

17 August 2018

16457
CPo/SM/MR

Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Joel Herbert (Planning Officer – Planning Services)

Dear Joel,

RESPONSE TO SUBMISSIONS – MOD 10 MP08_0238
1 DENISON STREET, NORTH SYDNEY

We write on behalf of Winten Property Group (Winten) in regard to the Section 4.55(1A) modification application being MOD 10 to Project Approval MP08_0238 relating to construction of a new commercial building at 1 Denison Street, North Sydney (the site).

MOD 10 to Project Approval MP08_0239 was placed on public exhibition between 30 May 2018 and 13 June 2018 and received a total of three submissions, from North Sydney Council, Transport for New South Wales (TfNSW) and the Sydney Observatory.

Winten and its specialist consultant team have reviewed and considered the submissions made in relation to MOD 10 and a response to each of the issues is provided below in **Section 1.0**. The issues require amendments to modified conditions (refer to **Section 2.0**) and require design amendments to the submitted landscape plans.

1.0 Summary of Submissions

This section provides a summary of the key issues raised by the Council, the Sydney Observatory and Transport for NSW during the public exhibition of MOD 10 to Project Approval MP 08_0238. A response to each of the issues raised by Council, the Sydney Observatory and Transport for NSW is provided in **Section 1.1**.

1.1 Summary of Submissions

Issue	Response
Council	
Council has no objection to the changes to the building proposed.	Noted.
Council suggests that the lighting of the roof profile might be referred to the Sydney Observatory for comment as concerns have been raised in the past by the Observatory with some roofs signs in the North Sydney CBD.	Refer to the Sydney Observatory section of the table below.
Council raises no objection to the updated landscape design for Berry Square as this has been discussed with Council previously.	Noted.

Issue	Response
Council does raised concern with the two electricity substations shown on the Landscaping Plan for Berry Square. These substations were temporary locations during construction at 1 Denison Street to provide power for the construction site and for Beau Monde after the Shopping World building was demolished. Council was advised that the substations would be removed when the substations in the new building were commissioned. This was also an issue for residents of Beau Monde. It is requested that the substations be removed off the plans so that they are not included as part of the approval or that a condition be imposed requiring the substations to be removed prior to the final Occupation Certificate for the proposal.	The Landscape Plans has been amended and submitted at Attachment A . The substations have been removed to reflect Council's concerns and the desired future outcome for Berry Square. We note that the reallocation of the substations is subject to a separate planning process requiring agreement with Ausgrid as the owner and operator of the infrastructure. This process is independent of MP08_0238 and does not form part of this application. Any future changes to the landscape and public domain plans will be prepared in consultation with, submitted to and approved by North Sydney Council prior to the relevant Construction Certificate in accordance with Condition B38 Public Domain and Landscaping.
There is an increase in the GFA so that the proposed modification will have a GFA of 65,506m ² . Modification to Condition B4 Monetary Contributions for the Commercial Building, B6 Railway Infrastructure and E25 Section 94 Contributions to reflect the proposed increase in GFA.	Noted. To be reflected in final conditions.
Sydney Observatory	
The proposal and location of the site were reviewed, and the Sydney Observatory advised that the proposal will have no impact on the closest venue being the Sydney Observatory given the distance from the site.	Noted.
Transport for New South Wales	
The subject site is in close proximity to the Sydney Metro City and Southwest station and tunnels. Conditions B56 Sydney Metro City and South West a) to j) on the modified Project Approval for MP 08_0238 for Commercial and Hotel development Berry/Walker Street should be retained.	Not applicable. No modifications proposed as part of this application. Final design is subject to Condition B56 Sydney Metro City and South West a) to j).
It is requested that the applicant for the subject application consult with Sydney Coordination Office within TfNSW regarding the preparation of any future construction and traffic management plan to ensure the impact on general traffic and bus operations, as well as the safety of pedestrians and cyclists is managed appropriately.	Not applicable. Already addressed by Condition B56 Sydney Metro City and South West.

2.0 Updated Modified Conditions

The above response to submissions necessitates minor updates to the proposed modifications to conditions (as lodged) to reflect the amended Landscape Plans and updated calculations of monetary contributions.

