

Section 75W Modification Environmental Assessment Report



1 Denison Street, North Sydney

Modification to approved Commercial Building (MP08_0238)

Submitted to Department of Planning and Environment
On Behalf of Winten Property Group

November 2016 ■ 16457

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11/11/2016



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11/11/2016

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Statement of Validity

Environmental Assessment prepared by

Name	Michael Rowe
Qualifications	BPlan
Address	JBA 173 Sussex Street, Sydney, NSW
In respect of	Project Application Modification

Concept Plan

Applicant name	Winten Property Group
Applicant address	Lv 10, 61 Lavender Street, Milsons Point NSW 2061
Land to be developed	1 Denison Street, North Sydney NSW 2060
Proposed development	Commercial building

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

Michael Rowe

Date

November 2016

1.0 Introduction

This Environmental Assessment Report (EAR) has been prepared by JBA on behalf of the proponent, Winten Property Group (Winten), to support an application to modify Project Approval MP08_0238 relating to a commercial building at 1 Denison Street, North Sydney.

This EAR is submitted to the Minister for Planning pursuant to clause 3C(1) of Schedule 6A to the *Environmental Planning and Assessment Act 1979* (EP&A Act) that provides for the continued application of the provisions of the now repealed Section 75W of Part 3A of the EP&A Act for the purposes of a modification to a Project Approval.

This EAR describes the site, its environs and the proposed Modification and includes an assessment of the proposal in accordance with the relevant Director General's Environmental Assessment Requirements (DGRs) issued for the original Concept Plan pursuant to Part 3A of the EP&A Act. It should be read in conjunction with the studies and other information appended to this report. The studies provide a technical assessment of the environmental impacts of the proposed development, and recommend proposed mitigation measures to manage potential environmental impacts associated with the proposal.

1.1 Background and Purpose of the Modification

The original developer, Eastmark Holdings Pty Ltd, first lodged the Project Application MP08_0238 in April 2009 for the demolition of existing buildings and erection of a mixed use development comprising a retail/commercial building and a hotel building at 77 – 81 Berry Street and 88 Walker Street, and approval was granted by the (then) Minister for Planning on 25 February 2010.

In the years following the approval Eastmark Holdings attempted to obtain a major pre-commitment from a tenant to lease the building in order to commence construction but were unsuccessful. In late 2014 Eastmark Holdings was placed in receivership and insolvency firm Ferrier Hodgson took control of the site on behalf of Pacific Alliance Group, as the mortgagee in possession of Eastmark Holdings. Ferrier Hodgson substantially commenced the Project Approval to preserve it in perpetuity.

Over 6 years since the approval was first granted Victoria Plaza Holdings (a subsidiary of Winten) purchased the site from the receivers with the view to finally deliver the significant and much needed project for the North Sydney centre. As part of the process Winten has also significantly advanced negotiations with a major anchor tenant for the building, who would enable construction to commence and bring a major media and broadcasting corporation to the North Sydney centre that is likely to also attract other similar organisations who are interested in co-locating with such a business.

In acquiring the site and undertaking consultation with the major tenant, Winten undertook a review of the existing approval and identified the need to modify the approved development in response to the changing and increased strategic importance of the site, market demands and the requirements of the major tenant. Accordingly, this Modification seeks to deliver an improved design that better responds to the changed context of the site, specifically the new Victoria Cross Metro Station and Council's recent strategic planning, whilst at the same time providing a better outcome for the residents of the Beau Monde building.

In order to deliver an enhanced development in response to the above influences, the Project Application is proposed to be modified as follows:

- refinement of the ground plane, to include additional retail activation fronting Denison Street and the through site-link;
- introduction of landscape and public domain upgrades to Berry Square;
- inclusion of ancillary media production and broadcasting spaces within the podium to support the major tenant's office premises;
- reconfiguration of the approved site access arrangements, vehicle movements and through-site link;
- improve pedestrian access to the precincts by pedestrianising the through-site link and laneways;
- replacement of a stepped built form with a tapering built form to the northern façade of the building from level 12 to the top of the roof;
- rationalisation and rounding of the tower floor plates;
- an additional seven storeys, providing a maximum building height of RL210.65; and
- deletion of the public car park and inclusion of 44 additional tenant spaces and 10 car share spaces.

1.2 Legislative Context

As outlined above, Project Application MP 08_0238 was approved by the (then) Minister for Planning under Part 3A of the Act. Part 3A of the EP&A Act was subsequently repealed in 2011, however, transitional arrangements were established for approved concept plans. In accordance with Clause 2 of Schedule 6A of the EP&A Act, MP08_0238 is a 'transitional Part 3A project'. Clause 3 of Schedule 6A provides that Part 3A continues to apply to transitional Part 3A projects. Part 3A therefore continues to apply to MP08_0238.

Therefore, whilst Section 75W of the EP&A Act was repealed as part of the broader repeal of Part 3A, it continues to apply to transitional Part 3A projects and still applies in relation to modifying the approved commercial building of MP08_0238.

In order to preserve the Project Approval and prevent it from lapsing, it was substantially commenced in 2015. Accordingly, MP08_0238 remains an active Project Approval that can be modified under Section 75W.

1.3 Consultation

JBA was engaged to undertake community and stakeholder engagement prior to lodgment of this Section 75W modification. All landowners and tenants of the Beau Monde residential tower (77 Berry Street, North Sydney) were invited to attend an information session and presentation which was held on Wednesday 9 November 2016.

JBA was engaged to undertake community and stakeholder engagement prior to lodgment of this Section 75W modification. All landowners and tenants of the Beau Monde residential tower (77 Berry Street, North Sydney) were invited to attend an information session and presentation which was held on Wednesday 9 November from 5.30pm until 7.30pm at the Rydges Hotel, North Sydney.

34 landowners and tenants attended the session. The aim of the session was to provide those who were interested an opportunity to meet the project team, view the updated scheme, hear from the consultant team and ask any questions.

The following issues were raised during the session:

- concern about traffic flow along Denison Street once it becomes pedestrianised south of the through site link;
- concern about difficulty in accessing Beau Monde parking on Denison Street;
- questions about construction management, in particular managing the trucks along Denison Street;
- questions about the widening of Denison Street, if it were to become two way; and
- questions about Berry Square upgrades and when they will occur.

A number of questions were also raised about the proposed Victoria Cross Metro Station and the impacts it will have on the area.

Winten and the consultant team have also worked closely with North Sydney Council as part of the development of the modification. Four meetings have occurred with Council involving Council's planning, public domain and traffic teams.

2.0 Site Analysis

2.1 Site Description

The site comprises a large parcel of land known as 1 Denison Street, North Sydney (also known as 77-81 Berry Street). The site is located within the heart of the North Sydney CBD as shown in **Figure 1** and 2 below. North Sydney Station is located approximately 350 metres south of the site. The Warringah Freeway is 200 metres east of the site.

This application relates to land legally described as Lots 3 and 4 in DP1078998 (1 Denison Street). The proposal also involves works on parts of Little Spring Street, Spring Street and Denison Street, all of which are owned by North Sydney Council. It is noted that this application does not apply to the existing mixed use building known as 77 Berry Street and Beau Monde Tower.

The site has a total area of approximately 5,650m², and is bounded by a Berry Street to the north, Little Spring Street to the east, Spring Street to the south, and Denison Street to the west.

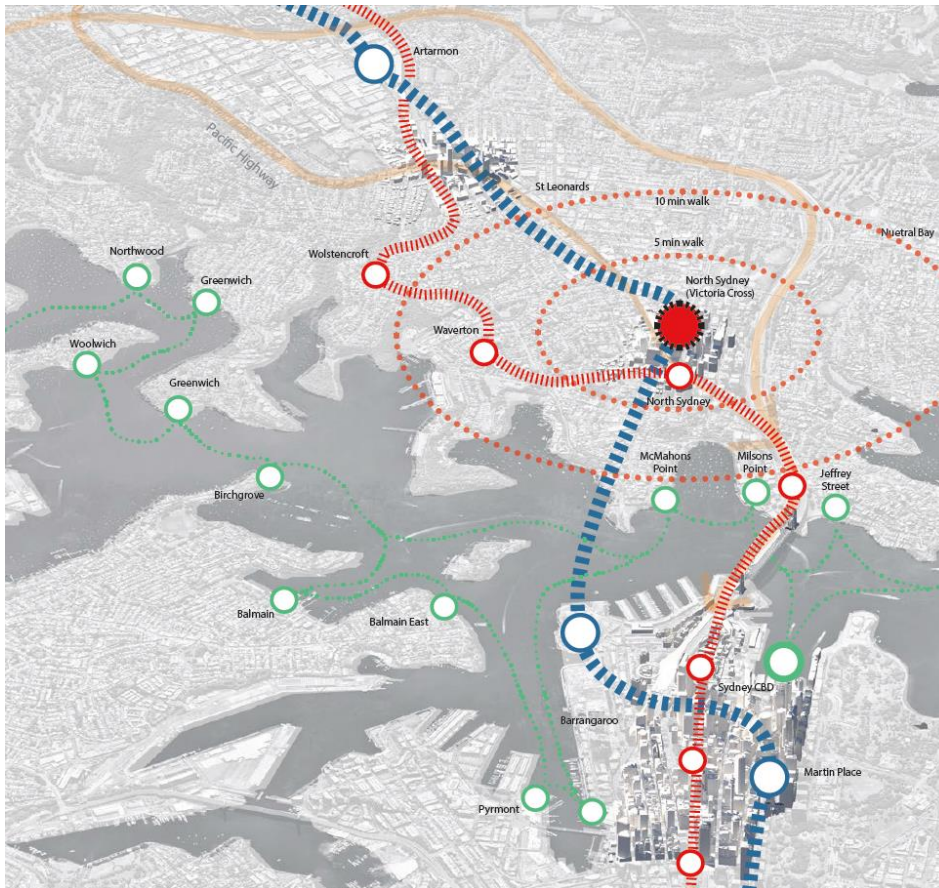


Figure 1 – Locational context
Source: Bates Smart



The Site

Figure 2 – The site

2.2 Strategic Context

Since the Project Application was first proposed in 2008, a number of significant changes to the strategic context of the subject site and the public domain have occurred. These current and proposed alterations have changed or will change the site and have therefore informed this Modification. The following is noted in relation to the subject site:

- The subject site is located in the heart of the North Sydney CBD, which was the subject of a recent 'Capacity and Land Use Study' undertaken by North Sydney Council. The Study, which is currently on public exhibition, aims primarily to develop a framework to unlock additional commercial floor space capacity within the Centre, thereby ensuring it maintains and improves its status as a resilient and competitive economic centre. The study identified the subject site for a future uplift in building height to RL 238 (refer to **Figure 3**). This uplift recognised the forecast growing demand for commercial floor space in the North Sydney CBD, and the significant implications of planned infrastructure upgrades discussed further below.
- The NSW Government announced in February 2016 that a new Sydney Metro station will be located within the North Sydney CBD to be known as Victoria Cross Station. The Metro will extend from Rouse Hill to Bankstown, via major centres such as Chatswood, St Leonards, and North Sydney including a new crossing beneath Sydney Harbour. The Victoria Cross station is proposed to be located directly west of the subject site between Miller Street and Denison Street (refer to **Figure 4** below) and enable people to move between North Sydney and Martin Place in just 5 minutes. It is envisaged this Metro station will continue to drive employment growth in the North Sydney CBD and generate a new centre of activity adjoining the site. Notably, a key pedestrian entry/exit point to the proposed station is located directly opposite the site on Denison Street.

