

SUBMISSIONS ON MP 08_0241 100 MOUNT STREET NORTH SYDNEY – AGENCY AND PUBLIC SUBMISSIONS

PART A – AGENCY SUBMISSIONS

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PART B – PUBLIC SUBMISSIONS

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PART A – AGENCY SUBMISSIONS

No.	Agency	Issues/Comments	Response
1	North Sydney Council	<ul style="list-style-type: none">Not consistent with aims or objectives of the zone.	<ul style="list-style-type: none">A full assessment has been undertaken against the aims and objectives of the zone and is included in the Environmental Assessment.In relation to assessment of the proposed amendments to the scheme and the components of the scheme that vary the existing and proposed standards, additional assessment has been included in Section 3 and 4 of the PPR.In summary, the amended proposal is considered consistent with the zone objectives particularly in terms of encouraging employment opportunity and minimising adverse effects of development upon residents. As discussed further in the body of the PPR, impact upon residential properties surrounding the CBD has been minimised to less than 2 minutes shadow upon any window (in mid-winter before 3pm). In relation to residential properties within the CBD, the envelope of the building is generally consistent with that contemplated in the latest draft LEP and any variation is not considered to have significant adverse impact in the Commercial Core context.
		<ul style="list-style-type: none">Building heights and massing – adverse impact upon special areas, overshadowing, pedestrian access and significant public benefit.	<ul style="list-style-type: none">A comprehensive address of Council's existing and proposed building height and massing provisions has been undertaken with regard to the Preferred Project (refer to Section 3 of the PPR).
		<ul style="list-style-type: none">Net increase in overshadowing to public open space and residential properties.	<ul style="list-style-type: none">A detailed study and discussion of precise shadowing impact has been provided with the PPR (refer to Section 3 of the PPR).
		<ul style="list-style-type: none">Scale form and massing inappropriate.	<ul style="list-style-type: none">This issue is addressed in Section 3 and 4 of the PPR.

	North Sydney Council	<ul style="list-style-type: none"> Adverse impact upon Firehouse Hotel heritage item – lack of info on materials. 	<ul style="list-style-type: none"> Additional design development has been undertaken on the proposed podium presentation. As described in the Architectural Design Statement at Appendix D, the design changes are intended to ensure consistency of the podium with the adjacent Firehouse hotel in terms of streetscape rhythm. An amended heritage impact statement has been prepared by NBRIS to address these concerns, see Appendix F. In conclusion, the report states: <p><i>“The amended design further refines the relationship between the proposed building and the former Fire Station by repeating the vertical rhythm of the street and earlier subdivision pattern. More detailed design of the Walker Street elevation to ensure alignment of the elements of the existing and proposed would ensure mitigation of impacts in the execution of the work. The structural frame of the void and the scale of the void itself are expressed above the height of the former Fire Station and the key elements that would be perceived between it and the proposed building are limited to the lower levels of the podium interface. The expressed structural frame above would be outside the immediate perception of the relationship between the new building and the heritage item. The design of the structural frame or other support for the tower above the void are issues of an architectural and urban design nature rather than heritage issues per se. Consequently, the void and frame should be considered in light of the wider existing and proposed context and in light of the building as a whole.</i></p> <p><i>We confirm that the design, as amended, has a minor and acceptable impact upon the former North Sydney Fire Station and other heritage items.”</i></p>
		<ul style="list-style-type: none"> Building elements are not considered high quality design. 	<ul style="list-style-type: none"> Additional design resolution has been undertaken by the architects. Amendments include: the relationship of the podium with the Firehouse Hotel, the presentation to Spring Street, the finish of the exposed structural frame and the public domain in general. Refer to further discussion in the Amended Architectural Design Statement at Appendix D.
		<ul style="list-style-type: none"> Exceeds draft height limit of 138m. 	<ul style="list-style-type: none"> It is noted that Council at a meeting on 30 November 2009 endorsed the latest version of the draft LEP with a height limit at RL195 AHD. The proposal exceeds this height limit by 4.7m, however, this minor non-compliance is considered acceptable in the circumstances where impact is reasonable. Refer to detailed discussion in Section 3 of the PPR.

