

7.2 Setbacks

The provisions of North Sydney DCP 2002 prescribe a range of streetscape height and setback controls for development in the CDB to guide urban form outcomes, maintain and improve amenity and address streetscape character.

Ground Level Setbacks/Podium Height

The DCP requires zero setbacks at ground and podium levels, with maximum podium heights of 4 storeys in Mount and Walker Streets and up to 2/3 storeys in Spring Street.

The current proposal does not provide podiums to Mount Street or Spring Street, and proposes significantly greater ground level setbacks to Mount Street and Walker Street rather than locating built form to the boundary alignments. However, these variations are supported in the interests of achieving increased areas of ground level private/public domain and permitting a development which can achieve larger more economic floor plates on a relatively narrow site.

There are no adverse amenity or streetscape impacts arising from permitting these variations. These outcomes have been supported by the Council.

Above podium level setbacks

The DCP requires building setbacks above podium level of a minimum weighted average of 5 metres in Mount and Walker Streets, and a minimum weighted average of 4 metres in Spring Street.

It is noted that the "weighted average" setback control is calculated as the average of projections and recesses of builtform from the podium alignment.

The proposal does not provide these setbacks to either Mount Street or Spring Street, however these outcomes are considered acceptable on urban design, amenity and economic grounds and have been supported by Council.

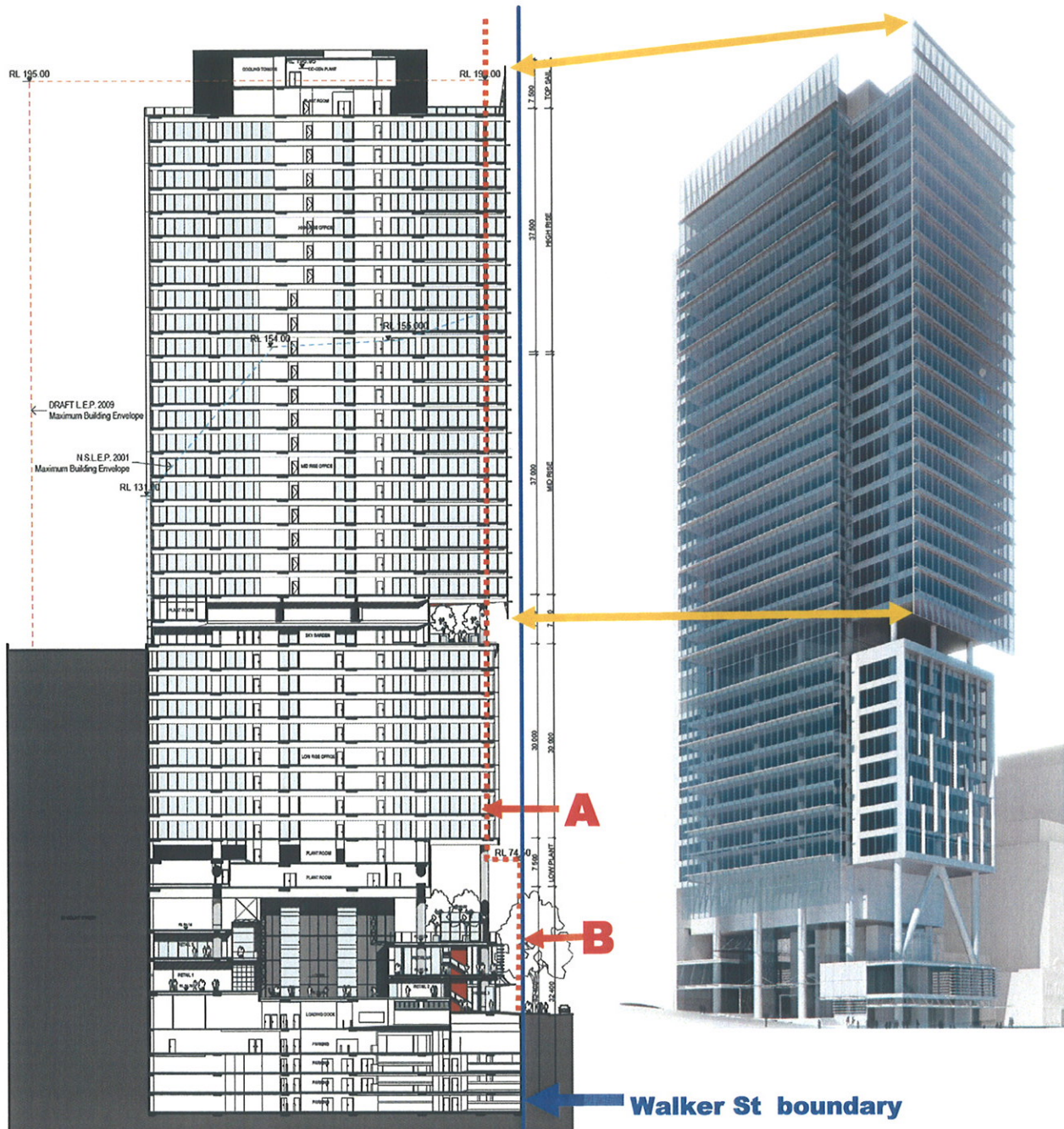
However, there is a concern raised regarding the variation to the setback control to Walker Street in respect to the upper levels of the proposed tower (Levels 17 to 36). The Council and the Council's Design Excellence Panel also identified this as an area of concern.

The PPR proposal provides a weighted average setback of 3.58 metres to Walker Street, and in this case, the calculated setback is somewhat distorted by the 14.1 metres setback of Levels 3 to 6 being the area known as the reverse podium which disproportionately increases the average.

The actual setbacks to Walker Street vary considerably from the 3.58 metre weighted average as summarised below;

Level 1 to 2 (podium) =	3.3metres
Levels 3 to 7 (reverse podium) =	14.1metres
Levels 7 to 16 (mid tower) =	4.2 metres (to glass line)
Levels 17 to 36 (upper tower) =	2.2 metres

Diagram 20 below depicts the proposed and DCP setbacks, and **Diagram 21** depicts the perspective view of the varying setbacks detailed above, particularly Levels 17 to 36.