- A Traffic and Pedestrian Study for the North Sydney CBD was adopted by North Sydney Council in 16 March 2015. This study recommended a number of vehicle and pedestrian amendments to the existing public domain including changes to the public realm in the south of Denison Street from Brett Whitely Place and widening the footpath in the north of Denison Street up to Berry Street. This was owing to a lack of pedestrian connectivity and amenity between Berry Street and the developing precinct in the south of Denison Street.
- The Traffic and Pedestrian Study was then followed by Council's 'Central Laneways Masterplan' in 2016. The Masterplan represents a response to what Council has identified an urgent need to address identified deficiencies in the public domain, directly related to the impending arrival of new public transport infrastructure. The Masterplan is intended to form the basis for on-going planning and consideration of the public domain response for the precinct and its relationship with the proposed Metro station and other surrounding development.

The proposed modifications, and their response to the strategic context of the site, is further addressed in **Sections 4** and **5** of this report.



Figure 3 – Envisaged changes in height for the site (shown in red) and North Sydney CBD
Source: North Sydney Council / JBA



Figure 4 – Proposed Victoria Cross station layout and the subject site (shown in red)
Source: Transport for NSW / JBA

3.0 Approval to be Modified

3.1 Project Approval MP08_0238

Project Approval MP08_0238 was granted by the (then) Minister for Planning on 25 February 2010 for the demolition of existing buildings and erection of a mixed use development comprising a retail/commercial building and a hotel building at 77 – 81 Berry Street and 88 Walker Street (see **Figure 5**).

3.2 Modifications to MP08_0238

MP08_0238 has since been modified five times, as follows:

- MP08_0238 MOD 1 – Modify Building Design and Public Open Domain and Amend Conditions of Consent;
- MP08_0238 MOD 2 – Technical amendments to wording of conditions to allow for the staged construction of the two separate buildings;
- MP08_0238 MOD 3 – Extend Construction Hours;
- MP08_0238 MOD 4 – Technical amendments to wording of conditions; and
- MP08_0238 MOD 5 – Deletion of the hotel component and associated services tunnel, reduction in basement and retention of existing stormwater infrastructure.

3.3 MP08_0238 MOD 6

Concurrent to this application, Winten Property Group have lodged a separate Section 75W (MOD 6) to modify the approved basement. Specifically, the MOD 6 application seeks:

- extension and redesign of the approved lower ground and basement levels 1-4;
- replacement and augmentation of the existing stormwater infrastructure; and
- associated modifications to conditions of approval.

For consistency, the proposed modifications to the conditions in **Section 4.2** of this report have also included those within MOD 6 to provide a complete list of the proposed modifications to the terms of approval.



Figure 5 – Renders of the Approved Tower
Source: HDR

4.0 Proposed Modification to Consent

4.1 Modification to the Approved Development

The proposed modifications are a response to the changes in the strategic context of the site outlined in Section 2.2. They are intended to provide:

- an improved public domain and architectural outcome, specifically in response to the future Metro Station and Council's Laneways Masterplan;
- additional office capacity in the North Sydney centre, in response to the Department of Planning's Plan for Growing Sydney and Council's Capacity Study;
- a contemporary and attractive workplace necessary to meet the needs of the major tenant; and
- an improved outcome for the residents of the adjacent Beau Monde building.

The proposed modifications include the:

- refinement of the ground plane, to include additional retail activation fronting Denison Street and the through site-link;
- introduction of landscape and public domain upgrades to Berry Square;
- inclusion of ancillary media production and broadcasting spaces within the podium to support the major tenant's office premises;
- reconfiguration of the approved site access arrangements, vehicle movements and through-site link;
- improve pedestrian access to the precincts by pedestrianising the through-site link and laneways;
- replacement of a stepped built form with a tapering built form to the northern façade of the building from level 12 to the top of the roof;
- rationalisation and rounding of the tower floor plates;
- an additional seven storeys, providing a maximum building height of RL210.65; and
- deletion of the public car park and inclusion of 44 additional tenant spaces and 10 car share spaces.

A photomontage of the proposed modified commercial building is presented in **Figure 6**.



Figure 6 – Proposed modified commercial building
Source: Bates Smart

4.1.1 Land Use & Floor Space by Level

The Modified building will continue to be an office building with ground level retail uses. A breakdown of the amended land uses and associated Gross Floor Area (GFA) attributed to each floor of the building has been provided in **Table 1** below, as shown on the Architectural Plans at **Appendix A**. The proposed modification will result in a total GFA of 66,706m², an increase of 13,470m² above that approved under MP08_0238.

The potential major office tenant requires approximately 800m² of GFA for ancillary media production and broadcasting spaces on ground and level 1 of the podium of the building. These spaces have been designed to consider the spatial requirements of the specific anchor tenant and are necessary to support their offices which will take approximately 20,000m² of GFA within the building. It is noted that the spaces on Level 1 will be flexible and integrated with traditional office spaces.

Table 1 – Land uses and GFA breakdown

Level	Land Use	GFA (m ²)
Basement 1	Retail tenancies	261.42
Lower Ground	Retail tenancies and circulation / basement access and parking	258.42
Ground floor	Retail tenancies, commercial lobby, media production and broadcast space	1068.52
Mezzanine	Retail tenancies	361.24
Level 1	Commercial floor space and media production and broadcast spaces	2825.77
Level 2	Plant, commercial floor space and outdoor terrace	419.31
Level 3 - 10	Commercial floor space and associated amenities	2022.35
Level 11- 12	Commercial floor space and associated amenities	2056.84
Level 13	Commercial floor space and associated amenities	2028.19
Level 14	Commercial floor space and associated amenities	1999.55
Level 15	Commercial floor space and associated amenities	1970.90
Level 16	Commercial floor space and associated amenities	1942.26
Level 17	Commercial floor space and associated amenities	1913.61
Level 18	Commercial floor space and associated amenities	1884.97
Level 19	Commercial floor space and associated amenities	1856.33
Level 20	Commercial floor space and associated amenities	1827.68
Level 21	Commercial floor space and associated amenities	1836.14
Level 22	Commercial floor space and associated amenities	1790.70
Level 23	Commercial floor space and associated amenities	1787.26
Level 24	Commercial floor space and associated amenities	1788.97
Level 25	Commercial floor space and associated amenities	1760.33
Level 26	Commercial floor space and associated amenities	1731.68
Level 27	Commercial floor space and associated amenities	1703.04
Level 28	Commercial floor space and associated amenities	1674.40
Level 29	Commercial floor space and associated amenities	1645.75
Level 30	Commercial floor space and associated amenities	1617.11
Level 31	Commercial floor space and associated amenities	1588.46
Level 32	Commercial floor space and associated amenities	1559.82
Level 33	Commercial floor space and associated amenities	1531.18
Level 34	Commercial floor space and associated amenities	1502.53
Level 35	Commercial floor space and associated amenities	1473.89
Level 3	Plant	-
Level 38	Plant	-
Total		66,706.51

4.1.2 Built Form

The approved development MP08_0238 has been amended by Bates Smart to provide an improved building design that better responds to the context of the site and forecast market demands, whilst also respecting the amenity of surrounding developments.

The proposed modification seeks to increase the height of the approved development to RL210.65, an increase of 32.65m (7 storeys). In order to mitigate the impact of this height increase, and to provide a slender tower form, the modification introduces a tapered built form from level 14 as shown in **Figure 7**. As detailed in Section 5, the introduction of the taper will improve the impacts of the development on the residents of Beau Monde.

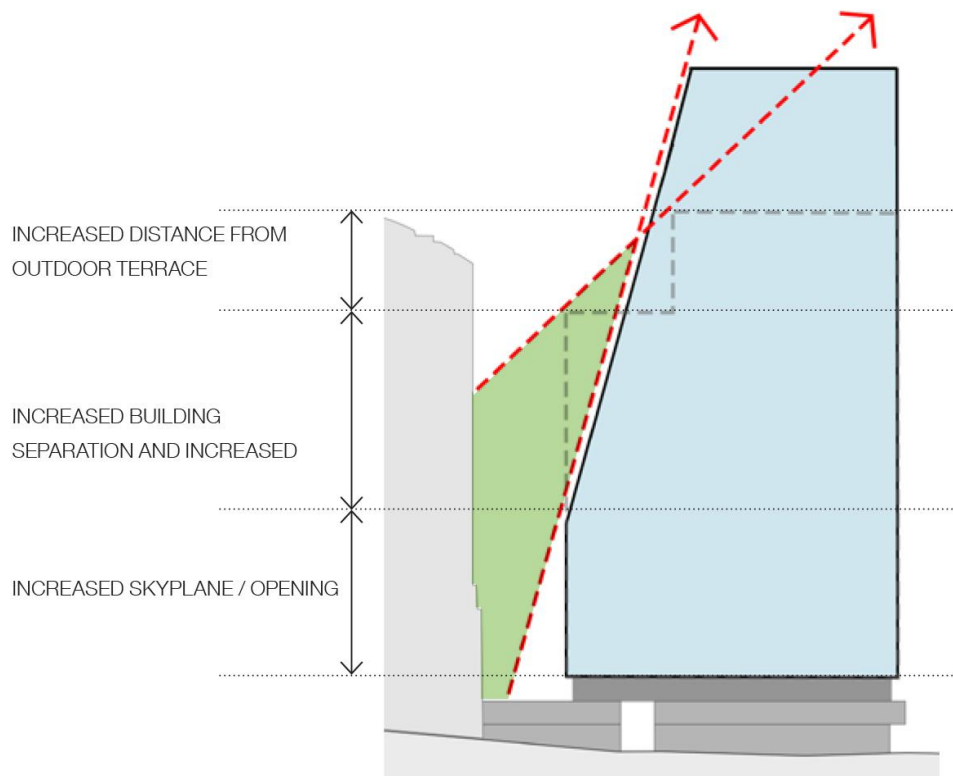


Figure 7 – Proposed tapered form
Source: Bates Smart

The approved elevations have been evened and straightened to provide a more regular floor plate and a single contiguous space on each level. Rounded floor plate corners have additionally been introduced. This curved footprint will not only soften and differentiate the proposed development from the overwhelmingly rectilinear surrounding built form, but shall also improve site lines from adjoining buildings. The proposed refined floor plate in comparison to the approved floor plate is shown in **Figure 8**.

