinema being included in the development through planning agreements or other mechanisms available to Council.	<p>The proposed development has not been designed to incorporate a cinema. This is because discussions with a cinema owner has shown that a cinema in this location would not be viable.</p> <p>It is noted that the former cinema at 121 Walker Street closed down only a few years ago due to viability issues and is currently being used as a dance studio. This would be perfect for an arthouse cinema – being a purpose built facility right in the heart of North Sydney.</p>
Non-residential Submissions	28. Demolition of pedestrian bridge will reduce access and patronage of Tower Square Development and will increase pedestrian traffic on Denison Street which is open to elements and potentially dangerous.	The main flow of pedestrians between Tower Square and the Berry Street site is via the raised pedestrian crossing on Dennison Street. This route will become safer as a result of the closure of the southern section of Dennison Street.
	29. BCA compliance issue for 86 Walker Street (Firehouse).	The revised design of the hotel has been assessed for compliance with the BCA ( <b>Appendix E</b> ). As no primary windows are provided on a boundary, an easement for light and ventilation is no longer required.
	30. Significant loss of retail floor space and impact that this has on worker amenity.	The proposed development will replace the existing food court, mini-major retail space and specialty retail spaces. As such it will continue to provide retail options for workers within the North Sydney CBD. It is considered that the new spaces will have a higher level of amenity than that of the current shops given that some of the tenancies will front onto Dennison Street and the food court will have direct access to the terrace above.

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	31. Support of reversing traffic flows in the precinct or creation of two-way traffic road on Dennison & Little Spring.	Noted.
	32. Concern regarding access to driveways during construction.	<p>The diagrams within the Preliminary Construction Management Plan show how traffic will be managed during the proposed works. Where road closures are required surrounding landowners will be notified in advance and coordinated with Council and other statutory authorities. Where possible road closures will be programmed outside of normal business hours so as to minimise the impacts of the closure.</p> <p>It is noted that that the pedestrian bridge has been deleted from the scheme and that the number of closures required will be reduced.</p>
Key issues of Beaumonde Submission	33. a) Proposed development does not constitute a development “state or regional environmental planning significance” as required by Section 75B(2)(a).	The project was declared a Major Project on 14 November 2008 as it satisfies the criteria for a Major Project as outlined in State Environmental Planning Policy (Major Development) 2005.
	34. EA fails comply with DGRs in following ways: <ul style="list-style-type: none"> <li>▪ No detailed analysis of the proposed pedestrian bridge</li> <li>▪ Assessment of view, daylight, overshadowing and privacy inadequate</li> <li>▪ View (skyline) analysis is selective</li> <li>▪ Impacts (overshadowing of public domain) not adequately addressed, half hourly shadow diagrams should be provided</li> <li>▪ Consultation inadequate</li> </ul>	<p>The pedestrian bridge has been deleted from the proposal</p> <p>Additional view analysis and shadow analysis has been undertaken as discussed in <b>Section 6</b> of the PPR.</p> <p>The views chosen show the building in its most prominent view.</p> <p>Consultation was undertaken in accordance with the NSW Department of Planning’s consultation guidelines.</p>
	35. Council land should not be included in the site. Without council roads, Walker Street would be isolated and is smaller than permitted by LEP 2001 for a building of the size proposed	The Walker Street and Berry Street building will be linked via an underground tunnel and will share many services, it is therefore valid that the sites are considered as a single development.

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	36. EA does not address the existing FSR control (LEP 89) applying the Berry Street site	This statement is incorrect, Section 5.3.1 of the EAR addresses this issue.
	37. EA relies solely on LEP Amend. 28 – application should not be assessed until amendment has been finalised, It is inappropriate to consider such a significant variation to a statutory control by way of a Part 3A application	Draft LEP 2001 Amendment 28 has been endorsed by North Sydney Council several times as outlined in the chronology of the draft LEP at <b>Appendix L</b> . It has therefore made clear its intentions for the future development of the NS CBD. The delay in the gazettal of draft LEP amendment is not due to the fact that the Council no longer wishes to pursue the LEP but rather that the DoP has requested further information to ensure that the Council's desired outcome for the CBD is achievable under the draft controls.
	38. No information that adequate rail infrastructure is in place	The North Sydney railway station has been upgraded and has been designed to accommodate an addition 12,500 workers in the North Sydney CBD. There is therefore adequate rail infrastructure in place.
	39. No information that the proposal as to whether the proposal will result in the exceedance of the 250,000m <sup>2</sup> limit on additional GFA (non-residential)	Council's report has confirmed that the proposal will not result in an exceedance of 250,000m <sup>2</sup> of additional GFA.
	40. Proposal will overshadow beyond the composite shadow plan	<p>Variations to the composite shadow plan are currently permitted if it can be demonstrated that there is public benefit to be gained, that increase in overshadowing will not reduce the amenity of any land and that the variation will result in not more than 2 hours net increase in overshadowing of residential land outside of the CBD between the hours of 9am and 3pm, 21 June or not more than 15 minutes net increase in overshadowing of public open space between the hours of 10am and 12 noon, and no net increase between the hours of 12 noon and 2pm.</p> <p>The EAR demonstrated that the proposed development will:</p> <ul style="list-style-type: none"> <li>▪ result in significant public benefits; and</li> <li>▪ results in a net increase of 10mins of overshadowing of residential properties outside of the CBD.</li> </ul> <p>The proposed hotel building will result in additional overshadowing public open space within the North Sydney CBD (namely Elizabeth Plaza) between 10am and midday however it complies with the draft amendments to the provisions which remove this provision.</p>