Diagrams 20 and 21 – Presentation of Upper Tower form and proposed and compliant Walker Street setbacks (Source: PPR)

A is the alignment of the North Sydney Centre DCP 2002 above podium level height and setback control to Walker Street which is **5 metres**.

B is the alignment of the North Sydney Centre DCP 2002 podium height and setback control to Walker Street which is a maximum height of 4 storeys and a zero setback.

The upper tower projects forward of the building line below by up to 2.0 metres, and being an element of 20 storeys in height, this feature of the proposal is considered to be a discordant element in the Walker Street streetscape, and may set an undesirable precedent for other development (refer **Diagrams 22 and 23** below).

This cantilevered tower element is a feature of the proposal which is assessed to be uncharacteristic of the prevailing built form in Walker Street and is not consistent with the desired future character sought by the DCP controls.



Diagram 22 – Photomontage looking north along Walker Street (Source: PPR)

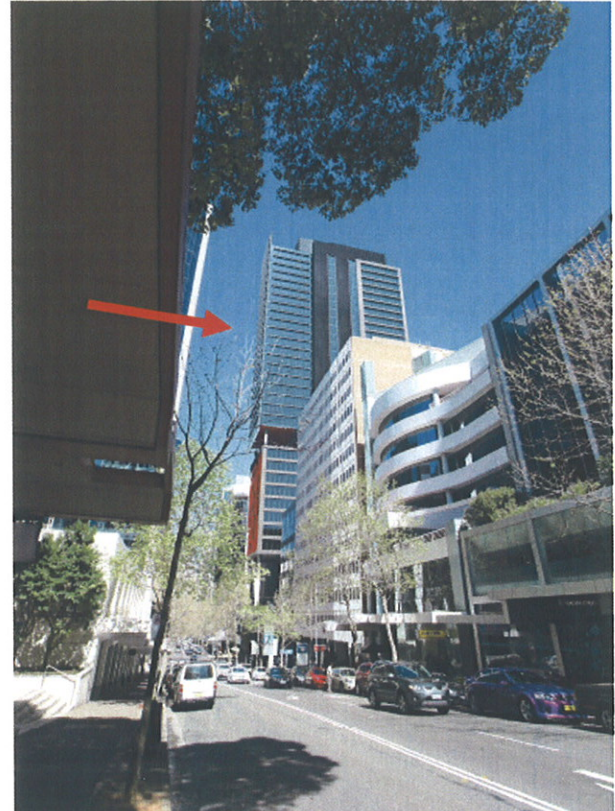


Diagram 23 – Photomontage looking south along Walker Street (Source: PPR)

The Proponent has identified that the main rationale for the projecting levels is to ensure that floor plates of 1,200sqm (Net Lettable Area) can be achieved.

Levels 17 to 36 feature floor plates of 1,210 to 1,240sqm NLA. The Gross Floor Area (GFA) of these levels varies between 1,334 to 1,304sqm.

If the setback of Levels 17 to 37 was to be increased by 2 metres to 4.2 metres to match Levels 7 to 17 below to achieve a more regular, upright builtform, each floor would be reduced by approximately 45sqm resulting in floor plates of >1,200sqm **based on GFA**, but floor plates of 1,175 to 1,195sqm **based on NLA**, and therefore less than the desired 1,200sqm NLA.

The overall reduction in floor space would total approximately 900sqm over the 20 levels and would reduce the PPR GFA from 35,925m² to approximately 35,000m².

The main objectives of the setback control in this context are to;

- moderate bulk and scale;
- maintain openness in CBD streetscapes;
- mitigate wind effects; and,
- maximize penetration of sunlight, particularly to north-south streets.

In this case, it is considered that these are important considerations and overall, the minor variations to the Proponent's desired area of Net Lettable Area for the upper tower levels is not considered to outweigh the potential impact upon the Walker Street streetscape and the undesirable precedent.

Accordingly, it is recommended that the upper levels of the tower to Walker Street be required to be setback a further 2.0 metres to an overall setback of 4.2 metres to match Levels 7 to 17 below.

A condition of approval is recommended to amend the building setback. The subject modification would conform to the position of the Council and the Design Excellence Panel which recommended that the tower should not project forward of the levels below on the Walker Street frontage.

7.3 Views & Outlook

View analysis

The Proponents EA included an analysis of the impacts of the proposal with respect to view loss for the Beau Monde Apartments. The analysis considered;

- existing views enjoyed from residential levels orientated to the south between Levels 10 to 36;
- the impacts on views arising from building envelopes permissible under North Sydney LEP 2001; and,
- the impacts of potential building envelopes permissible under the Draft LEP (Amendment 28 as it was known at the time).

In addition, it is relevant to note that the Draft LEP envelopes for the land known as 77-81 Berry Street located immediately to the north of the Mount Street site (refer **Diagrams 28** and **29** below) have a significant impact on the views and outlook from the Beau Monde building and those envelopes are now the subject of an approval granted on 25 February 2010.

(i) Existing views and outlook

There are 241 residential apartments within the Beau Monde building, of which 83 are located on the southern elevation with varying degrees of view and outlook to the south, south-east or south-west.

Departmental Officers have visited 15 different apartments located on the south side of the Beau Monde building between levels 14 and 36 to inspect the potential view and outlook impacts arising from both the approved Walker Street/Berry Street development and the current Mount Street proposal.

It was confirmed that the significant views generally commence from Level 15 with glimpses of Sydney Harbour and of the top of the arches of the Sydney Harbour Bridge and become more extensive higher in the building up to Level 36 (penthouse level). The residential apartments located on Levels 8 to 14 with an east, south or west aspect do not presently have any Harbour views due to the location of existing buildings in Mount and Walker Streets.

In summary, it is evident that there is only a relatively small proportion of the total number of apartments in the Beau Monde building affected by the current proposal for the Mount Street site, especially when considered in conjunction with the approval for 77-81 Berry Street.

The orientation and extent of existing views and outlook and the relationship to the Draft LEP Height Map are depicted in **Diagrams 24 - 29** below.

