

Submission to the Department of Planning, Housing and Infrastructure

SSD SSD-86270706 – 5 Blue Street, North Sydney (Zurich Building)

I welcome the opportunity to comment on the proposed redevelopment of the Zurich Building at 5 Blue Street, North Sydney.

At the outset, I wish to make it clear that I support the adaptive re-use of the existing Zurich Building and, in principle, support the proposed rezoning of the site from E2 Commercial Centre to MU1 Mixed Use. The current proposal represents a significant improvement on the substantially larger redevelopment previously contemplated for the site. Retaining and adapting the existing tower is, in my view, a positive planning outcome that reduces demolition, retains embodied carbon and results in a considerably more restrained development than originally proposed.

Accordingly, this submission is not an objection to the redevelopment itself. Rather, it requests that several aspects of the proposal be amended, more rigorously assessed or appropriately conditioned before any approval is granted.

My concerns relate to:

1. the proposed removal of the RL65 height control over the Blue Street Plaza;
2. the absence of a comprehensive cumulative impact assessment;
3. solar impacts;
4. parking impacts;
5. construction impacts; and
6. construction and operational noise.

1. Height Controls Over the Blue Street Plaza

This is my primary concern and appropriately addressing this issue will resolve the issue of solar access. While I support the proposed mixed-use zoning of the site, my concern relates to the proposed amendment of the planning height controls applying to the Blue Street Plaza.

The site currently contains two distinct maximum building height controls:

- RL115 applying to the existing Zurich tower; and
- RL65 applying to the Blue Street Plaza.

This EIS proposes replacing these with a single RL116 height limit across the entire site.

From the EIS, my understanding is that an amendment is in part required because the proposed eastern extension and cantilever framework projects beyond the existing building envelope and above Blue Street Plaza, according to the feedback at community consultation, this extension overhangs the Blue Street Plaza by an average of approximately two metres. The planning changes sought to accommodate this extension is unnecessary and disproportionate, a relatively small design change to ensure that the eastern extension does not overhang the Blue Street Plaza, therefore removing the need to amend the Blue Street Plaza height control and reducing the solar impact on residential properties to the south would be a more appropriate result.

The RL65 control is not an arbitrary height limit. These height limits came into force under the NSLEP 2013 and were included in the Height of Building Map.

In 2016-2018 during the North Sydney CBD Capacity and Land Use Strategy, (which ultimately resulted in the Special Area designation being removed), Zurich supported the removal of the Special Area designation but also sought to have the RL115 height limit applied to the whole of the property (as it is doing now). Council noted in their [report](#) that “The shadow analysis submitted for the proposed scheme at 5 Blue Street shows a 20 - 60% reduction in solar access to a number of dwellings on McKenzie Street, Lavender Street, Blues Point Road and Wilona Avenue between 9am – 3pm This is a significant reduction in solar access and is not supported.” They concluded that “any additional height beyond the current control (effectively 10m) will create additional shadow to already heavily-impacted (in terms of overshadowing) dwellings to the south.”

Removing this strategic planning control to accommodate the cantilever extension would unnecessarily weaken an important solar access safeguard.

I respectfully request that the Department require the applicant to redesign the eastern extension so that it remains within the existing RL65 envelope over the Blues Street Plaza and preserves the existing solar access for residential land outside the North Sydney Centre between 10:00 am and 2:00 pm.

If the redesign proves not to be possible, as a minimum, an increase of the height limit to RL116 should be applied only to the extent required to accommodate the eastern extension / overhang with the remainder of the plaza retaining the RL65 height limit; or alternatively, a site-specific planning exception should be adopted for the eastern extension overhanging the plaza rather than permanently replacing the RL65 planning control across the entirety of Blue Street Plaza.

Planning controls should only be modified to the minimum extent necessary to achieve the planning objective. In this instance, the wholesale removal of an established solar protection control does not appear to be justified.

2. Cumulative Impacts

The Environmental Impact Statement concludes that unacceptable cumulative environmental impacts are not expected. However, apart from limited consideration of traffic interactions with the proposed St Francis Xavier and Fujitsu developments, the EIS contains no comprehensive cumulative assessment.