A consolidated list of conditions proposed to be modified in this application is provided below. Words proposed to be deleted are shown with ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 08_0238 and the Environmental Assessment dated May 2009 prepared by JBA Urban Planning, except where amended by the Preferred Project Report dated October 2009 and as amended by:

(a) the S75W Modification Application (MP08_0238 MOD 1) and accompanying Environmental Assessment dated August 2010 and October 2010 and June 2014 and June 2014 prepared by JBA Urban Planning and additional information, plans and reports provided with the Preferred Project Report and S75W;

(b) the S75W Modification Application (MP08_0238 MOD 2) and accompanying Environmental Assessment dated 31 May 2011 prepared by JBA Urban Planning;

(c) the S75W Modification Application (MP08_0238 MOD 3) and accompanying Environmental Assessment dated 9 November 2011 prepared by JBA Urban Planning and Response to Submissions dated 12 January 2012 and 23 February 2012;

(d) the S75W Modification Application (MP08_0238 MOD 4) and accompanying Environmental Assessment dated 12 June 2014 prepared by JBA Urban Planning;

(e) the S75W Modification Application (MP08_0238 MOD 5) and accompanying Environmental Assessment dated 12 June 2014 prepared by JBA Urban Planning and Response to Submissions dated 20 November 2014;

(f) the S75W Modification Application (MP08_0238 MOD 7) and accompanying Environmental Assessment dated 11 November 2016 prepared by JBA Urban Planning and Response to Submissions dated 2 March 2017, 18 April 2017 and 26 April 2017;

(g) the S75W Modification Application (MP08_0238 MOD 8) and accompanying Environmental Assessment dated 27 June 2017 prepared by JBA Urban Planning;

(h) the S75W Modification Application (MP08_0238 MOD 9) and accompany Environmental Assessment dated 21 December 2017 prepared by Ethos Urban, and Response to Submissions dated 9 March 2018 prepared by Ethos Urban; **and**

(i) The Section 4.55(1A) modification application (MP08_0238 MOD 10) and accompanying Environmental Assessment prepared by Ethos Urban dated 29 May 2018 and Response to Submissions dated 17 August 2018; and

Drawing No.	Rev.	Name of Plan	Date
DA01.000	04 05	General Arrangement Plan Site Plan	08.12.17 09.05.18
DA02.0B5	04 05	Basement 05 – Parking	08.12.17 09.05.18
DA02.0B4	04 05	Basement 04 – Parking	08.12.17 09.05.18
DA02.0B3	04 05	Basement 03 – Parking	08.12.17 09.05.18
DA02.0B2	04 05	Basement 02 – Parking	08.12.17 09.05.18
DA02.0B1	04 05	Basement 01 – Parking	08.12.17 09.05.18
DA02.0LG	04 05	Lower Ground Level	08.12.17 09.05.18
DA03.000	04 05	General Arrangement Plan Ground Level	08.12.17 24.05.18
DA03.0MZ	04 05	General Arrangement Plan Mezzanine	08.12.17 09.05.18
DA 03.001	04 05	General Arrangement Plan Level 01 – Commercial	08.12.17 09.05.18
DA 03.002	04 05	General Arrangement Plan Level 02 – Commercial & Terrace	08.12.17 24.05.18
DA 03.003	04 05	General Arrangement Plan Level 03 – Commercial	08.12.17 09.05.18
DA03.004	04 05	General Arrangement Plan Level 04 – Typical Low Rise	08.12.17 09.05.18
DA03.009	04 05	General Arrangement Plan Level 09 – Transfer Floor	08.12.17 09.05.18
DA03.010	04 05	General Arrangement Plan Level 10 – Plant	08.12.17 09.05.18
DA03.011	04 05	General Arrangement Plan Level 11 – Typical Mid Rise	08.12.17 09.05.18
DA03.022 3	04 05	General Arrangement Plan Level 22 3 – Transfer	08.12.17 09.05.18