(ii) Views impacts from building envelopes under NSLEP 2001

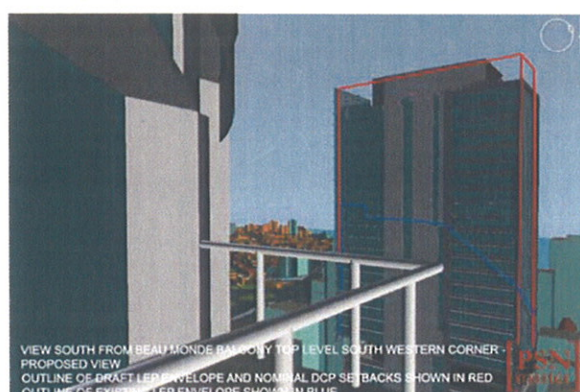
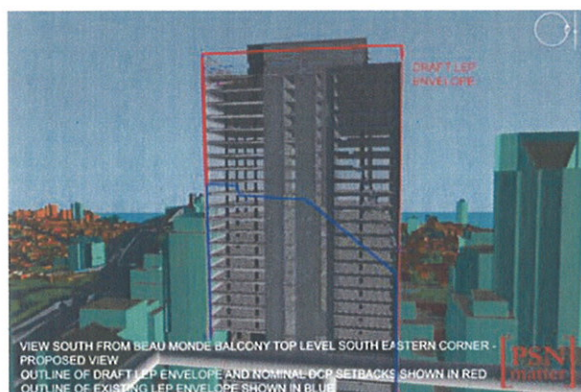
The LEP 2001 building envelopes currently permissible pursuant to the Composite Shadow area controls on Walker Street extend to RL 170 metres and have a significant impact on views from Levels 15 to 36 of the Beau Monde building, particularly to the east and south - east.

The LEP 2001 envelopes applicable to Mount Street properties due south of the Beau Monde building are lower and extend between RL 131 metres to a maximum height of RL 155 metres (equivalent to approximately Level 27 in Beau Monde) and therefore have a lesser impact on views, but still impact on a significant number of dwellings.

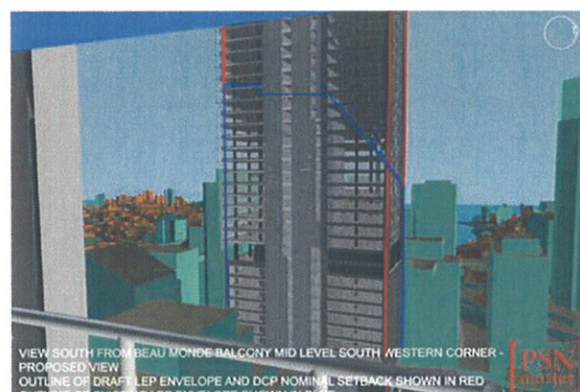
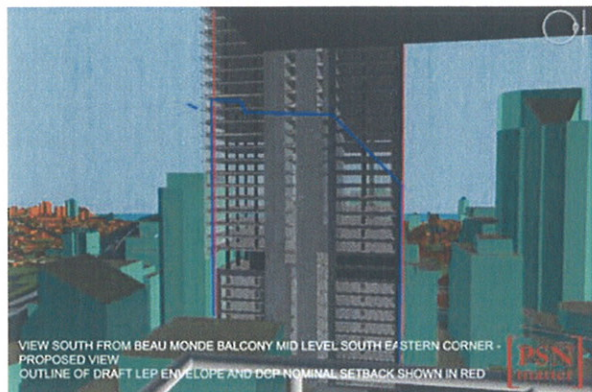
The apartments from approximately Levels 28 to 36 would maintain due southerly views under the LEP 2001 envelopes in Mount Street (refer **Diagrams 24 - 27** below).

In addition, when considering the impact of the Mount Street site envelope, it should be noted that there is a **120 metre** separation with the southern face of the Beau Monde building and the impact on the available arc of view and outlook is comparatively small.

Those apartments with a westerly and south-westerly aspect are not significantly affected by the LEP 2001 envelopes due to the amount of the arc occupied by existing high rise development and the heritage-listed MLC building.



Diagrams 24 and 25 – Impact on views at top level of Beau Monde from the LEP 2001 envelope (BLUE), the Draft LEP envelope (RED) and the proposal (Source: PPR)



Diagrams 26 and 27 – Impact on views at mid level of Beau Monde from the LEP 2001 envelope (BLUE), the Draft LEP envelope (RED) and the proposal (Source: PPR)

As detailed in **Diagrams 24 - 27** above, the additional 4.7 metres height of the current Mount Street proposal will have a minor additional impact on the Beau Monde building beyond that imposed by the Draft LEP 2009 envelope (RL 195 metres) and does not result in any additional loss of southerly Sydney Harbour Bridge, Harbour or Sydney CBD skyline views.

(iii) Views impacts from the Draft LEP 2009 and the Approval at 77-81 Berry Street

The existing southerly and south-easterly views will be significantly affected as a result of the Draft LEP building envelopes on the 77-81 Berry Street site as detailed below in **Diagram 28 & 29** below. It is evident from these diagrams that that the 77 – 81 Berry Street Draft LEP height envelopes and the existing LEP 2001 Walker Street envelopes remove existing views from Beau Monde below RL 170 metres (approximately Level 35 of the Beau Monde building).

In terms of the orientation of the arc of view, it is evident that the Mount Street site is located in the "shadow" of the Berry Street/Walker Street Draft LEP envelopes (and as approved), and thus the actual impact of the Draft LEP Mount Street envelope is limited to Level 36 of the Beau Monde building being the only level with a view above RL 170 metres.

Level 36 will lose a narrow southerly/south-south easterly arc of view of Sydney harbour and the Sydney CBD as a result of the current Mount Street proposal.