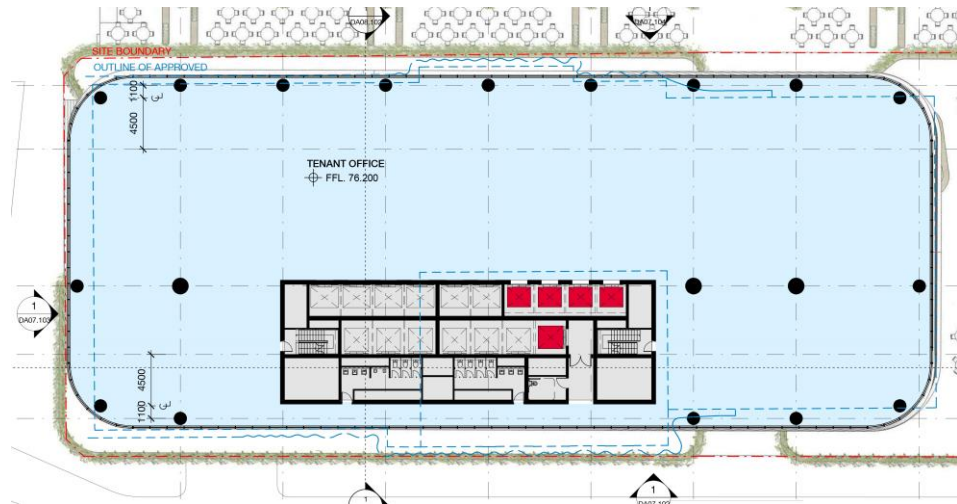


Figure 8 – Proposed floor plate

Source: Bates Smart

The proposed modification includes minor changes to the approved floor to floor heights within the lower podium levels as shown on the architectural plans at **Appendix A**.

4.1.3 Site Access Arrangements

This Section 75W seeks to alter the approved pedestrian and vehicle site access arrangements within and surrounding the site in response to Council's Laneways Master Plan and Public Domain Master Plan, as well as the adjoining Victoria Cross Metro Station – each of which were not considered through the approval of MP08_0238.

The approved mid-block through-site link, aligned with the southern edge of the existing link between Little Spring Street and Walker Street, will be maintained. Nevertheless it is proposed that this link now operate as a pedestrian-only thoroughfare rather than a shared zone. This will provide enhanced pedestrian public access to and from the future Metro station.

To respond to the increased pedestrian flows from the future Metro station onto Denison Street, it is proposed that Denison Street will be restricted to pedestrian traffic only between the through-site link and Spring Street, with exception for MLC centre service and loading. Denison Street between Berry Street and the through-site link will allow two-way vehicle traffic. These changes will maintain a functional means of access to the parking and loading areas for the existing basements within adjacent buildings. The proposed site access arrangements are shown indicatively at **Figure 9**.

All other laneway circulation will remain unchanged. However, the proponent will continue discussions with both North Sydney Council and Roads and Maritime Services (RMS) as to the future opportunities for Little Spring Street, Spring Street and vehicular access to Mount Street based on the Laneways Master Plan.

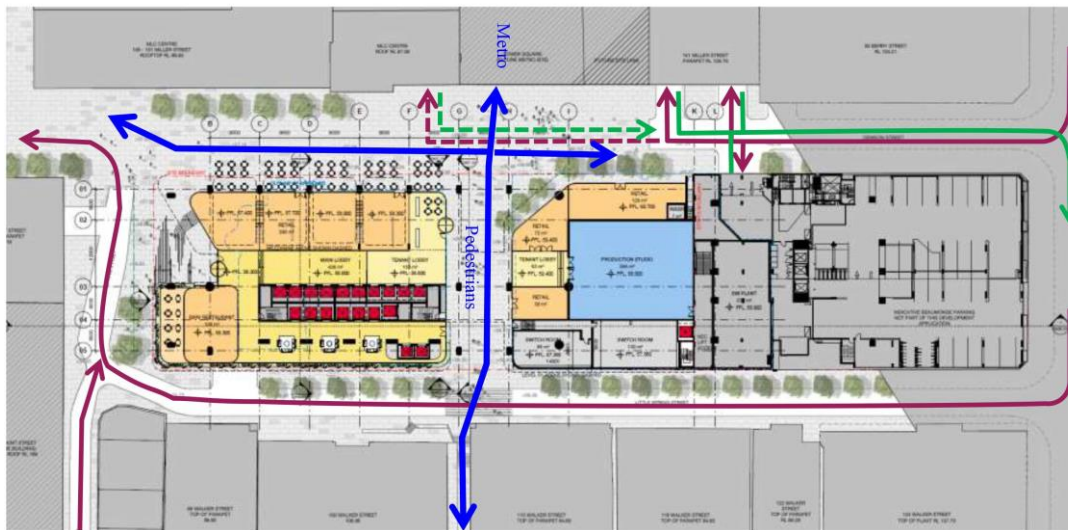


Figure 9 – Proposed site access arrangements
Source: ARUP

4.1.4 Landscaping and Public Domain

MOD 7 seeks to update the approved landscape plans to respond to Council's Laneways Master Plan and Public Domain Master Plan and the proposed changes to site access arrangements. This application also seeks consent for landscape works to upgrade Berry Plaza at the northern boundary of the site. The proposed landscape plans, prepared by Aspect, are submitted at **Appendix C** and replicated at **Figure 10** below.

These plans demonstrate the intent to 'green' the public domain and communal facilities provided for the building tenants. The introduction of feature tree planting, planter boxes, and a water feature, will create a more pleasant, aesthetically pleasing, and usable public domain and revitalise the precinct in accordance with the strategic importance of this area as a new centre within the North Sydney CBD.

Whilst the Modification sets a landscape concept for the public domain areas, North Sydney Council will have an important role in the detailed design of the public domain. Accordingly a new condition is proposed (see Section 4.2) that requires the final design to be developed in consultation, and submitted for approval of Council prior to the works being undertaken.



Figure 10 – Proposed landscaping details
Source: Aspect

4.1.5 External Materials and Finishes

The proposed modification includes an update of façade treatment as shown in the Architectural Design Statement at **Appendix B**. The proposed façade is broken down into two components, being a podium and tower.

The podium will be constructed of timber, using a technology called Cross Laminated Timber (CLT) for column, beams and floor slabs. The podium office floor will have a studio like feel with exposed timber construction, and exposed services. Externally the timber construction is expressed as spandrels that cantilever beyond the glass line to provide covered pedestrian shelter below. Concrete columns from the tower are honestly expressed in the podium. Columns have subtly curved corners in reference to the floor plate geometry.

The tower will be constructed of a unitized curtain wall technology, with double glazed units. The glass will incorporate a linear ceramic frit pattern that provides a combination of privacy, glare control and solar control depending on orientation. A linear sunshade follows the frit pattern, providing solar control. The proposed façade details are shown at **Figure 11**.



Figure 11 – Proposed podium façade treatment
Source: Bates Smart

4.1.6 Parking

The proposed modification seeks to alter the approved car parking allocation within the basement car park. The proposed basement also includes loading facilities within the uppermost parking level to provide for service vehicles, waste management and courier spaces. The approved and proposed car parking allocation is set out in **Table 2**.

This Section 75W application seeks to remove the public car park from the approved development and introduces 10 car share spaces located within the uppermost level of the basement car park.

The proposed basement layout plan is included in the Architectural Plans at **Attachment A**.

Table 2 – Proposed car parking allocation

	Approved under MP08_0238	Proposed
Commercial/Retail	120 (including 4 accessible)	166 (including 5 accessible)
Motorbike	14	18
Bicycle	161	220 tenant 24 visitor
Public Car Park	42 car 18 motorbike	-
Car Share	-	10
Loading	-	6 vans 8 courier 2 MRV 3 SRV

4.1.7 GFA and Contributions

The proposed changes to the building result in alteration to the overall Gross Floor Area (GFA) of the approved project. The revised GFA as detailed above will necessitate a recalculation of Section 94 contributions.

4.2 Modification to Conditions

The proposed modifications described above necessitate amendments to the CPA conditions that are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Within Schedule 2, the general terms of the concept plan approval require updating to reflect the modifications outlined in this report and the accompanying consultants reports.

A1 Development Description

Development approval is granted only to carrying out the development described in detail below:

- Demolition: Demolition of the existing buildings at 77-81 Berry Street, excluding portions within the Beau Monde podium, including the pedestrian bridge linking 77-81 Berry Street with Tower Square.
- Excavation: Excavation for 4 levels of basement at 77-81 Berry Street;
- Construction of a ~~part 26/part 32 storey~~ ***tapered 41 storey*** commercial and retail building on the southern portion of 77-81 Berry Street including 2 levels of rooftop plant together with 4 levels of basement car parking with vehicular access via Little Spring Street ~~and loading/unloading facilities including drop-off/pick-up for hotel (buses) and provision of 42 public car parking spaces and 27 motorcycle spaces;~~

~~A1 Reconstruction of the Tower Square pedestrian bridge; and~~

- Off - Site Works including Public Domain and Landscaping: Construction of a new pedestrian plaza in Denison Street and public forecourt to Spring Street; construction of a new through-site road between Denison Street and Little Spring Street; together with various public domain improvements in Denison, Spring and Little Spring Streets, including road re-alignments/partial public road closures, tree planting, paving, street furniture and lighting, and, public art.

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 the S75W Environmental Assessment dated August 2010 and October 2010 and June 2014 and June 2014 and **November 2016** prepared by JBA Urban Planning and additional information, plans and reports provided with the Preferred Project Report and S75W, and the following drawings prepared by ~~Rice Daubney Bates Smart~~:

Architectural or Design Drawings prepared by ~~Rice Daubney Bates Smart~~ at Appendix A of the **Environmental Assessment except where superseded by the Preferred Project Report S75W dated November 2016**

Drawing No.	Revision	Name of Plan	Date
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Replace all approved plans with Architectural Plans prepared by Bates Smart dated 11.11.16 and submitted at **Appendix A** of this EAR. Replace all approved Landscape and Public Domain plans with those prepared by Aspect dated 11.11.16 and submitted at **Appendix C** of this EAR.