	North Sydney Council	<ul style="list-style-type: none"> Excessive car parking and therefore traffic impact. 	<ul style="list-style-type: none"> The traffic report prepared for the proposed development assessed the traffic effects of a commercial development including 130 parking spaces. The traffic assessment concluded that the surrounding road network and its intersections will be able to accommodate the additional traffic generated by the development. Since the preparation of that report, revised plans have been prepared by the architect. The revised plans include car parking for some 123 spaces, which is a lower provision than was previously assessed. The traffic assessment is therefore considered to be conservative. Car parking is proposed at a rate which is intended to cater for the premium office market. The car parking rate is similar to that approved recently by Council for another premium office building within the North Sydney Centre.
		<ul style="list-style-type: none"> Lack of through site link. 	<ul style="list-style-type: none"> As detailed in the architectural plans at Appendix B, a through site link has now been included.
		<ul style="list-style-type: none"> Setbacks at street frontage and above podium. 	<ul style="list-style-type: none"> After further discussions with Council's Design Excellence Review Panel and the Department of Planning, amendments have been made to setbacks. A detailed discussion of the amendment proposal in this regard is made in Section 4 of the PPR.
		<ul style="list-style-type: none"> Ground level levels fronting Mount Street. 	<ul style="list-style-type: none"> Comprehensive changes to the area within the Mount Street setback have been made to ensure that pedestrians can walk unobstructed from east to west through the site via a series of steps. Flat areas have been retained to ensure the area can contain outdoor seating so as to activate the space.
		<ul style="list-style-type: none"> Building setback above level 22. 	<ul style="list-style-type: none"> The setback above Level 22 has been increased. Refer to discussion in Section 4 of the PPR.
		<ul style="list-style-type: none"> Lack of information to enable solar assessment. 	<ul style="list-style-type: none"> A detailed analysis of overshadowing upon the area surrounding the North Sydney Centre, refer to Appendix E. A discussion of potential impact is included in Section 3 of the PPR.
		<ul style="list-style-type: none"> Request meeting with proponent to discuss whether a cinema is viable 	<ul style="list-style-type: none"> Various cinema operators were consulted and as outlined in the letter attached at Appendix M, one operator made an offer for floor space at a rate of \$275/m² gross, with the area they require being a minimum 2000m². The architect generated a potential design to locate a small cinema complex in the lower levels of the building, see Appendix M. This design included two cinemas of approximately 90 seats and 130 seats with a maximum area of approximately 530m². Based upon the inability to design in an area of 2000m² and the offer being less than that required to be viable (the development needs approx. \$1000/m² gross to be viable which can be obtained with other retail uses), locating a cinema in the development is not feasible.