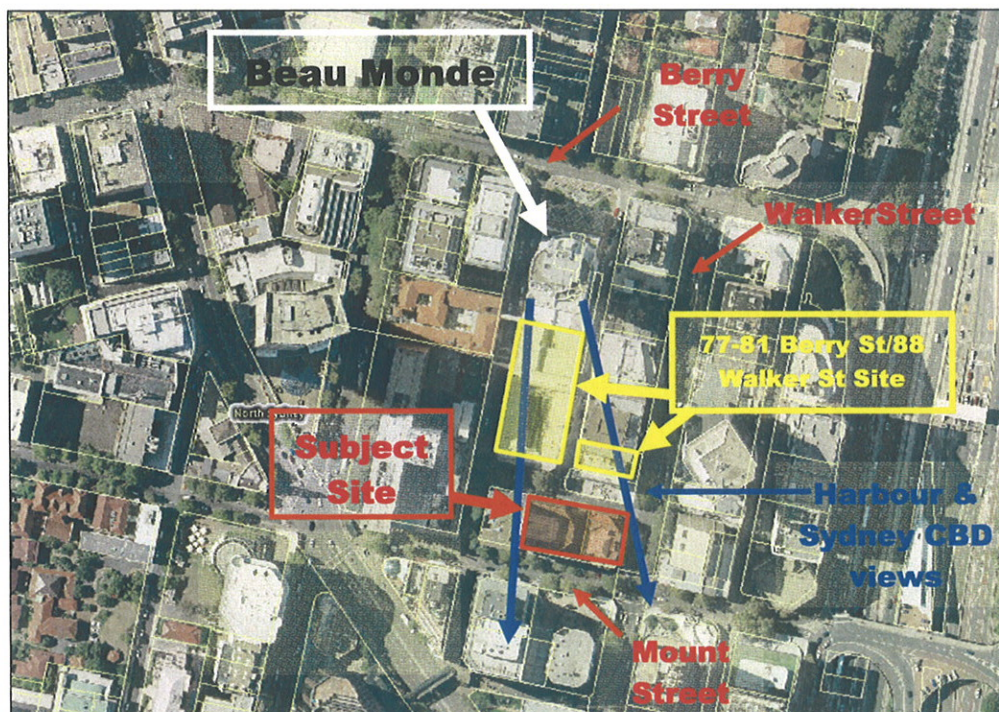


Diagram 28 – Arc of Harbour and City views from Beau Monde
in relation to Mount Street site (Source: Google Maps)

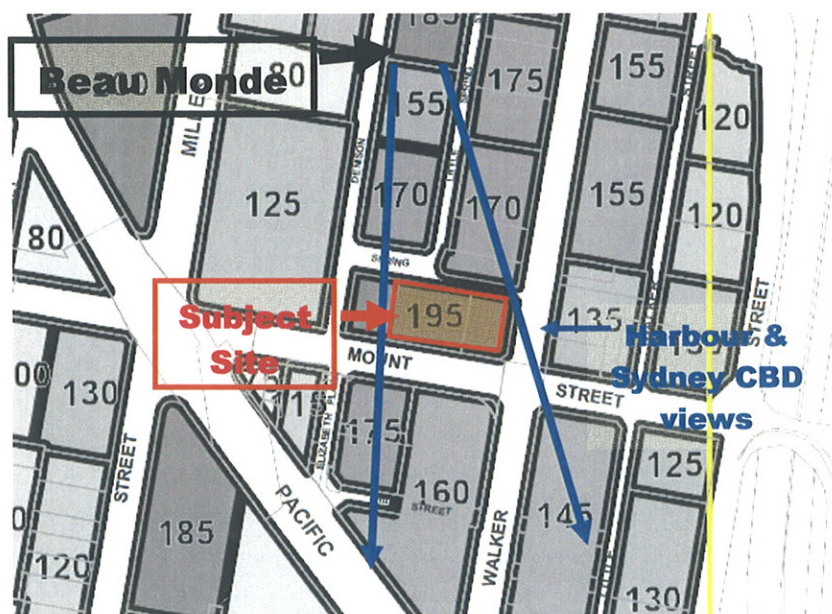


Diagram 29 – Arc of Harbour and City views from Beau Monde
in relation to DLEP 2009 Height Map

Assessment of View Impacts on the Beau Monde Building

A consideration of the principles in the Land and Environment Court judgement "*Tenacity Consulting v Warringah Council (2004)*", provides a basis for the consideration and assessment of view impacts, view loss and view sharing, and the criteria adopted in the decision state as follows:

- (i) Assess what views are affected (i.e. whether or not they are iconic views, water views, obscured etc);
- (ii) From what part of the property are the views obtained;
- (iii) The extent of the impact; and
- (iv) The reasonableness of the proposal which is causing the impact.

(i) Views which are affected

A detailed consideration of the views affected is described above.

(ii) From what part of the property are the views obtained

Views are enjoyed principally from balconies and living room spaces within the apartments orientated to the south in Beau Monde, and in some cases views/outlooks were available from kitchen and bedroom areas as well.

(iii) Extent of impacts

The current proposal will only impact on Level 36 of the Beau Monde building having regard to the location and height of the Draft LEP envelopes on 77-81 Berry Street (to RL 170 metres) and the LEP 2001 envelopes in Walker Street (to RL 170 metres).

Existing easterly and westerly views and outlook obtained from corner aspect apartments on the southern elevation of the Beau Monde building will not be affected.

(iv) The reasonableness of the proposal which is causing the impact

The Beau Monde building is one of the few residential buildings to have been constructed in the centre of the North Sydney CBD, and there should always have been an expectation that large scale commercial development would occur in and around the Beau Monde with likely adverse impacts on views, outlook and amenity.

Residential development is now prohibited in the commercial core of North Sydney.

Further, there is a large area of the southern CBD currently overlooked by the southern elevation of the Beau Monde building which could also be the subject of redevelopment affecting views. It is unreasonable to expect that large scale commercial development over the southern half of the North Sydney CBD be frozen to protect the existing views from the Beau Monde building.

There are no specific aims or objectives in the LEP 2001 which seek to protect or preserve private views within the North Sydney CBD, nor to promote view sharing of private views.