A5 Staging of the Development

For the purposes of interpreting this approval the following terms are used for the staging of the development:

- (1) initial works including reconfiguration of retail uses within the existing Beau Monde building, and/or relocation of services and/or other site preparation works which enable demolition, excavation and shoring works to commence;
- (2) demolition, excavation, and shoring works; and
- ~~(3) construction of the commercial building~~
- (3) construction of basement and below ground structures of commercial tower;
- (4) construction of above ground structures of commercial tower;
- (5) construction of offsite works and public domain.

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	\$4,085,735.18 to be recalculated based on proposed GFA
Traffic Improvements	\$246,689.21 to be recalculated based on proposed GFA
Total	\$4,332,424.39 to be recalculated based on proposed GFA

~~**B5 Public Car Parking**~~

~~The Proponent shall allocate to Council forty-two (42) car parking spaces and twenty-seven (27) motorcycle spaces at Basement 1 level of the commercial tower as public parking. Details of the allocation of the required spaces shall be~~

~~provided to the Department and the Certifying Authority prior to the issue of the relevant Construction Certificate for the Commercial Tower excluding for any initial works.~~

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 ~~\$5,037,599.00~~ **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 to and approved by the ~~Director-General~~ **Secretary** demonstrating the total amount of constructed GFA.

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

The total contribution value will need to be calculated based on the revised GFA for the project and the relevant indexation.

B7 Off-Site Works

The following Off-Site works are required to be provided by the Proponent by way of works in kind or a monetary contribution:

(i) Berry/Walker Street Intersection Upgrading

Pay a monetary contribution towards the upgrading of the Berry/Walker Street intersection in order to improve the level of queuing in Berry Street and Walker Street (to the value of \$10,000). The monetary contribution is to be paid prior to the issue of an occupation certificate for the Commercial Tower (except for the Initial Works)

(ii) Proposed Streetscape Improvements

Streetscape improvements to Denison Street, Spring Street, Little Spring Street, and the new laneway (between Little Spring Street and Denison Street) in accordance with the approved plans shall be designed to the satisfaction of Council's Director of Engineering & Property Services. Written confirmation of the proposed improvements must be obtained from Council's Director of Engineering & Property Services by the Certifying Authority prior to issue of the relevant Construction Certificate for the Commercial Tower excluding for any initial works.

(iii) Proposed Traffic/Streetscape Improvements

(a) The proposed traffic modifications to Denison Street, Spring Street, Little Spring Street and the new laneway in accordance with the approved plans shall be designed to the satisfaction of Council's Director of Engineering & Property Services. The proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee, prior to the issue of the relevant Construction Certificate for the Commercial Tower excluding for any initial works.

Note:

~~(1) The Shared Zone in the new laneway end on the western side of the intersection with Little Spring Street is not to include the intersection of the new laneway and Little Spring Street.~~

(2) That the proposed Shared Zone in Little Spring Street is to commence on the southern side of the proposed new driveway to No.77-81 Berry Street.

(a) Future Shared Zones must satisfy RTA requirements. All future Shared Zones shall be endorsed by Council and submitted to the RTA for approval.

~~(b) A taxi pick-up/drop-off facility shall be provided to the satisfaction of Council.~~

(c) All costs associated with relocating parking meters and parking signs including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to acceptance by Council of any changes.

(iv) Street Lighting

Street lighting on Little Spring Street, Spring Street, and Denison Street, is to be upgraded to meet the North Sydney CBD Lighting Upgrade Specification and to the satisfaction of the Director of Engineering & Property Services. The lighting is to be upgraded prior to the issue of an occupation certificate for the Commercial Tower (except for the initial works).

B13 Details of Materials, Colours and Finishes

~~The colour and type of all external materials shall be generally be in accordance with the commercial materials board dated April 2009 and the hotel materials board dated September 2009 and prepared by Rice Daubney Architects.~~

B29A Stormwater Infrastructure

The detailed design of the stormwater infrastructure to provide unconstrained stormwater flows and must developed to the satisfaction of Sydney Water prior to the issue of the Construction Certificate for demolition and excavation and any works to decommission existing infrastructure.

B38 Wind Impact

~~The proposed development shall incorporate the recommendations contained in the "Pedestrian Wind Environment Study" prepared by Windtech Consultants Pty Ltd, dated 7 October 2009 and update report dated 23 July 2010. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the Commercial Tower excluding for any initial works.~~

B41 Number of Car/Motorcycle Spaces

The maximum number of car/motorcycle spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car Parking Allocation	Number
Commercial/Retail Car Parking Spaces	120 161
Number of Commercial/Retail Car Spaces to be Disabled Spaces	4 5
Public Cars	42
Public Motorcycle	18
Motorcycle	14 18
Car Share	10

~~B41A Accessible Parking~~

~~Prior to the issue of a Construction Certificate for basement works, revised plans shall be approved by the Certifying Authority showing all accessible car parking spaces relocated adjacent to the lift entries.~~

B43 Bicycle Storage and Parking

The bicycle storage area shall accommodate a minimum of ~~one hundred and sixty-one (161)~~ **two hundred and twenty (220)** bicycles. In addition, a visitor parking bicycle rail(s) shall be provided within the public domain adjacent to the approved commercial building. Such bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate for such storage and parking, fully satisfy the requirements of this condition.

B55 Green Star/NABHERS

The Proponent shall ensure the office building achieve the relevant star rating as indicated in the ~~Environmentally Sustainable Development (ESD) Report prepared by Cundall dated March 2009~~ **Architectural Design Statement prepared by Bates Smart dated November 2016**. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of a Construction Certificate works other than initial works

B56 Public Domain and Landscaping

The final landscape and public domain plans must be prepared in consultation with, submitted to and approved by North Sydney Council prior to the relevant Construction Certificate.

~~E6 Public Carparking Signage~~

~~Appropriate signage, clearly legible from the street, shall be permanently displayed to indicate that public car parking is available on the site. Details of the proposed signage and location are to be submitted to and approved by Council and the signage erected prior to the release of the relevant Occupation Certificate for the Commercial Tower (but excluding initial works).~~

E11 Line Marking

~~226~~ **166** off-street car-parking spaces, **10** car share spaces, **19** loading and services spaces and ~~42~~ **18** motorcycle parking spaces, ~~including 42 public parking spaces~~, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practicing Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority prior to issue of the final Occupation Certificate.

E25 Section 94 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	\$99,925.22 to be recalculated based on proposed GFA
Child Care Facility	\$423,080.34 to be recalculated based on proposed GFA
Community Centres	\$243,617.05 to be recalculated based on proposed GFA
Library Acquisition	\$49,680.76 to be recalculated based on proposed GFA
Library Premises and Equipment	\$151,029.32 to be recalculated based on proposed GFA
Multi-Purpose Indoor Sports Facility	\$57,159.18 to be recalculated based on proposed GFA
Olympic Pool	\$186,232.39 to be recalculated based on proposed GFA
Open Space Acquisition	\$182,436.17 to be recalculated based on proposed GFA
Open Space Increased Capacity	\$361,031.06 to be recalculated based on proposed GFA
Total	\$1,753,891.48 to be recalculated based on proposed GFA

E26 Easement for Stormwater Infrastructure

The revised easement / covenant requirements for the management of stormwater through the site are to developed and registered on the property certificate of title to the satisfaction of Sydney Water prior to the issue of any Occupation Certificate for the site.

G12 Allocation of Spaces

One ~~hundred and sixty-two (162)~~ one hundred and seventy-six (176) carparking spaces and ~~forty-one (41)~~ eighteen (18) motorcycle spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

120 176	car	Commercial/retail tenant
4 18	motorcycle	Commercial/retail tenant
10	car	Car share
42	car	Public
27	motorcycle	Public

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

~~AN1 Replacement Pipeline~~

~~Sydney Water believes that it may be feasible to abandon the existing pipeline and construct a replacement pipeline along Spring Street. The Proponent will need to undertake a detailed investigation of the stormwater and overland flow system upstream, downstream and in the immediate vicinity of the proposed development. These investigations need to be done before preliminary concept agreement to the proposed deviation could be given. The Proponent will be required to fund all costs associated with the deviation. Subject to the outcomes of this investigation, Sydney Water may require the development to have an On-site Stormwater Detention system.~~

5.0 Assessment of Environmental Impacts

This section of the report assesses and responds to the environmental impacts of the Modification. It addresses the matters for consideration set out in the Director-General's Environmental Assessment Requirements (DGRs) issued for MP08_0238.

5.1 Relevant EPIs, Policies and Guidelines

The consistency of MP08_0238 with the relevant legislation, environmental planning instruments, policies and guidelines was considered as part of the original EAR. The proposed modification does not greatly change the original assessment against the relevant plans, policies, and guidelines, however, the following is noted:

- The provision of additional commercial floor space in the North Sydney CBD responds to the strategic objectives and directions in *A Plan for Growing Sydney* and North Sydney Council's Capacity Study.
- The modification will also assist in meeting the NSW State Priorities in supporting further commercial space to assist in creating jobs in close proximity to new infrastructure being delivered adjacent to the site.
- The Modification relates to the same activity as the approved development, being for a mix of commercial purposes, and as such remains permissible with consent within the B3 Commercial Core zone under the *North Sydney Local Environment Plan 2013* (NSLEP). The modification also directly responds to the objectives of this land use zone, being to encourage a wide range of suitable retail, business, office, entertainment, and community land uses in connection with public transport that encourages further employment opportunities.
- The modification will exceed the maximum permitted height of buildings under the NSLEP, which permits development of between RL155-170 on the subject site but is below the height of RL238 identified in the North Sydney CBD capacity study. This is further discussed in **Section 5.2** below, and is considered to be of an appropriate scale for the site as reflected in Council's Capacity Study.

5.2 Built Form and Urban Design Impacts

As detailed in **Section 4** above, it is proposed to increase the height of the building, taper the built form, and round off the level-by-level floor plates of the commercial building. These modifications to the built form not only respond to the changes to the strategic context but also seek to achieve a superior built form and urban design outcome on the site when compared with the approved Project. The modified built form will:

- is an appropriate density to capitalise on the site's attributes, and its changing strategic context discussed in **Section 2.2**;
- continue to adhere to the 'bell-curve' of the North Sydney skyline, which establishes the tallest buildings in the centre and steps down towards the edges of the CBD in a north-south axis and east-west axis;
- create a simple, elegant and timeless design that differentiates itself from the 'rectilinearity' of the existing commercial buildings, which has also been derived through careful consideration of how a major tower can reduce its impact on the amenity of its neighbours discussed further in **Section 5.4** below;

- provide floor plate that maximises flexibility for future fit-outs, to appropriately accommodate a range of potential future tenants for this A-Grade commercial floor space;
- create a tapered built form that becomes more slender as it increases in height, thereby creating a visually interesting built form that also reduces any potential visual and amenity impacts generated by the proposal;
- provide high-quality materials and finishes with warm and natural materiality on the podium and elegant glazing for the tower.