		<ul style="list-style-type: none"> ▪ Council would like to own and operate a portion of the proposed car park 	<ul style="list-style-type: none"> ▪ The Council proposal adds a layer of complexity to the management of the carpark and reduces the value of the investment by not being able to offer all the cars on an allocated permanent basis to the future tenants. We are aiming to attract CBD tenants and by having a mix of allocated permanent and non allocated permanent spaces will impact upon the anticipated revenue from the car spaces. Furthermore, the current owners are concerned that any additional management layer to offer the public parking under the building increases insurance complexities, which when combined with the compromised car parking arrangements, will reduce the attractiveness of the asset when the owners seek a building owner at the completion of the project. ▪ The project has already been stretched to accommodate other NSC and DOP's requests and this request is pushing the economical viability beyond its limits.
2	Ministry of Transport	<ul style="list-style-type: none"> ▪ Commends the proposed improvements to pedestrian amenity, accessibility and bike parking/integration. 	<ul style="list-style-type: none"> ▪ Noted
		<ul style="list-style-type: none"> ▪ Proposal should include a commitment to Travel Demand Initiatives to increase PT patronage (e.g a workplace travel plan, travel access guides). 	<ul style="list-style-type: none"> ▪ This matter is noted and is addressed in the Statement of Commitments.
		<ul style="list-style-type: none"> ▪ Car parking should be minimised. 	<ul style="list-style-type: none"> ▪ Car parking numbers have been reduced relative to the original proposal. Car parking is proposed at a rate which is intended to cater for the premium office market. The car parking rate is similar to that approved recently by Council for another premium office building within the North Sydney Centre.
3	Sydney Water	<ul style="list-style-type: none"> ▪ Further assessment to occur when s73 applied for. 	<ul style="list-style-type: none"> ▪ Noted
4	SRDAC (RTA)	<ul style="list-style-type: none"> ▪ Traffic generation rate considered low. 	<ul style="list-style-type: none"> ▪ As set out in our letter at Appendix I, a series of surveys of commercial car parks in North Sydney has been undertaken by Colston Budd Hunt & Kafes, as well as by Halcrow MWT in relation to the proposed development at 100 Mount Street and at 88 Walker Street and 77-81 Berry Street. These surveys found that existing developments in North Sydney generate between 0.18 and 0.4 vehicles per hour per space during peak periods. The traffic report for 100 Mount Street assessed 0.6 vehicles per hour per space during peak hours and is therefore considered to be conservative.
		<ul style="list-style-type: none"> ▪ DoP and Council to consider undertaking comprehensive traffic study. 	<ul style="list-style-type: none"> ▪ The cumulative effects of future developments surrounding the subject site (in particular the proposed development at 88 Walker Street and 77-81 Berry Street), has been prepared by Halcrow MWT. We have reviewed this document and agree with its conclusion that the traffic and parking impacts of the developments can be accommodated on the adjoining road network without detrimental effect and is therefore considered satisfactory.
		<ul style="list-style-type: none"> ▪ Angle parking on Mount Street to be banned during peak hours. 	<ul style="list-style-type: none"> ▪ The proponent has prepared a public domain concept plan which includes the removal of angle parking along Mount Street altogether. This plan responds to that outlined in Council's Public Domain Plan and exists as an option to be taken up when undertaking works in lieu of the Section 94 Contribution payment required for public domain works.
		<ul style="list-style-type: none"> ▪ Improvements to intersection of Mount and Walker Streets required, plans to be submitted to the RTA for approval. 	<ul style="list-style-type: none"> ▪ Noted.
		<ul style="list-style-type: none"> ▪ Certified copies of civil/traffic signal design to be submitted to RTA prior to CC. 	<ul style="list-style-type: none"> ▪ This matter is noted and is addressed in the Statement of Commitments.

	SRDAC (RTA)	<ul style="list-style-type: none"> ▪ RTA fees for admin to be paid by developer. 	<ul style="list-style-type: none"> ▪ Noted.
		<ul style="list-style-type: none"> ▪ Developer may be required to enter into deed for traffic works. 	<ul style="list-style-type: none"> ▪ Noted
		<ul style="list-style-type: none"> ▪ Reconfiguration of intersection to be completed prior to release of Occupation Certificate. 	<ul style="list-style-type: none"> ▪ Noted
		<ul style="list-style-type: none"> ▪ Further study on capacity of existing public transport system to satisfy DOP. 	<ul style="list-style-type: none"> ▪ Public transport service providers, including bus and rail, increase services based on demand. Therefore, depending on the increase in patronage for these modes of travel, additional services will be provided by the authorities.
		<ul style="list-style-type: none"> ▪ Car parking, loading bays and bike parking to be provided to Council's satisfaction. 	<ul style="list-style-type: none"> ▪ Matter noted
		<ul style="list-style-type: none"> ▪ Parking and loading to comply with Australian Standards. 	<ul style="list-style-type: none"> ▪ As noted in the traffic report, car parking and loading docks within the basement levels will be designed to comply with the Australian Standard AS2890.1-2004 and AS2890.2-2002, with respect to parking bay dimensions, loading bay dimensions, ramp widths, ramp grades, aisle widths, height clearances, column locations and manoeuvring areas.
		<ul style="list-style-type: none"> ▪ Loading dock to be amended to ensure no reversing onto Spring Street. 	<ul style="list-style-type: none"> ▪ Loading dock arrangements have been amended to include a truck hoist and turn table so that all manoeuvring can occur on site. All vehicles will now be able to enter and leave the site in a forward direction and reversing onto the street will not be necessary.
		<ul style="list-style-type: none"> ▪ Management plan for truck and pedestrian conflict is minimised and contingency for multiple truck arrival. 	<ul style="list-style-type: none"> ▪ As noted in the traffic report, the loading dock and truck hoist will be managed by a loading dock manager. Service vehicles will be scheduled and priority given to entering vehicles. A loading dock management plan could be prepared as a condition of consent.
		<ul style="list-style-type: none"> ▪ Swept path analysis required 	<ul style="list-style-type: none"> ▪ Swept paths of 8.8metre medium rigid trucks entering the site from Little Spring Street, manoeuvring into the loading bays and exiting the site in forward direction have been prepared and attached to the CBHK letter dated 8 December 2009 at Appendix I, responding to matters raised by the Department of Planning.
		<ul style="list-style-type: none"> ▪ Demolition and construction management plan required. 	<ul style="list-style-type: none"> ▪ A construction management plan has been included with the proposal.
		<ul style="list-style-type: none"> ▪ All works and signposting at no cost to RTA. 	<ul style="list-style-type: none"> ▪ Noted.