The impacts from a complying building envelope under LEP 2001 extending to RL's 155 metres and 170 metres would have a significant impact upon views. The impact from the Draft LEP envelopes to RL's 170 metres and 195 metres also have a significant impact, however in terms of the current application, principally on one dwelling only; the penthouse unit at Level 36.

The impact from the proposed non-complying building height above RL 195 to RL 199.7 metres does not result in any additional loss of southerly Sydney Harbour Bridge, Harbour or Sydney CBD skyline views.

It has been demonstrated by the most recent submission on behalf of the "Beau Monde Residents Action Group" that dramatic modification to the existing LEP 2001 envelope and the Draft LEP 2009 envelope for the Mount Street tower would be required in order to retain Sydney Harbour, Sydney Harbour Bridge and Sydney CBD skyline view lines.

This outcome is considered to be unsustainable and inequitable in terms of the strategic importance of this land and its development potential and ability to contribute significantly to the achievement of a range of Metropolitan, Subregional and North Sydney City Centre planning objectives for economic growth, job creation and the maintenance of North Sydney as a prime Subregional Centre.

7.4 Car Parking, Traffic and Access

Car Parking

The Planning report to the Council meeting of 2 February 2010 noted comments from Council's Traffic Engineer regarding the excessive car parking proposed and the concern regarding additional traffic generation and likely precedent for other North Sydney CBD developments.

The PPR proposes 123 car parking spaces. Council's DCP requirement is a maximum of 97 spaces.

The Council make the point that if all North CBD development sought the same 24% increase in parking numbers there would be an unsustainable cumulative impact on traffic flows/intersection efficiency in North Sydney.

The Proponent argues that the additional carparking is required to support the tenant demands for A-grade office space in North Sydney.

It is considered appropriate that the development comply with Council's DCP 2002 controls, and a condition of approval is recommended reducing the maximum number of parking car parking spaces to 97.

Traffic impacts

Halcrow MWT provided detailed traffic and parking assessments for the Walker/Berry Street application, and as part of the PPR process for that application, prepared a traffic report which addressed the cumulative impacts of both the Walker/Berry Street application and the Mount Street proposal.

The conclusions and recommendations of that report were considered by Council and the key concern relating impacts from increased traffic flows and the redirection of traffic flows south through Mount Street during peak times was addressed by a number of recommendations. Those recommendations required improvements to the Walker/Berry and Walker/Mount intersections, removal of angled parking in Mount Street, new linemarking to intersection approaches, rephasing of existing traffic signals, and introduction of a scramble crossing for pedestrians in Mount Street.

A number of these mitigation measures were addressed with conditions of approval imposed on the Walker/Berry Street consent.

The current Mount Street proposal has provided a traffic assessment prepared by Colston Budd Hunt & Kafes, which has relied upon and peer - reviewed the cumulative traffic assessment by Halcrow MWT. This approach was supported by the Department.

Colston Budd Hunt & Kafes also provided a further report with the PPR which addressed the issues raised in submissions regarding cumulative impacts, traffic generation rates, location of loading docks and access for large trucks, and operation of the truck hoist.

The previous disagreement regarding traffic generation rates has been resolved, and the current assessment is based on a rate of 0.6 vehicle movements per hour per space which has been supported by Council.

The Department is satisfied that the main concern regarding cumulative traffic impacts can be addressed and a number of conditions are recommended to be imposed on the Mount Street development including a contribution of \$10,000 towards the rephasing of the Mount/Walker traffic signals in addition to the \$130,275 to be levied under Section 94 for traffic improvements.

Council's current traffic management program in the Council's Section 94 Plan and Public Domain Strategy includes works to improve traffic flows such as removal of angled parking in Mount Street, new linemarking to the Mount Street intersection approaches and introduction of a scramble crossing for pedestrians in Mount Street. The current proposal will contribute to these works through the payment of Section 94 contributions.

The Department notes the comments raised by the RTA. The concerns raised have generally been addressed in the PPR including the need for design changes to improve pedestrian/traffic safety in Spring Street. Other issues relating to compliance with Council's Car Parking DCP, and for the upgrading of the Walker Street/Mount Street intersection, are the subject of recommended conditions of approval.

Vehicle Access

The reconfiguration of the existing layout of Spring Street will significantly improve access, the public domain and pedestrian amenity and safety. The frontage of the site to Spring Street is currently dominated by 6 vehicle cross overs and access to plant, ramps and loading docks. The proposal will rationalise all of these existing features, providing only 3 cross overs and locating all loading/unloading in the basement to be accessed by a single large truck hoist.

The Proponent's Traffic Consultants have confirmed that the single hoist will be adequate subject to a loading dock management plan being adopted. The coordination of use of the truck hoist can be managed by radio to avoid queuing in adjacent streets.

7.5 Other Matters

Site Amalgamation

The provisions of Clause 28D (2)(e) of LEP 2001 requires that *"Consent must not be granted to the erection of a building within the North Sydney Centre, unless: (e) the site area is not less than 1,000 square metres."*

While the subject Mount Street development site complies with an area of 1,756sqm, the proposal leaves the adjacent site at No. 84 Mount Street "isolated" on an allotment of 652 sqm, and therefore less than the LEP requirement of 1,000sqm.

The property at 84 Mount Street features a substantial 15 storey mixed use commercial and retail bounded by Mount Street, Denison Street, Spring Street and the subject site. Ideally, the preferred outcome would be to develop the whole Mount Street block as one proposal.

As required by the DGR's, the Proponent has provided a detailed submission providing options for the future amalgamation of 84 Mount Street with the current development at some future time. These options demonstrate that the current proposal would not unreasonably sterilise the potential future redevelopment of 84 Mount Street, whether redeveloped as a new tower, or a significant extension to the existing 15 storey building.

The Proponent also provided evidence of attempts to purchase 84 Mount Street over a number of years which has been unsuccessful due to the property currently being fully leased and the "improved value" exceeding the "site value".

Under these circumstances, the inability to fully amalgamate the whole of the Mount Street block at this time is acknowledged and it would be considered unreasonable to allow this situation to prevent the current proposal from proceeding.

Amenity

The minor overshadowing of some residential properties at the western end of High Street, Neutral Bay (located on the eastern side of the Warringah Freeway) will not result in any adverse impacts on the amenity for the occupants of those buildings.