Height

The modified scheme proposes to increase the height of the approved building by seven storeys, up to a final height of RL210.65. This proposed amendment has been developed in consideration of the context of the site and in relation to recent changes and policy reviews. The revised scheme is of an appropriate density to capitalise on the site's attributes, without adversely impacting adjoining development, discussed further in the sections below.

The North Sydney Centre Capacity and Land Use Study of the CBD identified the site for a future uplift to RL238, which is well in excess of the proposed height of RL210.65. This uplift recognises the forecast growing demand for commercial floor space in the North Sydney CBD, and the significant implications of planned infrastructure upgrades, and determines that the subject site has the capacity to accommodate a substantially taller tower than is presently proposed.

In addition to this, the commercial building holds a central position within the street block of Walker, Mount, Miller and Berry Streets. Accordingly, the building is not readily perceived in its entirety. The lower elements of the building will be seen from the ground plane, while from a distance in a CBD context, only the top of the building will be visible because of the curtain of buildings surrounding the site. This top of the building has been appropriately tapered to reduce its scale and massing and continues to adhere to the 'bell-curve' of the North Sydney skyline, which establishes the tallest buildings in the centre and steps down towards the edges of the CBD in a north-south axis and east-west axis. Specifically it is noted that 100 Mount Street, under construction to the south, has a maximum height of RL 199.7. The proposal thereby will continue to integrate with and contribute to the skyline of the North Sydney CBD.

The future Victoria Cross Metro Station, directly to the west of the site, offering improved public transport access, represents an opportunity to reconsider additional development on the site. This modification also represents the opportunity to capitalise on public infrastructure investment and maximise the location of jobs in highly accessible locations. This block will clearly be the new 'heart' of a regenerated North Sydney and as such the built form should reflect this strategic change.

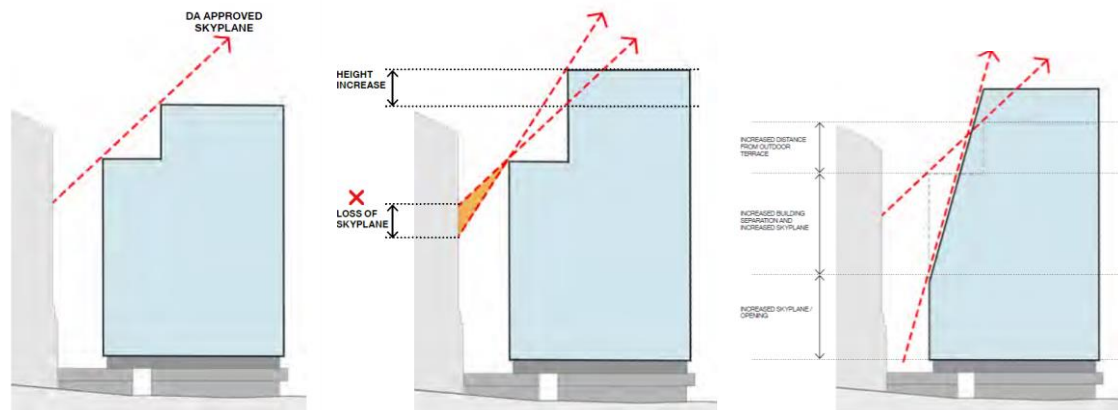


Figure 12 – Height design development process

Setbacks

The proposed development has been designed to complement and reinforce existing building lines, with the modification remaining generally consistent with the approved scheme. The only notable change to the adopted setbacks is the tapering of the northern façade, which shapes a more slender tower form with greater setbacks from the adjacent residential tower as it increases with height (refer to **Figures 13-14**). This tapered form creates a visually interesting and contemporary tower, and improves the openness and perception of the bulk and density of the development on site. As addressed in **Section 5.4**, whilst the modified building envelope proposes an uplift in height, the upper level setbacks of the proposal are generally greater than those established by the approved scheme to safeguard the amenity of the adjoining residents.

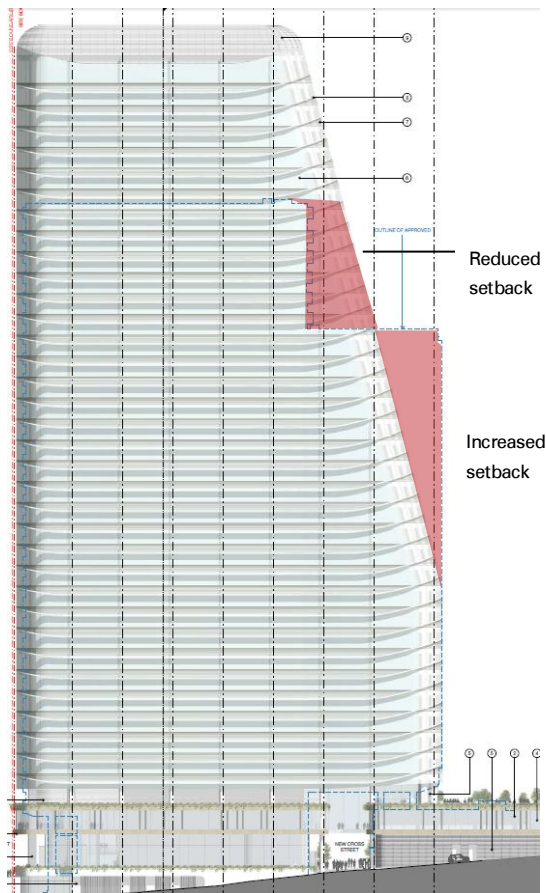


Figure 13 – Increase and decrease to the northern setback from the approved building envelope

Source: Bates Smart / JBA

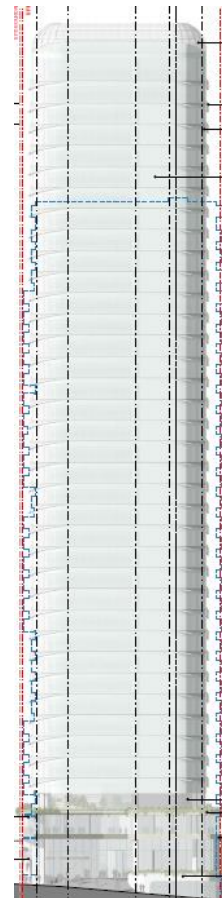


Figure 14 – Consistency with the approved eastern/western setbacks

Source: Bates Smart

5.3 Public Domain

The public domain outcomes have been revised to respond to the future Victoria Cross Metro Station as well as Council's Laneways Master Plan and Public Domain Master Plan. The project has been specifically revised to respond to the introduction of pedestrianised and shared/priority way portions of Denison Street as set out in **Section 4.1.3**. The public domain and through-site link potential treatments are illustrated in **Figure 15** below.

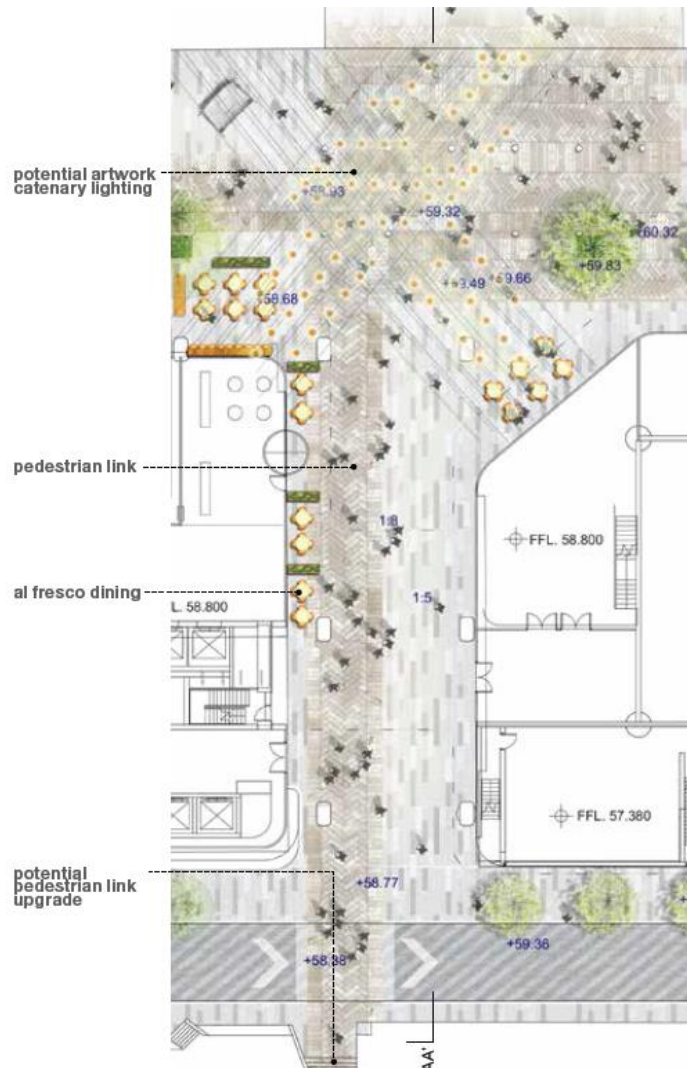


Figure 15 – Proposed landscaping and public domain treatments
Source: Aspect Studios

The proposal will continue to provide a public mid-block through site link with an indented void above, which has been designed to align with the southern edge of the existing link between Little Spring Street and Walker Street, consistent with the approved scheme. The link angles out to the north-west creating a generous opening to the Sydney Metro site, while reducing the perceived length of the link, and providing increased solar access to the ground plane.

The pedestrianisation of Denison Street, south of the through site link, accompanied by the retail tenancies, will provide an 'eat-street' and urban plaza that places a strong emphasis on the outdoors, recreation, and social engagement, and will further integrate the development with new station that will see an influx of commuters from across Sydney.

The proposed inclusion of a media production uses on the ground floor will further activate the area and create a landmark destination, which will draw both local and international visitors to the site in a similar style to that enjoyed by Channel 7 and their Martin Place studios (refer to **Figure 16** below).



Figure 16 – New destination within the North Sydney CBD
Source: Bates Smart

The Modification also introduces upgrading the public domain within Berry Square that did not form part of the original Approval. The upgrade of Barry Square, one of North Sydney's identified 'Special Areas' to enhance the quality of the public spaces and bring it in line with the public domain palate of North Sydney provides a significant additional public benefit.