5	Railcorp	<ul style="list-style-type: none"> ▪ Further analysis of impact upon CBD rail to occur. ▪ DOP to include conditions to protect the CBD rail corridor. 	<ul style="list-style-type: none"> ▪ Parsons Brinkerhoff has undertaken a further review in relation to the proposed amendments to the scheme, see Appendix K. They conclude: <i>“Stability of the excavation will also depend on the thickness of the immediate beam of sandstone in the crown, and the presence of rock of lower stiffness relatively close to the crown beam. There is insufficient geotechnical data, at this time, to quantify these effects.</i> <p><i>As indicated previously, detailed analysis of expected ground movements is recommended following further ground investigations in the basement and station cavern area if these displacements are of concern. For the reduced clearance, it is feasible if the proposed structure is designed to accommodate the displacements that can be induced by tunnel excavation. Basement excavation at 100 Mount Street can be expected to result in minor changes to existing ground stress, groundwater regime and deformation in the ground around the proposed cavern. Provided, proposed geotechnical investigations reveal the absence of lower stiffness rock relatively close to the crown beam, we assess that these effects are not expected to adversely impact the future construction of the proposed CBDRL in 100 Mount Street.”</i></p> <p>A draft Statement of Commitment is recommended to ensure further geotechnical investigation is undertaken during construction.</p>
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Part B – Public Submissions

No.	Agency	Issues/Comments	Response
1-20	Local Residents 20 submissions in total (7 of these are form letters)	<ul style="list-style-type: none"> Defer consideration until DLEP 28 determined. 	<ul style="list-style-type: none"> The existing and draft development standards will be assessed and appropriately weighted at the time of lodgement. The status of a particular set of standards should not, in principle, cause the deferral of assessment. Importantly it is noted that the standards formerly known as Amendment 28 have now been endorsed (in a similar form to that exhibited) by Council as part of Council's overall comprehensive LEP.
		<ul style="list-style-type: none"> Control to avoid overshadowing of public spaces between 10am and 12noon should stay. 	<ul style="list-style-type: none"> Council has recently endorsed the amendment of the overshadowing standard at their meeting on 30 November 2009.
		<ul style="list-style-type: none"> Oversupply of car parking. 	<ul style="list-style-type: none"> Car parking numbers have been reduced relative to the original proposal. Car parking is proposed at a rate which is intended to cater for the premium office market. The car parking rate is similar to that approved recently by Council for another premium office building within the North Sydney Centre.
		<ul style="list-style-type: none"> Not enough parking. 	<ul style="list-style-type: none"> Car parking is proposed at a rate which is intended to cater for the premium office market and balance against that required by Council.
		<ul style="list-style-type: none"> Proposal too high and too bulky with resultant overshadowing of public open spaces. 	<ul style="list-style-type: none"> The proposal largely conforms with the envelope proposed in Council's latest draft LEP. As discussed in Section 3 and 4 of the PPR, the scale and massing of the proposal is considered appropriate in the context.
		<ul style="list-style-type: none"> Exceeds current height controls and therefore overshadowing 	<ul style="list-style-type: none"> The portion of the proposal exceeding the overall height has been assessed relative to its impact upon areas of public open space and residential properties. As outlined in Section 3 of the PPR, the impact is assessed to have minimal adverse impact.
		<ul style="list-style-type: none"> Height bulk and scale. 	<ul style="list-style-type: none"> The proposal largely conforms with the envelope proposed in Council's latest draft LEP. As discussed in Section 3 and 4 of the PPR, the scale and massing of the proposal is considered appropriate in the context.
		<ul style="list-style-type: none"> Lack of community consultation process. 	<ul style="list-style-type: none"> The proponent has consulted with Council officers, Council's Design Excellence Review Panel, Elected Council, relevant State agencies and the Department of Planning throughout the design and assessment process. In addition, the proposal has been publicly exhibited for the required statutory time frame.
		<ul style="list-style-type: none"> Traffic impact. 	<ul style="list-style-type: none"> A revised traffic assessment has been prepared to address key traffic issues, refer to Appendix I.
		<ul style="list-style-type: none"> Pedestrian safety. 	<ul style="list-style-type: none"> Substantial improvements have been made to the pedestrian environment, including that in relation to servicing. Amendments have ensured that all manoeuvring occur on site and shared zones have been carefully designed.
		<ul style="list-style-type: none"> Impact upon Beau Monde apartments. 	<ul style="list-style-type: none"> The proposal will contribute significantly to the locality in terms of vitality and quality of the public domain. Noting that the site is some 125m away from the Beau Monde tower, issues with impact upon Beau Monde are restricted only to view loss addressed below.