Wind Impacts

A revised Wind Report prepared by Windtech was submitted with the PPR addressing the concerns by the Department in relation to the cumulative impacts from the proposal and future developments surrounding the subject site, in particular the proposal for 77 – 81 Berry Street and 88 Walker Street.

In summary, the report described additional treatments required at particular locations on and surrounding the site and the proposed wind amelioration treatment required. All recommendations made by Windtech have been incorporated into the proposal and an appropriate condition of approval is recommended.

The additional wind amelioration treatments are supported by the Department.

Heritage

A revised Heritage Impact Statement prepared by NBRS & Partner's was submitted with the PPR. The Heritage Report submitted addresses the requirements of the DGRs and heritage matters in accordance with North Sydney LEP 2001 (Clause 50).

It is considered that the proposed development has been designed to respect the curtilage and heritage significance of the 2 nearby heritage items, being the adjoining Firehouse Hotel (86 Walker Street) and the state significant MLC Centre located in Miller Street to the northwest.

In particular, the revised eastern (Walker Street) podium elevation provides an appropriate response to the character and significance of the Firehouse building adjacent.

The Department supports the design and presentation of the structural frame between Levels 3 – 7, and considers it to make a bold and contemporary statement which is compatible with the prominent location of this site in the centre of the North Sydney CBD. It is not considered that this architectural feature will detract from the significance of the adjacent heritage item (the Firehouse Hotel) as the relative scale and context is sufficiently separated and each building form will be read as quite individual elements in the streetscape.

Section 94 Contributions and Railway Contribution Deed

The Proponent stated in the EA that there is no VPA proposed, and that the normal Section 94 contributions would be paid in accordance with Council's current S.94 Plan 2006.

A total S.94 contribution of \$3,214,186 is proposed and a breakdown is provided below.

Contribution	Total (\$'s)
Administration	52,770.33
Child Care Facilities	223,429.16
Community Centres	128,655.39
Library Acquisition	26,234.13
Library Premises & Equipment	79,758.21
Multi Purpose Indoor Sports Facility	30,186.33
Olympic Pool	98,350.49
Open Space Acquisition	96,188.07
Open Space Increased Capacity	190,662.59
Public Domain Improvements	2,157,678.20
Traffic Improvements	130,275.80
Total	3,214,186

In addition, the development is located on land the subject of the Railway Infrastructure Deed (pursuant to Clause 28C - Railway infrastructure of LEP 2001) and a contribution of \$2,974,312 will be required to be made to the Transport Administration Corporation (TAC).

Utilities

The Department is satisfied the existing infrastructure will supply the utility demands for the proposed development, and any required works to the infrastructure could be met by the proponent.

8 KEY MODIFICATIONS & CONDITIONS

Key recommendations and modifications to the PPR are included as conditions of approval as follows:

- Increase in setbacks to Walker Street at levels 17 to 36 to provide closer compliance with North Sydney City Centre DCP controls and ensure an appropriate response to the Walker Street streetscape;
- Construction management conditions, including restrictions on construction hours;
- Reduction in parking from 123 spaces to 97 spaces to comply with Council's DCP 2002; and,
- Additional monetary contribution of \$10,000 towards upgrading the intersection of Walker and Mount Streets.

9 PUBLIC INTEREST/PUBLIC BENEFIT

It is expected that the proposal will have some impact on the locality and will affect the existing views and amenity of some apartments in the Beau Monde building. However, on balance the proposal will provide significant benefits to the wider community, including:

- Realisation of additional premium grade commercial floor space in the North Sydney Centre and jobs growth;
- Achievement of 5-star Greenstar and 5-star NABERS energy ratings;
- An additional monetary contribution of \$10,000 for the upgrading of the Walker Street/Mount Street intersection in addition to the \$130,275 to be levied under Section 94 for traffic improvements;
- Contribution of \$2,974,312 to the payment of the upgraded North Sydney Railway Station;
- Contribution of 35,000sqm of additional floor area towards the achievement of the North Sydney Centre 250,000m² floor space target;
- Improvements to the relationship with the public domain in Mount Street and Walker Street, improved pedestrian through-site link and improved presentation of built form and streetscape/pedestrian safety to Spring Street; and,
- Employment opportunities through the construction and operational phase of the development.

10 CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in public submissions and is satisfied that the impacts have been addressed in the PPR, the Revised Statement of Commitments and recommended conditions of approval. The Department has determined that the proposal is appropriate and fits within the context of the North Sydney CBD, is well resolved and of a height, bulk, scale and character that is also compatible with the City Centre.

The impacts that arise from the variation to compliance with the LEP 2001 and Draft LEP 2009 height and shadow controls, and the minor variation to the Walker Street DCP 2002 setback requirement do not, on balance, result in a development which is unreasonable or out-of-character with the context of the North Sydney CBD.

The loss of some southerly views over the North Sydney CBD to Sydney Harbour and the Sydney CBD from some apartments in the Beau Monde residential building to the north will result in a reduction in amenity. However, the preservation of these existing views is unsustainable having regard to the targets set for future economic and employment growth in North Sydney. Further, the recent approval of the commercial, retail and hotel development at 77 – 81 Berry Street and 88 Walker Street consistent with Council's draft LEP controls means that the impacts from the current proposal only impacts the views from the upper level of the Beau Monde building.

The concepts for public domain improvements on the adjacent streets, the improved presentation of built form/streetscape to Spring Street, and provision of an improved pedestrian through-site link are of merit and will enhance the vitality of this area of North Sydney which requires renewal.

It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance and the Department recommends that the Concept Plan be approved pursuant to Section 75O of the Act.

11 RECOMMENDATION

It is recommended that the Minister:

- (A) **Considers** the findings and recommendations of the Director General's Environmental Assessment Report (**TAG 3**);
- (B) **Approve** the Concept Plan pursuant to Section 75O of the *Environmental Planning and Assessment Act, 1979* (the Act), **determine** that the project described by the Concept Plan requires no further environmental assessment pursuant to Section 75P(1)(c) of the Act and **sign** the Determination (**TAG 4**);
- (C) **Sign** the Instrument granting approval to the project described in the Concept Plan application (**TAG 5**).