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	<p>41. Proposal will overshadow Mount Street plaza – inadequate information to demonstrate compliance with the 10am to 2pm ‘no additional overshadowing’ requirement of LEP 2001</p>	<p>This provision does not apply to the Berry Street site.</p> <p>Shadow diagrams showing the extent of overshadowing generated by the hotel building between 10am and 12 midday are included at <b>Appendix D</b> and show that the proposed development will overshadow part of Elizabeth Plaza.</p> <p>It is noted that this provision is proposed to be deleted under the draft amendment to the LEP and that a better quality public open space is proposed as part of this development which will result in a net increase of public open space in sunlight.</p>
	<p>42. Shadow diagrams do not adequately show the southern extent of the proposed shadow at 12 noon in mid winter.</p>	<p>The shadow diagram (<b>Appendix D</b>) shows the full extent of the new shadow, shadows generated by the proposed development which fall further south are located within existing shadows.</p>
	<p>43. Proposal does not address Clause 39 – excavation of land as inadequate information has been provided in relation to the impacts on the retained portion of 77 – 81 Berry Street.</p>	<p>The EAR addressed Clause 39 in the following ways:</p> <p>Assessment in the Tables of Compliance;</p> <p>provision of a Construction Management Plan which outlines methods of excavation and mitigation measures such as control of noise and vibration; and</p> <p>inclusion of a commitment regarding the preparation of dilapidation reports prior to works commencing.</p> <p>An additional commitment has now been added which commits to the preparation of a geotechnical report prior to works commencing.</p>
	<p>44. The EA has not demonstrated that the exceedance of the height control will have no greater impact than a complying development and that the public benefit will be increased.</p>	<p>The EA demonstrates that the exceedance in height has minimal impacts with respects to shadows and views. It also demonstrates that the height of the tower will compliment the existing and future North Sydney CBD skyline. The public benefit of raising the mass of the tower upwards and further away from Beau Monde (24m vs 18m) is substantial. It allows for the ‘freeing up’ of the ground plane, the creation of the new public spaces and the new through site street, which in turn permits the creation of Dennison Plaza. To accommodate the permitted floor space within a complying scheme would mean the podium that is built out to the street without any of the above-mentioned benefits.</p>

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	45. Inadequate assessment of overshadowing of dwellings outside the CBD as diagrams do not show the existing overshadowing of the affected properties.	Additional shadow diagrams have now been prepared, refer to <b>Section 3</b> and <b>Appendix D</b> of the PPR.
	46. Proposal in contrary to NS Character Statement in that it does not provide a transition of heights from the existing tallest buildings in the CBD	Section 5.4 of the EAR provided a discussion of the scale, form and massing of the proposed buildings and demonstrates that the proposed development will be in keeping with the scale of existing development within the CBD and also that envisaged under the draft LEP.
	47. View loss assessment should have regard to the current applicable development controls and not amendment 28 which is far from being certain or imminent	A view impact analysis which assess the impacts of LEP 2001, Draft LEP Amendment 28 and the proposed development is included at <b>Appendix F</b> and discussed in <b>Section 3</b> .
	48. Not considered appropriate that a development such as this should have a heavy reliance on landscaping in the public domain to mitigate wind impacts	Landscaping is not the only means of wind mitigation proposed. The development also includes a podium and awnings within the through site link.
	49. Access driveway does not comply with AS 2890.1 as it should be a minimum of 10 metres wide	Access issues are addressed in Halcrow's report at <b>Appendix I</b> .
	50. Proposal does not provide a swept path assessment showing access via the largest design vehicle (10.7 HRV)	Swept paths are included at <b>Appendix I</b> .
	51. Internal design of the basement cannot be assessed with any accuracy as plans have not been dimensioned	Halcrow has reviewed the proposal for compliance with the relevant Australian Standards and is satisfied that the proposed design complies or can comply with the relevant standards.
	52. Provision of 26 additional spaces directly contradicts the aims of the DCP which attempts to limit car usage and promote public transport	The public parking spaces are proposed to replace the on-street public parking currently available on Dennison and Little Spring Streets which will be lost as a result of the reconfiguration of the surrounding laneway network. The new spaces will also replace some of the spaces which will be lost as a result of the reconfiguration of Miller Street.

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	53. No analysis of the intersections of Berry Street and Dennison Street was undertaken for either the existing or future generation of the site	Refer to Halcrow report at <b>Appendix I</b> .
	54. No assessment of the implications for non-car travel modes or measures to mitigate potential impacts during the construction stage have been addressed.	As outlined above the North Sydney public transport network is expected to have capacity to accommodate the additional demand generated by the proposed development.  Mitigation of impacts during the construction stage have been addressed in the Preliminary Construction Management Plan.
Individual Beau Monde Resident Issues (not addressed above)	55. There has been a lack of community consultation.	Consultation was undertaken in accordance with the NSW Department of Planning's consultation guidelines. Community consultation was undertaken by Kathy Jones and Associates and was held on 25 <sup>th</sup> and 26 <sup>th</sup> March 2009. A report summarising the public consultation sessions is provided at <b>Appendix B</b> .
	56. Pedestrian safety could be compromised by the development.	The development will involve the pedestrianisation of part of Denison Street and re organising the street network to provide a more efficient layout and safer pedestrian environment. The development is therefore likely to enhance pedestrian safety rather than compromise it as suggested.
	57. Loss of light and privacy to the south facing dwellings.	The impact of the loss of privacy is addressed in <b>Section 3.5</b> of the PPR.  The building is set back 24 metres to the south of the Beau Monde building which will ensure that the all apartments will still receive adequate daylight. It should be noted that there are no measurable controls for daylight.
	58. Potential noise impacts as a result of construction.	Mitigation of impacts during the construction stage have been addressed in the Preliminary Construction Management Plan. Construction noise will not exceed the regulatory requirements.