	Local Residents	<ul style="list-style-type: none"> ▪ View loss from Beau Monde. 	<ul style="list-style-type: none"> ▪ An amended view loss assessed is included in Section 7.4 of the PPR. The analysis finds that there is some view loss relative to that existing, but in the circumstances the extent of view loss is considered reasonable.
		<ul style="list-style-type: none"> ▪ Inadequate landscape planting. 	<ul style="list-style-type: none"> ▪ The proposal will include planting of the street directly adjacent to the property frontage with a species consistent with that desired by Council and recommended in the Wind Impact Study.
		<ul style="list-style-type: none"> ▪ Wind impact. 	<ul style="list-style-type: none"> ▪ A wind impact study that assesses the cumulative impact of the proposal in conjunction with that at No.88 Walker Street has been prepared by Windtech, refer to Appendix G. The study includes recommendations, that will be included as conditions, to ensure that wind impact is restricted to reasonable levels. A summary of the conclusion is included below: <i>“The results of this wind tunnel study indicate that most of the outdoor areas of the various developments, including all ground level areas, will require ameliorative treatments to be implemented to result in acceptable wind conditions. Many forms of treatments have been investigated in this study to treat the adverse winds affecting the outdoor areas of the proposed development sites. A set of treatments have been recommended in this report to ameliorate these effects, and are summarised as follows:</i> <ul style="list-style-type: none"> • A strategic layout of densely foliating trees for the ground level areas within and around the two development sites. • The addition of an awning above the street level along Walker Street for the 88 Walker & 77-81 Berry Street development. • The addition of an awning above the street level along the eastern and southern aspects of the 100 Mount Street development. • The addition of wind deflectors/awnings above the street level on the northern and southern aspects of the street linking Denison Street with Little Spring Street (which cuts through the podium of the 88 Walker & 77-81 Berry Street development). • Additional awning along the western aspect of the 88 Walker & 77-81 Berry Street development or the use of evergreen trees along Denison Street. • Strategic placement of portable 1.2m high impermeable screens within and around the Ground Level of the 100 Mount Street development site. • Maintaining existing 1.5m high shrub at the corner of Denison and Mount Streets and the existing 1.2m high Garden Wall at the corner of Denison and Spring Streets. • 1.2m high impermeable balustrades along the perimeter of the two terrace areas on the Restaurant Level of the 88 Walker & 77-81 Berry Street development, and a strategic layout of densely foliating shrubs. • 1.5m high impermeable balustrades along the perimeter of the Level 8 Roof Garden terrace areas of the 100 Mount Street development. • 1.5m high impermeable balustrade along the perimeter of the Level 20 Sky Garden terrace area of the 100 Mount Street development, setback from the edge. A densely foliating tree is also recommended for this area. <i>Note that for vegetation to be effective in mitigating adverse winds, particularly westerly winds which tend to occur predominantly during the winter months for the Sydney region, the trees along Denison Street and Spring Street should be of a densely foliating evergreen species as indicated in the report. With the recommended treatments listed above</i>