The proposal identifies numerous significant developments within the surrounding area, including:

- St Francis Xavier Mixed Use Development (SSD-88702457);
- Fujitsu Development (SSD-86299960);
- seven additional developments identified within Table 2 of the EIS; and
- notably omits the Lavender Street/Middlemiss Street proposal (SSD-86797708).

The omission of the Lavender Street/Middlemiss Street development is concerning because it has the potential to interact directly with the Zurich proposal through cumulative overshadowing, traffic generation and parking demand affecting the same surrounding neighbourhood.

The EIS also acknowledges that cumulative assessment with the St Francis Xavier proposal will occur later during the Response to Submissions stage because that application has not yet been exhibited.

This approach denies the community an opportunity to consider the combined impacts before the Department determines the application.

Of greatest concern is the cumulative impact on solar access for Wilona Avenue (where my home is located).

Solar modelling contained in the EIS shows that my home will be subjected to new overshadowing due to this development from approximately 10:30am. This is an additional 1 hour of overshadowing which viewed independently, may comply with the common NSW benchmark, although it does not comply with the NSELP. However, planning decisions should not be made on the basis of individual impacts alone where multiple major developments are proposed within the same locality.

The cumulative interaction between the Zurich proposal and the St Francis Xavier proposal may result in substantially greater reductions in solar access than any individual project assessed separately and could in-fact result in my property receiving less than 2 hours of solar access.

Of similar concern is the cumulative impact of traffic and in particular, parking. The EIS concludes that cumulative parking impacts with nearby developments will be negligible because of site separation, this conclusion is not supported by lived experience.

In practice, surrounding public parking operates as a shared neighbourhood resource rather than being confined to individual development sites. In this case, the site linkages between Mackenzie Street and Blue Street and the lack of unmetered on-street parking in the North Sydney Centre show from experience that Mackenzie Street is a favoured parking location for visitors to premises near the train station.

This development will result in the practical consequence of increased competition for already limited parking, particularly during evenings and weekends when resident parking demand is greatest especially when considered with the cumulative impact of the surrounding developments of Lavender Street/Middlemiss Street; St Francis Xavier and Fujitsu all of which are introducing significant new parking demand for the same streets.

The Department should require a comprehensive cumulative impact assessment which is also made available for public exhibition prior to making any determination. Impacted community members should have the opportunity to consider the cumulative impact and provide their feedback to the Department for consideration.

That assessment should include cumulative:

- overshadowing;
- traffic and parking;
- construction impacts;
- operational noise; and
- infrastructure demand.

North Sydney Council had suggested that the developments for Fujitsu (15 Blue Street); Zurich (5 Blue Street) and St Francis Xavier (1-13 Mackenzie Street) should be considered as a precinct. The approach, amongst other things, would ensure cumulative impacts were appropriately considered and assessed but could also provide a more suitable and equitable design solution for all parties. At present the developments are competing for privacy, solar access and views which is resulting increased and unnecessary adverse amenity impacts for the community and inappropriate design decisions.

3. Solar Impacts

The increase in the width of the building, resulting from the eastward extension of the upper seven storeys and the cantilevered structure over Blue Street Plaza, will reduce the solar access to my property by approximately one hour on the winter solstice.

Although the shadow diagrams in the Appendix clearly show that Wilona Avenue properties are affected by additional overshadowing from the proposal, the EIS does not assess these impacts because the properties continue to receive more than two hours of direct sunlight on 21 June. The two hour benchmark is a minimum planning guideline, not a threshold below which impacts become relevant and above which they can be ignored. A proposal may comply with that benchmark while still causing a significant loss of residential amenity.

In my case, the loss is material because my home is a single storey conservation listed terrace where natural light is already limited. Our home relies entirely on rear facing sky lights, a glass roof and a small rear courtyard for liveability and to bring light into our home. In addition, we have existing rooftop solar panels, therefore the reduction to our solar access of one hour would have a measurable economic and environmental impact.

The additional building height will also extend the period each year during which the property is affected by overshadowing. Rather than being limited to the winter solstice, the reduced solar access will occur for approximately an extra month each year, extending winter like conditions by around two to three weeks in May and a further two to three weeks in late July and August.

