

Jason P

27 January, 2009

**Director General  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001**

**Attn. Mr Andrew Smith**

**Dear Sir,**

**Re: 86-100 Mount St – North Sydney**

## **INTRODUCTION**

I refer to my e-mail of the 21<sup>st</sup> November 2008 and to our subsequent telephone conversations. In particular I refer to your suggestion that the joint venture should proceed with a formal request for the development pursuant S.75E of the Act and to State Environmental Planning Policy (Major Projects) 2005. This request addresses the criteria of the SEPP and the Department of Planning publication '*Criteria for declaring development to be a major project under clause 13 of Schedule 1 of the Major Projects SEPP.*' It is considered the development is properly one to which the criterion for Major Project consideration applies.

## **PROPOSAL OUTLINE**

My prior e-mail provided details of the joint venture partners and the project team as established to date. In addition the e-mail included an initial concept plan that addressed the outcomes anticipated for the site by strict compliance to the prescriptive standards of the NSLEP Amendment 28 and the North Sydney DCP 2002 as it relates to the commercial area and to its desired future character statement.

The site has primary frontage to Mount Street with secondary frontage to Walker Street and to Spring Street at its rear. The site has an area of 1760m<sup>2</sup>. The existing development on the site comprises (relatively) low-rise commercial office space with street level retail and hotel space. The retail space is principally utilised for convenience food services associated with the CBD workforce. The site is conveniently located via the Greenwood arcade link to North Sydney station, to bus routes into and around the CBD, to established retail services particularly at Shopping World and Greenwood Plaza and to public spaces at Mount Street Mall and along Miller Street.

The consortium's design planning to date has been to develop an outcome for the site that is generally consistent with the height limitation of the draft plan but which:

- Provides for an efficient commercial floor plate in leasing terms
- Provides for convenient and safe access to basement parking and loading facilities
- Provides for premium office space with appropriate capacity for internal access through the building.
- Provides for an appropriate transition in height at the lower levels of the building consistent with the transitional podium intentions of the Council DCP but which permits the retention of effective floorplates

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**Director-General**

Within this framework the general indications for the building are a height of building of up RL198 (145m)) and a FSR between 24:1 and 27:1 with a gross floor area of 42,000m<sup>2</sup> to 47,300m<sup>2</sup>.

## PLANNING CONTROLS

Pursuant to the North Sydney LEP 2001 the height of building within the CBD are limited by a suite of objectives referred to at clause 28D and to a parabola control within the DCP 2002. Essentially these controls limit development below the established height of the 'Northpoint' at 100 Miller Street and a building at 79 – 81 Berry Street and to shading impacts within the CBD as it relates to public spaces within the CBD and to residential dwellings surrounding the CBD. The outcome of these controls is to restrict the potential height of building to between 83m and 98m on this site dependant upon the upper floor details reflecting the shadowing impacts to the surrounding public spaces.

Draft North Sydney LEP 2001 (Amendment 28) provides for the controls on the subject site to increase to permit a building height of 138m (RL 195) and a maximum FSR of 30.1. The draft LEP makes provision for a variation of the height control in circumstance of the merits of the application and public benefit to be gained and provided that may increase in overshadowing will not reduce the amenity of any dwelling outside the CBD. Council has advised that this draft LEP is to be re-exhibited from the 22<sup>nd</sup> January 2009.

It is the aim of the draft LEP to amend the height and massing controls in the North Sydney Centre and to define building height. The objective underpinning the draft LEP is to promote a nett increase in floorspace within the centre of 250,000m<sup>2</sup>.

Pursuant to North Sydney LEP 2001 (Schedule 3) an adjacent site at 86 Walker Street and referred to as 'a former fire station' is an item of heritage significance. The consortium has retained Noel Bell Ridley Smith & Partners to address the development as proposed in the circumstances of the significance and proximity of that site to the subject site.

## CRITERIA UNDER CLAUSE 13 OF SCHEDULE 1 of MAJOR PROJECTS SEPP

The initial estimates for the construction costs of the project are in excess of \$120,000,000.

### (i) Local impediments for urban renewal

The NSW Department of Planning has directed that the North Sydney CBD area needs to expand to accommodate additional workforce, both underpinning the role of the centre as a significant CBD within the Sydney region and the availability of infrastructure to cope with the additional demand. Whilst Amendment 28 to the North Sydney LEP seeks to respond to the direction, processing of the amending instrument has been delayed as a consequence of a number of factors including Court challenges (*Castle Constructions Pty Ltd v North Sydney Council & Anor* (2008) NSWLEC 137) to its preparation and inconsistencies in the financial feasibility information as it relates to certain key sites. This uncertainty does not extend to the joint ventures consideration of the subject site (*refer to our written submission to the Department 2<sup>nd</sup> October 2008*).