			<p><i>included into the final design of the various developments, the wind conditions within and around the proposed development sites will be acceptable for their intended uses. The trees along Mount and Walker Streets are required to have a canopy which overlaps the recommended awning to be effective.</i></p> <p><i>The effect of the proposed developments on the wind conditions in the outdoor areas pertaining to the existing neighbouring buildings were also tested in this study. This included four existing outdoor eatery areas around the 100 Mount Street development, the outdoor area within the Tower Square and Fire House Hotel buildings, and the balcony and podium areas within the Beau Monde residential tower on Berry Street. With the addition of the proposed developments it was found that wind conditions to these surrounding areas will generally be similar to or better than the existing."</i></p>
		<ul style="list-style-type: none"> ▪ Unsightly looking tower. 	<ul style="list-style-type: none"> ▪ The tower has been designed with a strong architectural theme and includes high quality materials. The architectural concept is further explained in the attached Architectural Design Statement at Appendix D.
		<ul style="list-style-type: none"> ▪ No drop-off or pick-up area for taxis etc. 	<ul style="list-style-type: none"> ▪ The proponent has prepared a public domain concept plan which includes the removal of angle parking along Mount Street and construction of a short term parking area. This plan responds generally to that outlined in Council's Public Domain Plan and exists as an option to be taken up when undertaking works in lieu of the Section 94 Contribution payment required for public domain works.
		<ul style="list-style-type: none"> ▪ Failure to meet the DGRs. 	<ul style="list-style-type: none"> ▪ The proposal includes a response to each item raised in the DGRs and also includes a detailed response to each of the items subsequently raised by the Department in their letter dated 15 October 2009, attached at Appendix A.
		<ul style="list-style-type: none"> ▪ Demonstrate whether site amalgamation is feasible. 	<ul style="list-style-type: none"> ▪ As detailed in Section 6.3 of the Environmental Assessment, investigation into the feasibility of potential site amalgamation has been undertaken.
		<ul style="list-style-type: none"> ▪ DCP setback non-compliance. 	<ul style="list-style-type: none"> ▪ The proposal includes a unique design that challenges the standard setbacks contained in Council's DCP. Nonetheless, the resultant form is considered to respond well to the objectives of the controls by presenting: <ul style="list-style-type: none"> ○ a podium form that relates well to pedestrian scale and the heritage item adjacent ○ a tower form that highlights the podium form and uses those areas varying the control to express an intended architectural theme. ○ A tower setback that relates comfortably with the variety of setbacks already existing within the street.

	Local Residents	<ul style="list-style-type: none"> ▪ Reflectivity impact. 	<ul style="list-style-type: none"> ▪ A Reflectivity Study has been prepared by Windtech and is attached at Appendix H. Windtech concludes: <i>“Our experience indicates that provided no surface on the subject development has a normal specular reflectivity greater than 20% then the impact is minimal.”</i> <p>A Statement of Commitment is included in this regard.</p>
		<ul style="list-style-type: none"> ▪ Loading dock location and reversing vehicles. 	<ul style="list-style-type: none"> ▪ Loading dock arrangements have been amended to include a truck hoist and turn table so that all manoeuvring can occur on site. All vehicles will now be able to enter and leave the site in a forward direction and reversing onto the street will not be necessary.
		<ul style="list-style-type: none"> ▪ Treatment of Spring Street. 	<ul style="list-style-type: none"> ▪ Being a mixed pedestrian and vehicle environment, particular attention has been made to the treatment of Spring Street. Together with the installation of a truck hoist and turn table to ensure no truck reversing, pavement design has been designed to give a clear indication of shared zones and pedestrian zones. The materials and finishes of the façade facing Spring Street has been improved to add to a quality pedestrian environment to the north of the site.
		<ul style="list-style-type: none"> ▪ Retain through site link. 	<ul style="list-style-type: none"> ▪ As detailed in the architectural plans at Appendix B, a through site link has now been included.
		<ul style="list-style-type: none"> ▪ Cumulative impact with 88 Walker. 	<ul style="list-style-type: none"> ▪ Key potential impacts of traffic and wind have both been subject of expert reports that assess the cumulative impact of the proposal and that proposal at 88 Walker Street. Refer to Appendix G and I and Section 5 and 6 of the PPR.