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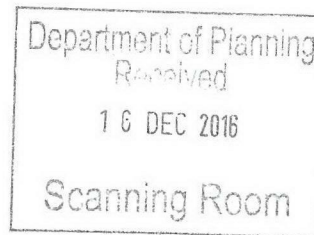
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DA Coordinator
Industry, Key Sites & Priority Projects
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001



Attention: Amy Robertson

15 December 2016



Dear Amy

RE: 1 Denison Street, North Sydney - MP 08_0238 MOD 6; MP 08_0238 MOD 7

I refer to your email of 17 November 2016 inviting North Sydney Council to comment on the above proposals and provide any recommended conditions.

You are advised that a report on the proposed modifications was before Council at its meeting of 5 December 2016 and Council resolved:

- 1. THAT** Council acknowledges that Modifications 6 and 7 seek 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 an improved outcome for the residents of the Beau Monde building.
- 2. THAT** Council note that detailed plans for the significant streetscape and traffic modifications are not presented in their final form, and that the application includes proposed conditions requiring:
 - a. 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, to be designed to the satisfaction of Council's Director of Engineering and Property Services,
 - b. Traffic modifications to Denison Street, Spring Street, Little Spring Street and the new laneway, in accordance with the approved plans, to be designed to the satisfaction of Council's Director of Engineering and Property Services. The proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee.
- 3. THAT** the Department of Planning and Environment be advised that Council:
 - a. does not support the previously approved 42 space public car park on site being replaced by car share parking and tenant parking,
 - b. does not agree to the loss of 40 on street car spaces without an appropriate offset being provided for on site,
 - c. seeks reinstatement of the public parking to offset the loss of on street parking for a minimum of 40 spaces.

| | |
|----------------------------|---|
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4. THAT the Department of Planning and Environment be advised that the under-provision of bicycle parking, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of Council's DCP and transport policies.

On the basis of Council's resolution, the following comments are made to the proposed modified conditions of consent. Suggested changes to conditions are in **red** and comments are in *italics* after each condition.

CONDITION

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.**

COMMENT

No objection to staging.

CONDITION

B4 Monetary Contributions for the Commercial Building

The Proponent shall pay the following monetary contributions **prior to the issue of the first Construction Certificate** in accordance with the North Sydney Section 94 Contributions Plan:

| (1) Amount of Contribution | Amount |
|------------------------------|-----------------------|
| Contribution Category | |
| Public Domain Improvements | \$5,448,270.52 |
| Traffic Improvements | \$328,941.69 |
| Total | \$5,777,212.21 |

COMMENT

New amounts inserted in condition based on 2016-2017 rates and 66,706 proposed GFA minus 6261 existing GFA contribution calculated on 60445m² increase. It is important to indicate in the condition what the contribution is based on so that the amount can be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

CONDITION

B5 Public Car Parking

The Proponent shall allocate to Council a minimum of **forty (40)** ~~forty-two (42)~~ car parking spaces **and ?? motorcycle spaces** ~~and twenty-seven (27) motorcycle spaces~~ **commencing** 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.

COMMENT

The new owner now proposes to delete the public parking on site and provide 10 spaces for car share (such as Go Get). The provision of car share spaces does not compensate for the loss of the public metered parking. The public on street parking that will be lost through this development needs to be replaced so that parking is still available for short term visitors and Council does not suffer lost revenue. The proposal to delete the public car park is not supported. The proposed modification with its changes to Denison Street and the public domain will result in the loss of 40 existing on street public parking spaces with 27 of those spaces being metered.

Council does not accept deletion of public parking and seeks minimum of 40 spaces together with motorcycle parking that is to be removed at street level. The public parking would of course be available to visitors to the new commercial building as well as the general public. It may also be possible for the next parking level to be available after hours and on the weekends for additional public parking and part of the area to be managed by Council.

CONDITION

B6 Railway Infrastructure

The Proponent shall enter into a Voluntary Planning Agreement (VPA) in accordance with the offer made on 21 December 2009 with the Minister for Planning to provide a Railway Infrastructure Contribution totalling **\$7,490,344.40** 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).

COMMENT

New amounts inserted in condition based on September quarter 2016 rate @ \$123.92 per m² and 66,706 proposed GFA minus 6261 existing GFA contribution calculated on 60445m² increase. It is important to indicate in the condition what the contribution is based on so that the amount can be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

CONDITION

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).