4. Parking

The proposal provides seventy-three parking spaces.

No resident parking is proposed for the 86 co-living dwellings.

No visitor parking is proposed.

The development is located within Zone A – which is classified as the highest area of demand for on-street parking and has the most limited capacity.

Under the current North Sydney Council Resident Parking Policies, this new development will not have an entitlement to residential parking permits however the surrounding streets—including Blues Point Road, Walker Street, Mackenzie Street and Miller Street—contain unrestricted weekday parking, on average, from 5pm to 9am and unrestricted all day weekend parking. This is the peak utilisation time by existing residents. As mentioned, this development will result in increased competition for already limited parking, particularly during evenings and weekends when resident parking demand is greatest.

5. Construction Impacts

According to the EIS, the proposed construction hours extend beyond the standard construction hours generally applied to residential development, particularly on Saturdays.

Of particular concern is that the technical reports appear internally inconsistent.

The Acoustic Assessment recommends construction during standard working hours.

However, the Traffic Assessment relies upon extended construction hours to facilitate construction logistics.

The EIS does not explain which scenario will be adopted or why the Acoustic Assessment recommended hours would not be applied.

Standard construction hours should apply. Extended hours will provide insufficient respite from construction including dust, traffic, amenity and noise particularly taking into account the amplification impact of noise from North Sydney experienced in Lavender Bay and then cumulative impacts of the other simultaneous constructions in close proximity.

Construction worker parking is another unresolved issue.

Although workers are encouraged to use public transport, the documentation provides little detail regarding storage of tools and equipment that would support this assumption.

Without practical alternatives, it is reasonable to expect many construction workers will travel by vehicle, increasing daytime parking pressure within surrounding residential streets, it is recommended that a strict condition is included that no work or worker vehicles can be parked outside of formally designated work zones.

These impacts should also be assessed cumulatively with other concurrent construction projects occurring throughout North Sydney and Lavender Bay.

6. Construction and Operational Noise

The proposal raises important operational noise issues for residential properties within Wilona Avenue, Lavender Bay.

The acoustic assessment does not appear to consider residential receivers located downslope in Wilona Avenue.

Instead, monitoring and assessment appear to terminate around the church properties to the south.

This omission is significant because Wilona Avenue occupies a lower elevation within the Lavender Bay landform with bedrooms and living spaces facing the proposed development, windows in these single storey terrace houses are not double glazed..

The steep topography allows noise from rooftop mechanical equipment to travel directly downhill to surrounding residential properties, increasing the likelihood that residents will be impacted by the noise.

Existing residents already experience of noise amplification originating from the Greenwood Hotel because of the bowl-shaped topography of Lavender Bay.

The assessment also identifies acoustic barriers on the northern side of the rooftop plant and retail spaces but does not appear to provide equivalent mitigation for the southern elevation overlooking Lavender Bay.

Given that these impacts would be permanent, additional consideration of operational noise at this stage that accounts for the downward slope and night-time atmospheric conditions, with appropriate mitigation, is preferable to relying upon post-approval management.

Conclusion

I support the adaptive re-use of the Zurich Building and the proposed mixed-use redevelopment of the site.

However, before the proposal is approved, I respectfully request that the Department require:

- redesign of the eastward extension of the upper seven storeys and the cantilevered structure over Blue Street Plaza in order to retain the RL65 height limit for Blue Street Plaza and reduce the impact of overshadowing to residential premises to the South;
- a comprehensive cumulative impact assessment that includes the Lavender Street/Middlemiss Street proposal and updated assessment alongside the Fujitsu and St Francis Xavier proposals which is made available for public exhibition.
- The three sites of Zurich Building, Fujitsu Building and St Francis Xavier Church Development should be assessed and viewed together under a precinct plan as proposed by North Sydney Council;
- standard construction hours;
- additional acoustic assessment for Wilona Avenue and other downslope receivers with appropriate mitigations.

These amendments would allow the adaptive re-use of the Zurich Building to proceed while providing greater confidence that surrounding residential amenity will be appropriately protected.