Drawing No.	Rev.	Name of Plan	Date
DA03.024	04 05	General Arrangement Plan Level 24 – Typical High Rise	08.12.17 09.05.18
DA03.035	04 05	General Arrangement Plan Level 35 – High Rise Upper	08.12.17 09.05.18
DA03.036	04 05	General Arrangement Plan Level 36 – Plant & Overrun	08.12.17 09.05.18
DA03.037	04 05	General Arrangement Plan Level 37 – Upper Plant	08.12.17 09.05.18
DA03.038	04 05	General Arrangement Plan Roof Level	08.12.17 09.05.18
DA07.101	04 05	Building Elevations North Elevation	08.12.17 09.05.18
DA07.102	04 05	Building Elevations East Elevation	08.12.17 09.05.18
DA07.103	04 05	Building Elevations South Elevation	08.12.17 09.05.18
DA07.104	04 05	Building Elevations West Elevation	08.12.17 24.05.18
DA07.202	04 05	Building Elevations Detailed Street Elevation – Little Spring Street	08.12.17 24.05.18
DA07.203	04 05	Building Elevations Detailed Street Elevation – Spring Street	08.12.17 09.05.18
DA07.204	04 05	Building Elevations Detailed Street Elevation – Denison Street	08.12.17 24.05.18
DA07.205	1	Building Elevations External Lighting	09.05.18
DA08.101	04 05	Building Sections A-A	08.12.17 09.05.18
DA08.102	04 05	Building Sections BB	08.12.17 09.05.18
DA10.001	04 05	Diagrams Photomontage 1/2	08.12.17 09.05.18
DA10.002	04 05	Diagrams Photomontage 2/2	08.12.17 09.05.18
Landscape Plans			
16041_L_DA2	E H	Landscape Plan- Ground Level	04.04.18 02.08.18
16041_L_DA3	E H	Landscape Plan- L02 Terrace	04.04.18 02.08.18
Offsite Works and Public Domain Plan			
16041-L-DA1	B H	Off-Site Works & Public Domain Plan	November 2017 02.08.18

B4 Monetary Contributions for the Commercial Building

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

(1) Amount of Contribution

Contribution Category	Amount
Public Domain Improvements	\$5,375,898.29 \$5,412,420.96
Traffic Improvements	\$324,608.40 \$326,813.72
Total	\$5,700,506.69 \$5,739,234.68

(2) Adjustments

The final contribution payable may be required to be adjusted to reflect the GFA approved as part of the approval.

(3) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of an Construction Certificate (but excluding initial works).

(4) Indexing

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

(5) Works-in-kind

In accordance with Section 2.5 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works-in-kind (for an item not included on the works schedule of the North Sydney S94 Contributions Plan).

B6 Railway Infrastructure

The Proponent shall enter into a Voluntary Planning Agreement (VPA) in accordance with the offer made on 21 December 2009 with the Minister for Planning to provide a Railway Infrastructure Contribution totalling ~~\$7,450,000.11~~ \$7,520,667.31 to be paid to the Transport Administration Corporation. Evidence of the Agreement shall be provided to the Certifying Authority prior to the issue of the relevant Occupation Certificate for the Commercial Tower, except in respect of the initial works.

The final contribution payable may be required to reflect the GFA approved as part of this approval. In this case, a report by an appropriately qualified Surveyor shall be submitted and approved by the Secretary demonstrating the total amount of constructed GFA.

E25 Contributions for the Commercial Building

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

(1) Amount of Contribution

Contribution Category	Amount
Administration	\$131,489.54 \$132,382.85
Child Care Facility	\$556,714.25 \$560,496.44
Community Centres	\$320,566.18 \$332,744.03
Library Acquisition	\$65,378.63 \$65,822.80
Library Premises and Equipment	\$198,713.54 \$200,063.55
Multi-Purpose Indoor Sports Facility	\$75,220.57 \$75,731.60
Olympic Pool	\$245,023.40 \$246,688.03
Open Space Acquisition	\$239,633.76 \$241,261.78
Open Space Increased Capacity	\$474,990.96 \$478,217.95
Total	\$2,307,730.83 \$2,323,409.03

(2) Adjustments

The final contribution payable may be required to be adjusted to reflect the GFA approved as part of the approval.

(3) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of an Occupation Certificate (but excluding initial works).

(4) Indexing

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

(5) Works-in-kind

In accordance with Section 2.5 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works-in-kind (for an item not included on the works schedule of the North Sydney S94 Contributions Plan).

3.0 Conclusion

Winten, and its expert project team have considered the submissions made in relation to the public exhibition of MOD 10 to MP 08_0238. A considered and detailed response to all submissions made as been provided in **Section 1.0**. A consolidated list of conditions proposed to be modified as part of this application is provided at **Section 2.0**.

The exhibited Section 4.55 (1A) addresses the potential impacts of the overall MOD 10 proposed modifications to MP08_0238. The proposed modifications to the conditions in **Section 2.0** do not alter the original assessment against the relevant plans, policies and guidelines.

We trust the above information is sufficient to allow a prompt assessment of the modification. Should you have any queries about this matter, please do not hesitate to contact me on 9409 4971 or smiller@ethosurban.com.

Yours sincerely,



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