5.4 Impact on Adjoining Properties

5.4.1 Overshadowing

Bates Smart have undertaken overshadowing modelling for the modified building and context of the site (refer to **Appendix A**), and have confirmed the following in relation to the Modification:

- It is emphasised that the subject site is located in the densified core of the North Sydney CBD and accordingly is not in close proximity of any sensitive receivers other than the Beau Monde mixed use tower to the north, which will not be impacted by the development.
- The NSLEP identifies certain areas as 'Special Areas' with regard to overshadowing, which are areas that cannot be overshadowed between the hours of 12pm (midday) to 2pm. The eastern frontage of Miller Street and the Tower

Square Special Areas are directly west of the site and as such cannot be overshadowed during this period. Accordingly, only the Elizabeth Plaza and Blue Street Plaza may potentially be impacted by the development. Whilst it is noted that the North Sydney Centre Capacity and Land Use Study recommended the removal of the Elizabeth Plaza and Blue Street Plaza as Special Areas, Bates Smart have confirmed that there is no additional overshadowing to these areas between 12pm and 2pm.

- The North Sydney Centre Capacity and Land Use Study proposes that overshadowing be controlled by a restriction on additional overshadowing to residential land outside the North Sydney centre between 10 am and 2pm, as opposed to 3pm, which is the standard in the NSLEP. The modelling confirms there will be no additional overshadowing on the Neutral Bay or Kirribilli residential areas to the south of the subject site prior to 2pm. There will be some additional shadow that occurs on the residential dwellings at Whaling Road, Neutral Bay from 2:45pm onwards however, consistent with the Department's findings for the original Project, this overshadowing in midwinter will have minimal impact upon their amenity.

5.4.2 Building Separation and Privacy

The proposed modification has adopted a tapered setback to the north, with the tower becoming more slender and with greater setbacks from the adjacent residential tower as it increases in height. Whilst a portion of the northern setback between Levels 25 to 30 of the building will marginally exceed the approved stepped building envelope, on balance, the northern setback between Levels 14 to 24 exceeds the approved setback (refer to **Figures 17** below). The outcome of the taper therefore provides greater benefit to a greater number of units than the stepped form, in addition to the built form benefits outlined in Section 5.2 above.

Therefore whilst the modified building envelope proposes an uplift in height, the upper level setbacks of the proposal are generally greater than those established by the approved scheme and as such will not adversely impact the privacy of existing dwellings to the north of the site.

In addition, significant work has been undertaken to provide additional privacy as part of the façade design (see **Figure 18**). On the critical north façade the glass will incorporate a linear ceramic frit pattern (see **Figure 19**). The frit starts at floor level and rises to a height of 2.4m above floor to provide a privacy screen between the two buildings. The frit consists of horizontal bands that are densest between 900-1800mm above floor level where there is direct visibility.

Accordingly, the modification remains generally consistent with or enhances the approved building lines to safeguard the privacy of adjoining residential development.

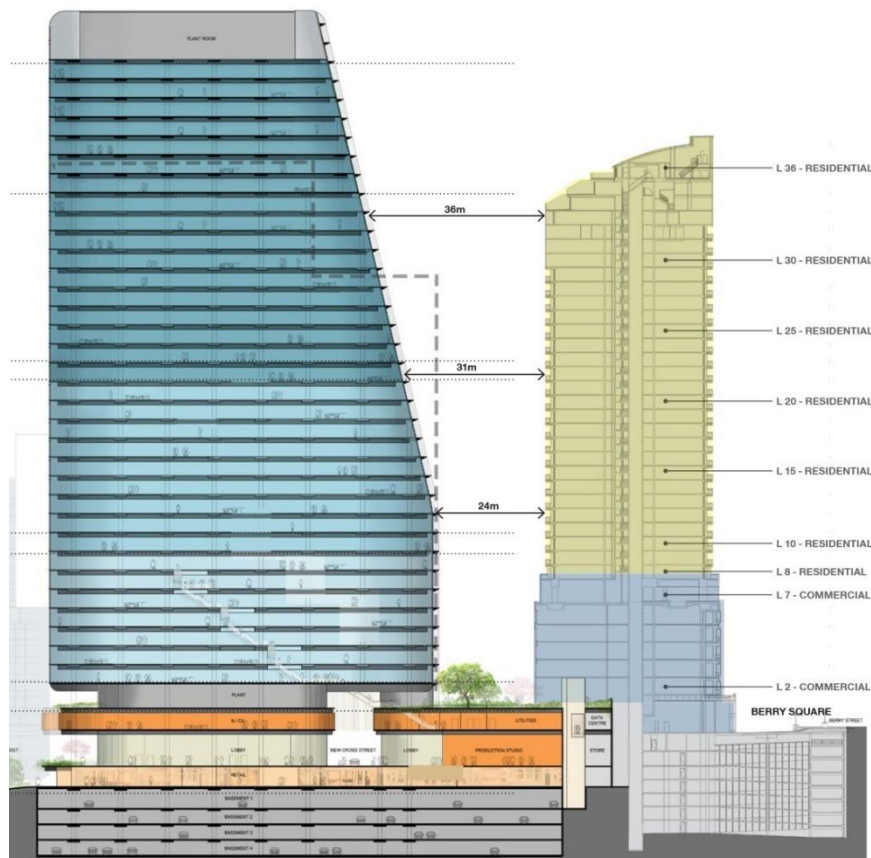


Figure 17 – Tapering of the northern façade in relation to the Beau Monde Tower
Source: Bates Smart

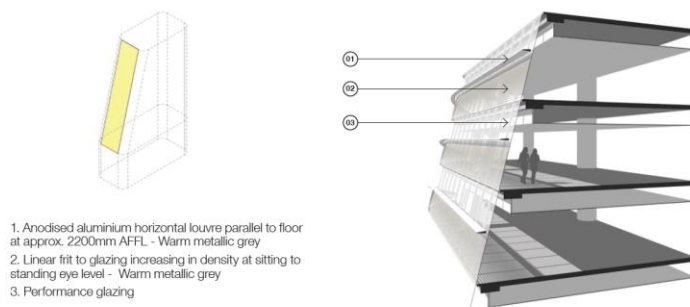


Figure 18 – Privacy measures integrated into the façade
Source: Bates Smart



Figure 19 – Examples of ceramic frits to achieve privacy
Source: Bates Smart

5.4.3 View Loss

The four step process outlined in the planning principle in *Tenacity Consulting v Warringah* has been used as the basis for assessing the associated changes to view sharing in accordance with the Modification. The planning principles set out in *Tenacity Consulting v Warringah* require the consideration of:

a) What views are to be affected by the proposal?

In light of the subject site being located within the North Sydney CBD, the sensitive receiver impacted by the proposed development is generally restricted to the mixed use Beau Monde tower directly to the north of the subject site. This development comprises of seven floors (above-ground) of commercial uses with residential apartments above. The building currently experiences views across the site to Sydney Harbour and the Sydney CBD. However, the approved development will completely block these views across the site. Further it is noted that 100 Mount Street, which is currently under construction to the south will also block these significant views.

b) From what part of the property are views available from?

Views are presently available above the commercial podium of the Beau Monde Tower, facing south. These views are typically experienced from the three apartments on the southern face of the building, but it is noted that the floor plans change the higher levels of the apartments.

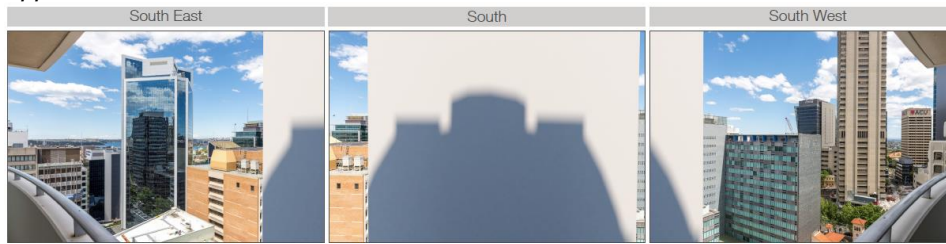
c) What is the extent of the impact?

As detailed in the Visual Impact Assessment prepared by Virtual Ideas and included at **Appendix L**, the Modification will generally improve view sharing through the subject site from the Beau Monde Tower. The Modification proposes a tapered built form, with the tower becoming more slender with greater setbacks from the adjacent residential tower with height. Accordingly, the tapered setbacks have ensured there is a greater extent of views compared to the approved scheme from these southern facing apartments, as illustrated in **Figures 20-23** below. Whilst the proposal has increased in height, no views were previously available over the commercial tower as approved, and as such the proposed increase in height will not result in any additional loss of views to the City, Harbour or surrounding North Sydney CBD. Accordingly, there has been no adverse change to the approved impacts on view sharing, rather, the Modification represents a positive change in reducing view loss.

d) What is the reasonableness of the proposal?

The siting and scale of the proposed development is appropriate and reasonable for the site and the changing character of the area, and is considered to be an improved design outcome as addressed in detail throughout **Section 5** of this report. In view of the improved outcome regarding view sharing with the Beau Monde Tower to the north, the Modification is considered to be acceptable for the site.