COMMENT

Modifications appear reasonable. Council notes that detailed plans for the significant streetscape and traffic modifications are not presented in their final form, and that the application includes proposed conditions requiring 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, to be designed to the satisfaction of Council's Director of Engineering and Property Services; AND Traffic modifications to Denison Street, Spring Street, Little Spring Street and the new laneway, in accordance with the approved plans, to be designed to the satisfaction of Council's Director of Engineering and Property Services. The proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee.

CONDITION

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.~~

COMMENT

No objections as matter for Department to ensure materials and finishes and wind impact acceptable. The stormwater Infrastructure is Sydney Water so condition B29A is appropriate.

CONDITION

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:

| | |
|--|--------------------|
| Commercial/Retail Car Parking Spaces | 120 161 |
| Number of Commercial/Retail Car Spaces to be Disabled Spaces | 4-5 |
| Public Cars | 42 40 |
| Public Motorcycle | 18 ?? |
| Motorcycle | 14 18 |
| Car Share | 10 |
| Loading/service | 19 |

COMMENT

Public cars changed to 40 and delete car share and loading/service spaces together with motorcycle parking that is to be removed at street level.

CONDITION

~~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.~~

COMMENT

Agreed as accessible parking is now shown on plans.

CONDITION

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.

COMMENT

The proposed quantity of bicycle parking is less than half the minimum required under Council's DCP. The rates set in the DCP were a deliberate policy decision by Council to encourage the use of bicycles as an environmentally beneficial form of transport and an alternative to the use of private motor vehicles. The under-provision of bicycle parking by 60%, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of the DCP and Council's transport policies. The Department is requested to insist on additional bicycle parking.

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

COMMENT

No objection.

CONDITION

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 **that needs to establish the finished levels at the site boundary.**

COMMENT

This is required as we need to establish the finished levels from the public domain, footpaths etc. at the site boundaries where there are entry points to the building including fire exits, retail and foyer and vehicle access. At least prior to the CC for the ground floor slab, driveway and stair entries

CONDITION

E6 Public Carparking Signage

Appropriate signage, clearly legible from the street, shall be permanently displayed to indicate that public car **and motorcycle** 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).

COMMENT

This condition should be retained and perhaps expanded for the sign to indicate number of vacant spaces.

CONDITION

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~~ **40 public parking spaces and ?? public motorcycle 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

COMMENT

Condition modified to include 40 public spaces in lieu of car share and service spaces together with motorcycle parking that is to be removed at street level.

CONDITION

E25 Section 94 Contributions for the Commercial Building

The Proponent shall pay the following monetary contributions **prior to issue of interim or final Occupation Certificate** in accordance with the North Sydney Section 94 Contributions Plan:

| Contribution Category | Amount |
|--------------------------------------|-----------------------|
| Administration | \$133,251.00 |
| Child Care Facility | \$564,163.41 |
| Community Centres | \$324,861.65 |
| Library Acquisition | \$66,247.72 |
| Library Premises and Equipment | \$201,402.74 |
| Multi-Purpose Indoor Sports Facility | \$76,221.15 |
| Olympic Pool | \$248,338.28 |
| Open Space Acquisition | \$242,868.01 |
| Open Space Increased Capacity | \$481,444.43 |
| Total | \$2,338,798.39 |

COMMENT

New amounts inserted in condition based on 2016-2017 rates and 66,706 proposed GFA minus 6261 existing GFA contribution calculated on 60445m² increase. It is important to indicate in the condition what the contribution is based on so that the amount can be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

CONDITION

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.

COMMENT

No objection.

CONDITION

G12 Allocation of Spaces

One ~~hundred and sixty-two (162)~~ **one hundred and seventy-six (176)** ~~two hundred and six (206)~~ 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 | 166 | car Commercial/retail tenant |
| 14 18 | | motorcycle Commercial/retail tenant |
| 10 | | car share |
| 40 | | 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.

COMMENT

Changes made to be consistent with requiring 40 public spaces together with motorcycle parking that is to be removed at street level.

CONDITION

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.~~

COMMENT

Sydney Water has to sign off on the stormwater as it is their infrastructure.

Please contact the undersigned on 9936 8100 if you have any queries.

Yours faithfully



Geoff Mossemeneer
EXECUTIVE PLANNER