In the circumstances of the protracted nature of the draft LEP and the uncertainty of its eventual gazettal the joint venture seeks to proceed with planning approval pursuant to Part 3A of the Act. Such an outcome is consistent with the directions relating to the CBD and with the draft LEP.



There are no site constraints or impediments to the redevelopment of the site, which remains one of the few significant consolidated sites within the CBD. The site is central to the established centre. The site attributes combine to provide for an opportunity for a significant increase in commercial floor area and employment within the centre as well as providing a significant and modern architectural outcome to the CBD.

(ii) Facilitate housing or jobs growth

The development augments the supply of office accommodation within the CBD consistent with the aims of the government direction and the subregional initiatives for job growth in the locality. The construction phase of the development as sought of itself will add significantly to the opportunity for gainful employment.

(iii) Transport accessibility

The site is within 400m of the North Sydney Station and convenient to established bus networks along the Pacific Highway and Miller Street, North Sydney. The site is convenient to the underground linkages of the CBD to the North Sydney railway station.

(iv) Improved infrastructure

Opportunities to improve and integrate the public areas around the site particularly to the Mount Street and Walker Street frontage of the site are being investigated as a component of the design exercise.

(v) Environmental Sensitivity

The site is not within a locality of high environmental or conservation values. The proximity of an item of local heritage adjacent to the site in Walker Street is acknowledged and an appropriate design response is to be developed. Opportunities to improve the relationship of the site to its public frontages to Mount Street and Walker Street are being considered as a component of the development of the application.

(vi) Local council issues

It is not considered that any issues arise as a consequence of the development proceeding pursuant to part 3A of the Act or the SEPP (Major Projects). The development remains consistent with the intention of the Amending LEP and with the Government's directions as they relate to the North Sydney CBD.

The proponents have met with the Director of Planning North Sydney Council (Mr W Wynn) and the Manager of Strategic Planning (Mr J Hill) and other staff on the 16<sup>th</sup> October 2008 to discuss the project and specifically the prospect of the application proceeding pursuant to the SEPP. It is the proponents understanding that as the development is consistent with the outcomes sought by the draft LEP (Amendment 28) then Council is supportive of the development proceeding.

## PRELIMINARY ENVIRONMENTAL ASSESSMENT

The consortium acknowledges the preparation of a formal application carries with it a requirement to address a range of issues. To that extent the consortium has engaged a range of specialists to assist in the preparation of a development application. The key environmental considerations are:

- Site suitability – the site is a central site within the established CBD and does not have significant environmental constraints in terms its redevelopment as proposed.
- Consistency with planning controls – the outcomes of the redevelopment will be consistent with the objectives of Amendment 28 to the North Sydney LEP 2001.
- Transport and Access – the site is convenient to the established public transport networks already servicing the North Sydney CBD and to which the established Council policy requires contributions towards their embellishment and upgrading. The application will address the traffic generation, parking and loading services required to service the development including the impacts to the local road network in the terms of the Council DCP standards. Colston Budd Kaffes have been retained to provide the specialist road network and transport access report for the project.
- Built form and visual impact – the building will be a prominent feature within the context of the established CBD. The built form outcomes will be addressed by the project architects Rice Daubney and by GMU design. Model details and perspective images will be produced as a component of the DA submission. The consortium aim to provide an iconic building and one that represents quantum shift in the nature of commercial office outcomes within the North Sydney CBD.
- Social and Economic Benefits- the development application will address the social and economic impacts of the development as proposed including the anticipated demand, opportunity to expand upon the established commercial base of the centre and outcome proposed by the development to meet prospective tenants objectives.
- Construction and waste management – preliminary details of demolition and construction management will be provided as a component of the DA including anticipated volumes and nature of materials to be removed from the site and opportunities for recycling, construction management on the site and arrangements to be put in place for deliveries and access to the site during construction.
- Energy Efficiency – the consortium are seeking to provide A grade office accommodation in accordance with a level 4-5 Green Star rating. Details will be included within the development application submission.
- BCA compliance – the DA will include a preliminary BCA compliance schedule
- Heritage – a heritage assessment will accompany the DA submission

## CONCLUSION

In the circumstances and to enable the development to proceed in a timely manner it is requested the Minister become the consent authority. The proponents have met with senior planning staff of North Sydney Council and as a consequence of those meetings understand that there is a genuine interest within Council to permit the development to be assessed and to proceed consistent with the intention of the draft LEP. The scale of the development clearly satisfies the requirements of S.13 of Group 4 to Schedule 1 of the SEPP (Major Projects). In the circumstances the Director General is requested to provide the environmental assessment requirements pursuant to S.75F of the EP&A Act.

Yours faithfully

**BOSTON BLYTH FLEMING**

A handwritten signature in blue ink, appearing to read 'Ross Fleming', with a stylized flourish at the end.

**Ross Fleming**

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