Approved



Proposed

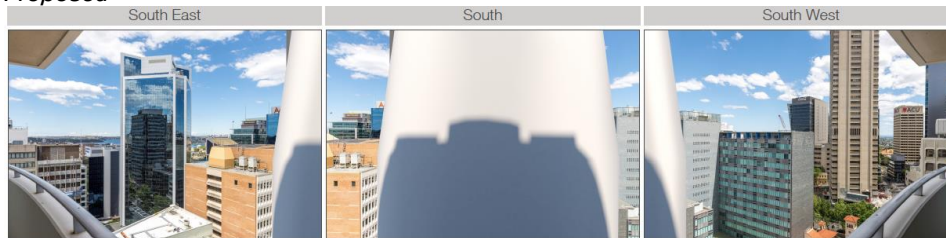
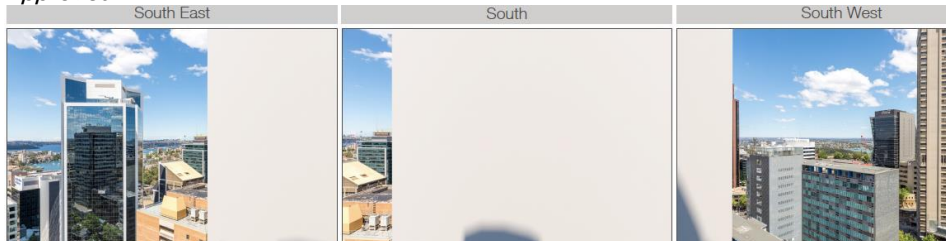


Figure 20 – View sharing from Level 15 of the Beau Monde Tower
Source: Virtual Ideas

Approved

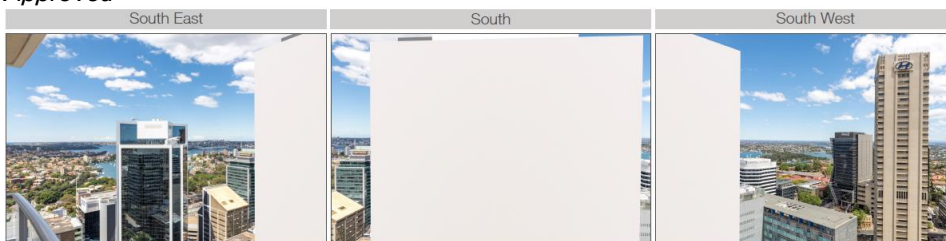


Proposed



Figure 21 – View sharing from Level 20 of the Beau Monde Tower
Source: Virtual Ideas

Approved



Proposed

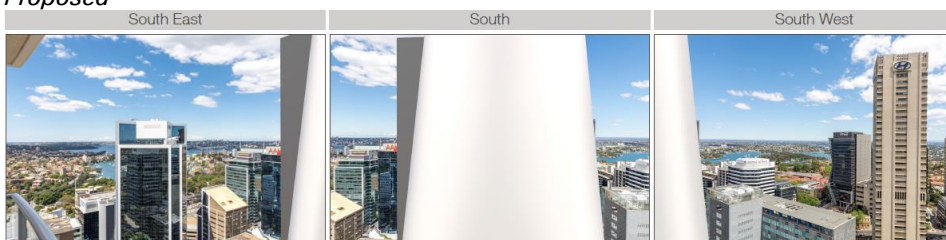
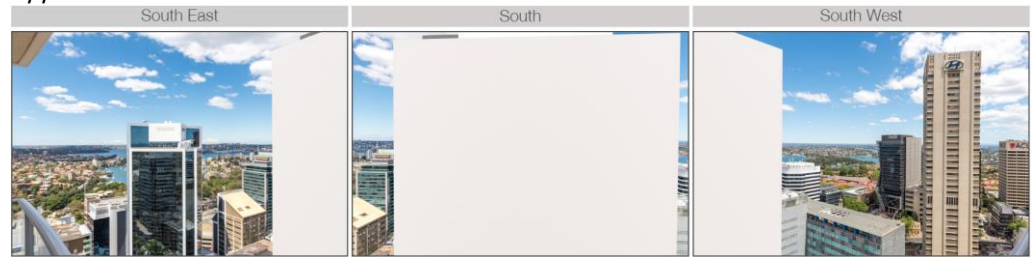


Figure 22 – View sharing from Level 27 of the Beau Monde Tower

Approved*Proposed***Figure 23** – View sharing from Level 37 of the Beau Monde TowerSource: *Virtual Ideas*

5.5 Transport and Accessibility

A Traffic and Parking Assessment has been prepared by ARUP and accompanies the report at **Appendix D**.

5.5.1 Site Access

The proposed amendments to site access arrangements (refer to **Section 4.1.3**) seek to improve the approved access arrangements and respond to both the North Sydney Council Central Laneways Masterplan 2016 and the future redevelopment to the west of the site for the Victoria Cross Metro Station. The proposed public domain works will prioritise pedestrian activity over vehicles to ensure a safe and walkable laneway network in the vicinity of the site.

The revised scheme has built on the approved scheme by extending the pedestrianised plaza to link with the pedestrianised through-site link. This will better accommodate the 14,000 passenger movements expected in the morning peak period from the new Metro station, and will improve the public experience of the site. This restriction to pedestrian only access will also remove the potential for pedestrian/vehicle conflicts, and is consistent with Central Laneways Masterplan that recognises the arrival of significant transport infrastructure as an opportunity to re-engineered the surrounding area where there is the need and opportunity to cater for an expected influx of people and create something special in this precinct.

The Traffic and Parking Assessment (**Appendix D**) prepared by ARUP, confirms that these proposed modifications to vehicle movements will reduce traffic flow on Denison Street, whilst maintaining vehicular access to the existing neighbouring properties as right in/right out at the intersection of Berry Street and Denison Street. This change represents a significant positive benefit as a result of the Modification.

5.5.2 Parking

The proposed quantity of car parking and motorbike parking is compliant with the relevant rates under the DCP as set out in the Traffic and Parking Assessment at **Appendix D** and replicated in **Table 3** below.

Condition B46 of Project Approval MP08_0238 requires the provisions of a minimum of 161 bicycle parking spaces for the use of staff of the commercial building. The proposed modification seeks to increase this provision to a total of 180 bicycle spaces within the basement, plus an additional 24 visitor bike spaces within the public domain. This provision represents a shortfall of bicycle parking from the minimum requirements of the NSDCP.

Notwithstanding this departure, the Traffic and Parking Assessment (see **Appendix D**) sets out that based on an occupancy rate of 1 person per 15m² of GFA, the expected population of the development, as modified would be approximately 4,250 people. The provision of 200 bicycle parking spaces would cater for a modal split of 5% of people riding to work. This is considered suitable for the development as it represents a significant provision above the current modal split of 2% based on the 2011 Census.

The approved application included the provision of 42 public parking spaces on the site, which would have been allocated to North Sydney Council, and were incorporated in the application to compensate for a loss of on-street car spaces as a result of the project. Council's current public domain masterplan includes the removal of the same on-street parking in the laneway network surrounding the site, meaning that these car spaces will not be lost as a direct impact of the development.

Furthermore, in accordance with the NSDCP, the amended scheme will provide 10 car share spaces in lieu of the 42 council parking spaces, which does not replace more than 25% of the total off-street parking requirement if those car share space had not been provided. Accordingly, the proposed amendment is in accordance with Council's policies and will also promote an accessible and sustainable car share scheme, which will be of great benefit to the precinct.

Table 3 – Parking compliance

	NSDCP Requirement	Compliant	Proposed
Commercial	Maximum 1 per 400m ² GFA	Y	161
Retail	Maximum 1 per 400m ² GFA	Y	5
Motorbike	Minimum 1 per 10 car spaces	Y	18
Bicycle	Commercial: 1 per 150m ² GFA (occupant) Retail: 1 per 25m ² GFA (occupant)	X	200

5.5.3 Traffic Generation

The Traffic and Parking Assessment at **Appendix D** identifies that the proposed modifications will result in 64 two-way vehicle movements in the AM and PM peak. This volume represents an increase of three vehicle movements to that approved under MP08_0238 as modified. This minor increase in vehicle movements is not expected to have a measurable impact on the wider access road network.

5.6 Reflectivity

The Reflectivity Analysis, prepared by Windtech and submitted at **Appendix F**, identifies any possible adverse glare conditions that may result as an effect of the proposed modifications, largely resultant from external glazing. The Reflectivity Analysis identifies study points and check zones where the proposed building may result in glare visible to motorists (see **Figure 24**).

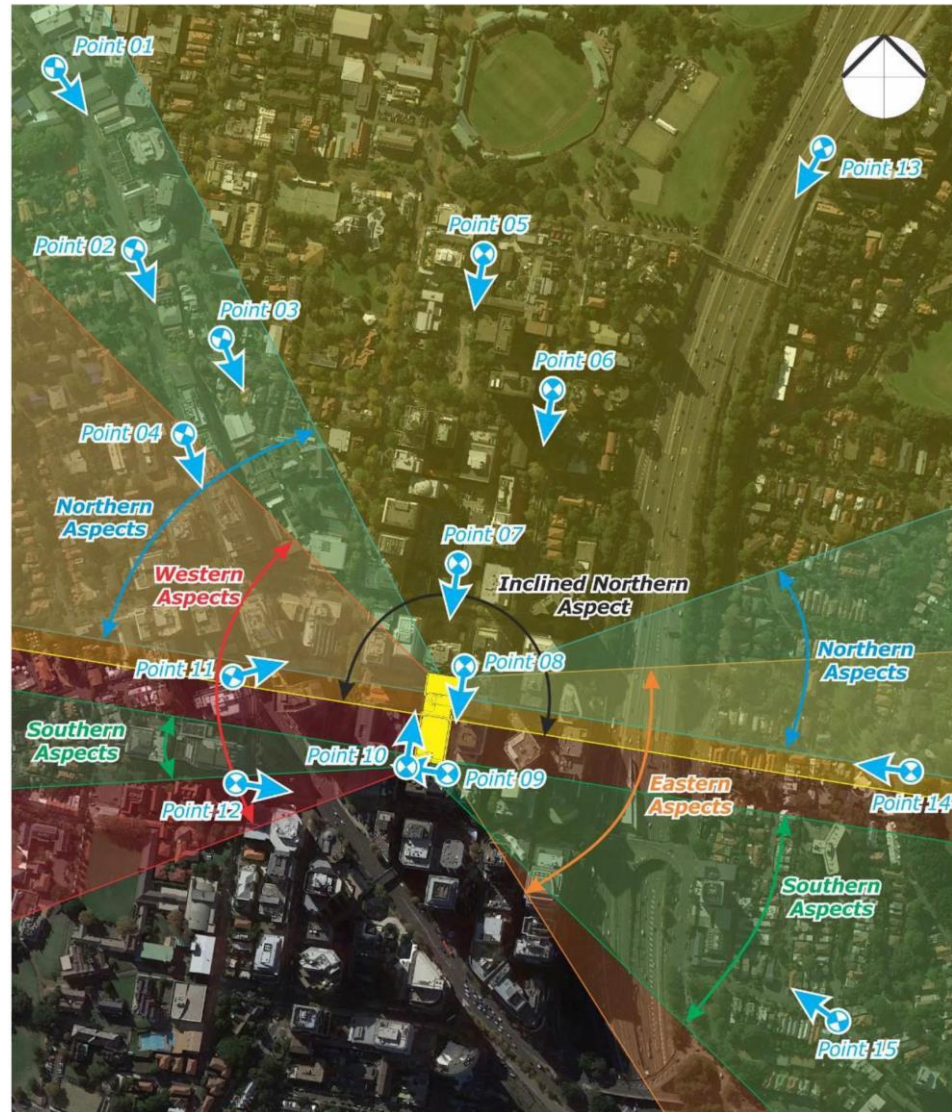


Figure 24 – Check zones and study point locations for reflectivity assessment
Source: Windtech

The Reflectivity Analysis presents an assessment of potential glare at each point. Generally, the proposed modifications will not result in any adverse impacts above those approved under MP08_0238. To ensure that any potential impacts are mitigated, the analysis recommends that:

- A maximum normal specular reflectance of visible light of 11% for the glazing used on the external façade of the inclined northern aspect for Levels 26 to 34;
- A maximum normal specular reflectance of visible light of 11% for the glazing used on the external façade of the eastern aspect for Levels 22 to 26; and
- All other glazing used on the external façade of the development should have a maximum normal specular reflectance of visible light of 20%.