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Assessment & Systems Performance

APPENDIX A: STATUTORY ASSESSMENT & SUMMARY

Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act)

Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act)

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) *To encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities,*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats,*
 - (vii) *ecologically sustainable development,*
 - (viii) *the provision and maintenance of affordable housing,*
- (b) *To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *To provide increased opportunity for public involvement and participation in environmental planning and assessment.*

It is considered that on balance, with consideration of the benefits provided for in the proposal such as improved public domain, pedestrian connections and additional open space. Overall the project application promotes the co-ordination of the orderly and economic use and development of land and provides a better built form and a positive amenity environment.

With respect to ESD, the EP&A Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the Project Application. The balancing of the application in relation to the Objects is provided in Section 5.

Statement of Compliance

Under Section 75I of the EP&A Act 1979 and Clause 8B of the EP&A Regulation 2000, the Director General's report is required to include a statement relating to compliance with environmental assessment requirements with respect to the project.

The Department is satisfied that the environmental requirements have been complied with.

Ecological Sustainable Development Principles

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** - The social, environmental and economic impacts of the proposal are positive and the development would provide a positive reuse of the site for employment, commercial and retail use. The environmental impacts of the development are appropriately mitigated as discussed in this report. The Department's assessment has duly considered all issues raised by the community and public authorities. The development will also improve public domain surrounding the site and assist in creating a benchmark for further revitalisation of the locality.
- **Precautionary Principle** – The EA is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. The proponent has demonstrated that the development design and appropriate mitigation measures will be implemented to prevent any detrimental environmental impacts. Mitigation measures are outlined in the proponent's Statement of Commitments and/or the recommended conditions of approval. No significant climate change risks are identified as a result of this proposal.
- **Inter-Generational Principle** – The site's redevelopment for commercial and retail uses incorporating ecologically sustainable design principles and implementation of environmental management practices to be employed during construction of the new development, will ensure that the environment is protected for future generations.
- **Biodiversity Principle** – There is no threat of serious or irreversible environmental damage as a result of this proposal. The proposal does not impact upon biological diversity or ecological diversity.
- **Valuation Principle** – The proposal seeks to promote new commercial, hotel and retail development within an existing urban/CBD area by maximising reliance on existing infrastructure, and enabling residents to live near work, leisure and other opportunities. The proposal will provide additional commercial office space within an existing CBD (Global Sydney). The project will deliver a significantly improved environment that will have greater economic, ecological and community value than the current and previous incarnations of the site.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including but not limited to;

- Use of central chilled water plant for air conditioning systems;
- Separate central air handling units for each thermal zone;
- Energy sub-metering of all major electrical uses in the building;

- Possible use of cogeneration including gas fired power generation;
- Provision for integration of artificial lighting and daylight compensation with appropriate controls may be incorporated to reduce or turn off entire areas upon adequate daylight; and,
- 5-star Green Star and 5-star NABERS energy ratings.

Contributions are also to be paid to assist Council in providing long term services to the community. Consequently, the Department is satisfied that the proposal is consistent with the principles of ESD.

Section 75I(2) of the Act

Section 75I(2) of the Environmental Planning and Assessment Act 1979 and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director general's Report is to address a number of requirements. These matters and the Departments response are set out as follow:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA and response to submissions (PPR) are located at Appendix C and D of this report.
Any advice provided by public authorities on the project;	All advice provided by public authorities on the project for the Minister's consideration is set out in Section 6 of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the project is identified, including an assessment of the impact of the SEPPs on the development proposal.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the development relative to the prevailing environmental planning instrument is provided in Appendix A of this report.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety. The proposal adequately complies with the DGRs.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Sections 5 and 6 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in Section 9 of this report.
The suitability of the site for the project	The project represents a redevelopment of an underutilised site within an established urban area for commercial activity suitable for the locality.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Appendix D , Appendix G and in Section 6 of this report.

Environmental Planning Instruments (EPI's)

APPLICATION OF EPI'S TO PART 3A PROJECTS

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project application. An assessment of compliance with the relevant EPI's is provided immediately below which concludes that the proposal complies with these documents.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy 55 – Contaminated Land (SEPP55)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Development) 2005
- North Sydney Local Environmental Plan 2001 (LEP 2001)
- Draft North Sydney Local Environmental Plan 2009 (former Draft LEP Amendment No 28 provisions).

The provisions, including development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(1) in Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as the DGRs and Section 75I(2)(e) of the Environmental Planning and Assessment Act, 1979 require the proponent to address such standards and provisions and the Department to duly consider them. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment as follows.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy 55 – Contaminated Land

Clause 7(1)A of SEPP 55 states that a consent authority must ascertain whether the site is contaminated and requires remediation prior to issuing consent. The proponent has undertaken Phase 1 Assessment of the site (refer to Appendix W of the EA) and this determined that it is unlikely that there is any contamination at the site.

State Environmental Planning Policy (Infrastructure) 2007

As the proposal is a traffic generating development, clause 104 of the above mentioned SEPP needs to be complied with. Consequently the Department had to refer the subject application to the RTA as part of the notification process. Refer to **Section 6** for RTAs comments. The Department will also have to notify the RTA of its determination of the subject proposal.

State Environmental Planning Policy (Major Development) 2005

Under Schedule 1, Group 5 of the former Major Projects SEPP, "*residential, commercial or retail projects*" with a capital investment value (CIV) of more than \$50 million that the Minister determines are important in achieving State and regional planning objectives may be declared a Major Project under Part 3A of the EP&A Act 1979. The project proposes Commercial and Retail uses with a CIV of \$145 million. It is noted that this project would therefore also meet the \$100million criteria under the current provisions of the Major Development SEPP.