These recommendations will be incorporated into the building design and therefore, the proposed development as modified will not cause adverse solar glare to pedestrians, motorists or occupants of neighbouring developments.

5.7 Wind Impact

Submitted at **Appendix E**, the Pedestrian Wind Environment Statement prepared by Windtech, acknowledges the existing wind conditions of the pedestrian environment surrounding the site and the wind conditions associated with the approved development.

The Pedestrian Wind Environment Statement confirms that the wind conditions within pedestrian areas of the modified proposal are expected to be similar to those previously approved under MP08_0238. The existing surrounding development will offer moderate shielding of prevailing winds. The Pedestrian Wind Environment Statement recommends the following treatments to ameliorate potential downwash effects from the proposed modifications to MP08_0238:

- Tree planting on pedestrian footpaths at ground and lower ground levels;
- Inclusion of an awning at Level 1 height above the western entrance to the through-site link;
- Two metre tall dense hedge planting or screening on the western perimeter of the Level 2 outdoor terrace; and
- Provision of landscaping/screening within the Level 2 outdoor terrace.

The Statement advises that wind tunnel testing is yet to be completed and the extent of these recommendations may be refined through that assessment.

5.8 Stormwater and Flooding

Enstruct Group Pty Ltd (refer to **Appendix I**) have completed a review of the proposed modifications in relation to the Drainage and Flooding Assessment prepared by Aurecon (Connell Wagner) dated 20 March 2009 and submitted with the original project approval, and the relevant conditions of consent. Under this original assessment, the proponent was required to maintain a functional stormwater drainage asset in the vicinity of the site capable of accommodating the proposed development.

The 2009 Aurecon report indicated that an estimated 100 year culvert flow of 11.3m³/s was required to be addressed. Additional information has since been obtained from Sydney Water including a flow capacity assessment dated from August 2002 that indicates the existing culvert to be utilised by the development is able to convey an estimated 13.4m³/s, which is adequate for 100 year storm runoff or greater. Accordingly, the anticipated capacity of 13.4m³/s exceeds the estimated 100 year flow of 11.3m³/s, and as such the Sydney Water flow capacity assessment appears to be consistent with the preliminary Aurecon flow assessment and the Aurecon report is still considered to be relevant to the development proposal. Therefore, the Modification will not adversely impact on stormwater or flooding as approved.

5.9 Noise

A revised Acoustic Assessment has been prepared by Pulse Acoustic and included at **Appendix G**. This Acoustic Assessment utilises unattended noise monitoring conducted as part of the Sydney Metro Project in addition to the original assessment prepared by Aurecon in April 2009. These two data sets have been found to be remarkably similar. An assessment of the Modification against the unattended noise monitoring has revealed that there are only minor acoustical differences between the current proposal and that assessed in the original. Furthermore, the noise generation potential of the site remains largely unchanged compared with the original noise study.

Pulse Acoustic also concludes the following:

- Since the external noise levels have not varied significantly since the original assessment was prepared, the indicative glazing recommendations contained in Table 10 of the original assessment report remain valid for the eastern elevation. Accordingly, the development as proposed is suitable on the basis of internal noise levels.
- All mechanical plant and equipment with the potential to operate during the daytime and evening periods (i.e. up until 10.00 pm) would need to be selected, positioned, and, if necessary, treated, to ensure compliance with the limiting noise criteria of 50 dBA at the Beau Monde residences. Any plant requiring continuous operation (i.e. refrigeration plant and the like) must comply with the 45 dBA limiting night time criterion for surrounding residential receivers. For the rooftop plantroom, noise emission will need to be limited to a maximum sound power level of 95 dBA if open on the northern façade. If shielding can be provided to this building façade at plantroom level, total noise emission levels of greater than 100 dBA can be accommodated. Accordingly, any mechanical plant associated with the development should be reviewed for acoustical compliance at the detailed design stage when the mechanical services design is finalised and plant selection has been made.
- The assessment of the noise emissions from outdoor terrace areas shows that the INP Intrusiveness Noise Criteria is likely to be satisfied during the day and evening period when this space is likely to be used.
- The proposed development will induce a marginal increase in vehicle movement which is unlikely to result in an adverse noise impact to the closest sensitive receivers.

Accordingly, the acoustic impacts of the proposed Modification have been assessed and found to be substantially the same as the approved development.

5.10 Environmentally Sustainable Development

The original assessment confirmed that the ESD principles contained in the clause 7(4) of Schedule 2 of the EP&A Regulations were a key driver of the project, and outlined a number of features to be adopted by the commercial tower on site. The amended scheme has likewise considered these ESD principles and retains the commitment to provide a 5 Green Star Rating and a 5-Star NABERS Office Energy Rating commercial tower. Key initiatives proposed for the design include:

- A high performance façade with integral sunshading
- A low energy air conditioning system with healthy indoor air quality
- High levels of day lighting without glare
- Water efficient fixtures
- Rain Water storage.

In addition to this, Innovative approaches to ESD will be further investigated later in the design process, with the early consideration being given to the below initiatives:

- Life Cycle Assessment;
- Climate Change Adaptation Planning;
- Intelligent facade systems; and
- Circadian Lighting.

Accordingly, the Modification remains consistent with the approved scheme to provide a commercial building that achieves a high level of environment performance.

5.11 Social and Economic Impacts

The Modification will have a number of significant positive social and economic benefits for the local area and Sydney more broadly, by:

- increasing the level of safety and security through increased activity on the site throughout all times of the day/night;
- providing a revised through-site link that will be accessible 24 hours a day, as opposed to the existing situation where the link is only available during the Berry Square Retail opening hours;
- delivering a high quality public domain with additional communal spaces that appropriately integrates with the future Metro station, to create a new centre and destination within the North Sydney CBD;
- rejuvenating a currently underutilised site in the heart of the North Sydney CBD, delivering high architectural merit and a positive contribution to the regional views of the CBD;
- providing an uplift in commercial floor space that responds to the strategic need for additional office space in North Sydney CBD, and further expected growth in relation to the new Metro station, thereby supporting the viability and strategic importance of this commercial core in the Sydney Metropolitan area;
- in-turn supporting greater employment opportunities both in the redevelopment of the site and in the tenancies to be located within the proposed structure;
- providing a highly accessible building adjacent to the planned Metro station and in close proximity of other significant transport infrastructure;
- creating a landmark destination for the major tenant, which will draw both local and international visitors to the site and encourage other complementary businesses to locate in North Sydney; and
- continuing to provide a commercial building that achieves a high level of environment performance, that desires to achieve a 5 Green Star Rating and a 5-Star NABERS Office Energy Rating.

5.12 Crime and Public Safety

The Crime Prevention Through Environmental Design (CPTED) assessment, prepared by JBA and submitted at **Appendix K** revisits the recommendations of CPTED assessment submitted with MP08_0238 based on the revised project scheme. This assessment confirms that the based on the modifications proposed, the CPTED Assessment Rating will remain low. Overall the project will significantly improve the image of the site and help revitalise this part of the North Sydney CBD. The assessment recommends the following measures to further improve the safety and security:

- Provide way finding signage to reinforce visitors and employees/patrons perception of safety and legibility within and around the site. In particular, signage within the car parking areas should provide a clear means of identifying the lifts and pathways from the parking areas to the upper levels.
- Provide secure electronic access (card/ key controlled entries/ lifts and intercom systems) to prevent unauthorised access into the car parks, bicycle access area, and non-public areas.

- Ensure mechanisms are in place for on-going maintenance of landscaping and the buildings, including:
 - rapid removal policy for vandalism repair and the removal of graffiti;
 - maintenance of all surrounding public spaces.; and
 - provision of rubbish bins.

Use high quality materials for construction to lessen the likelihood of damage and help reduce maintenance costs.

5.13 Construction Impacts

A revised Construction Environmental Management Plan (CEMP) has been prepared by Touchstone Partners and is provided at **Appendix M**. This updated plan remains generally consistent with the CEMP submitted under MP08_0238 MOD 5, prepared by Grocon Constructors (NSW) Pty Limited. More detailed CEMPs will be prepared prior to the issuing of the relevant Construction Certificates, in-keeping with the conditions of consent.

It is also noted that the site subject to MP No. 08_0238 is adjacent to the a new future Metro station and a proposed development at 100 Mount Street. All subsequent CEMPs and Traffic and Pedestrian Management Plans will thereby consider and coordinate with these sites, in addition to any requirements set by North Sydney Council.

5.14 Building Code Compliance

An Accessibility Design Review of the proposed modifications has been prepared by McKenzie Group and accompanies this report at **Appendix J**. This review provides a summary of the compliance strategy of the proposed works highlighting the key principles of accessibility as well as the technical requirements of a building to ensure the public, staff and visitors, have equitable and dignified use. It confirms that the proposed development is capable of achieving compliance with the requirements of the Building Code of Australia (BCA) and other relevant codes and standards, which will be subject to further review prior to CC or OC as the detailed design develops.

5.15 Contributions

As addressed in **Section 4.1.7**, the proposed increase in GFA on the site has affected the quantity of Section 94 contributions and the amount of the railway contributions payable. Accordingly, the conditions of consent in **Section 4.2** will be amended to ensure the proposed modifications to the Project Approval have been captured by the relevant contributions.

6.0 Conclusion

After 8 years of uncertainty for all stakeholders, Winten purchased 1 Denison with the view to finally deliver the significant and much needed project for the North Sydney centre. As part of the process Winten has also significantly advanced negotiations with a major anchor tenant for the building, who would enable construction to commence and bring a major corporation to the North Sydney centre that is likely to also attract other similar organisations who are interested in co-locating with such a business.

In acquiring the site and undertaking consultation with the major tenant, Winten undertook a review of the existing approval and identified the need to modify the approved development in response to the changing and increased strategic importance of the site, market demands and the requirements of the major tenant.

Accordingly, this Modification seeks to deliver an improved design that better responds to the changed context of the site, specifically the new Victoria Cross Metro Station and Council's recent strategic planning, whilst at the same time providing a better outcome for the residents of the Beau Monde building.

This Environmental Assessment Report has demonstrated that the impacts as a result of this Modification, will generally remain consistent with the approved development or improve as a result of the changes. In light of these planning merits, and high strategic importance to North Sydney and NSW more broadly, it is recommended that the project be approved in accordance with the submitted plans.