North Sydney Local Environmental Plan 2001

Provisions	Permitted/Required	Proposed	Compliance
Aims and Objectives of the Commercial zone	(a) to prevent the loss of commercial floor space to residential use (b) to encourage a diverse range of employment opportunities (c) to minimise adverse effects of development on residents and occupiers of existing and new development	The proposed development generally complies with the aims and objectives of the zone.	YES
Zoning: "Commercial"	Commercial and retail uses	Commercial and retail uses	YES
Height Envelope (Clause 28D(1b)) (Refer Diagram 18 below for LEP 2001 envelope)	RL131 - 155m AHD (max) (20 - 27 storeys)	RL 199.7m AHD (+44.7m - 68.7m) (38 storeys)	NO
Overshadowing (Clause 28D 1c))	No net increase in overshadowing between 10am and 2pm to public open space zone or Special Areas.	Overshadowing of Elizabeth Street Plaza, Railway Station Plaza and Greenwood Plaza between 10.00AM and 11.30AM.	NO
	No net increase in overshadowing outside of the composite shadow area or of residential dwellings outside of the CBD between 9-3pm.	There will be an additional 2 – 10 mins shadowing on some dwellings and public open space in High St, Neutral Bay between 2.50-3pm in mid-winter	NO
Site Area	Min 1,000m ²	1,756m ²	YES #

The proposal does create an isolated site to the west at 84 Mount Street (site area : 652sqm) , which will be less than the minimum LEP site area of 1,000sqm – addressed in EA

Draft North Sydney Local Environmental Plan 2001 - Amendment No 28 as now incorporated into Draft North Sydney Comprehensive LEP 2009

Provisions	Permitted/Required	Proposed	Compliance
Aims and Objectives	To ensure a high quality of building design, energy efficiency and urban design for all building development <i>*Other objectives same as NSLEP 2001</i>	A high quality Commercial office tower and hotel building that is well integrated into the surrounding environment.	YES
Zoning: "Commercial Core"	Commercial and retail uses	Commercial and retail uses	YES
FSR (FSR controls removed from Draft Comprehensive LEP 2009)	Nil	Nil	N/A

Height	RL 195m AHD (37 storeys)	RL 199.7m AHD (+4.7m) (38 storeys)	NO
Overshadowing	No net increase in overshadowing between 12noon and 2pm to public open space zone or Special Areas.	No net increase in shadowing	YES
	No net increase in overshadowing outside of the composite shadow area or of residential dwellings outside of the CBD between 9-3pm.	There will be an additional 2 – 10 mins shadowing on some dwellings and public open space in High St, Neutral Bay between 2.50-3pm in mid-winter	NO
Site Area	Min 1,000m ²	1,756m ²	YES #

The proposal does create an isolated site to the west at 84 Mount Street (site area: 652sqm), which will be less than the minimum LEP site area of 1,000sqm – addressed in EA

APPENDIX B: DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

APPENDIX C: ENVIRONMENTAL ASSESSMENT

Refer to attached CD

APPENDIX D: SUMMARY OF SUBMISSIONS

Refer to attached CD and Appendix G

APPENDIX E: PREFERRED PROJECT REPORT

Refer to attached CD

APPENDIX F: REVISED STATEMENT OF COMMITMENTS

APPENDIX G: SUMMARY TABLES - NORTH SYDNEY COUNCIL AND PUBLIC SUBMISSIONS

Summary of Council submission to the EA

Council's objection	LEP controls	Department's response
The proposal fails to comply with the aims and objectives of the NSLEP 2001 (cl. 3(c) (ii), 3 (f) (iii).	cl. 3 (c) (ii) Ensure that non-residential development does not adversely affect the amenity of residential properties and public places.	The proposal presents a commercial and hotel development that supports urban design principles and is of a suitable scale for a development of its type. The surrounding road network will be modified to support the proposal.
	3 (f) (iii). Ensure the social and economic effects of development are appropriate.	The proposal will provide significant job opportunities for North Sydney 35,000m ² of commercial and retail floor space which will contribute to targets outlined in the Draft Inner North Subregional Strategy. The proposal will provide an improved public domain to Mount Street, Walker Street and Spring Street together with other public domain improvements.
The proposal fails to comply with objectives in LEP 2001(cl.28B (j), (l), (m), (o) and (p).	28 B (j) encourage reuse of existing buildings, (l) promote high quality urban environments, (m) to provide significant public benefits, (m) to protect the amenity of residential zones and existing open space within & nearby the NS Centre, (p) to prevent any net increase in overshadowing	(j) The reuse or recycling of the existing buildings is not feasible due to the size, design and layout of building. (l) The proposal will provide an improved public domain to Mount Street and Spring Street together with other public domain improvements with improved pedestrian access around and through the sites. (m) Complies as stated above. (p)The overshadowing of areas outside the CBD is not significant and is outweighed by the benefits the proposal will bring to North Sydney.
The proposal fails to comply with specific building heights and massing objectives (cl. 28D of LEP 2001/Am 28	LEP 2001 28D (a) achieve a transition of building heights generally from 100 Miller St. and 79-81 Berry St. (b) promote a height and massing that has no adverse impact on public open space zone, special areas or on heritage items, (c) minimise overshadowing of	The proposed building height and massing will have no adverse impact on public open space or special areas or on residential land adjoining the CBD. The proposal is consistent with the "bell-curve" effect described in the LEP and the height and massing of the proposal involves consideration of pedestrian comfort in regards to wind, solar access, overshadowing and visual

	<p>residential and public open space zones or special areas</p> <p>(d) to protect the privacy of residents within and around the NS Centre,</p> <p>(e) to promote scale and massing that provides for pedestrian comfort,</p> <p>(f) to encourage consolidation of sites.</p> <p><u>Draft LEP 2001 Am:28</u></p> <p>(a) achieve a transition of building heights generally from 100 Miller Street and 79-81 Berry Street stepping down towards the boundaries of the CBD</p> <p>(b) promote a height and massing that has no adverse impact on public open space, special areas or on heritage items,</p> <p>(ba) promote height and massing that has no adverse impact on residential land that adjoins the CBD</p> <p>(c) minimise overshadowing of and loss of solar access to land in the residential or public open space zone or special areas</p>	<p>dominance.</p>
	<p><u>28D (2) (a)</u></p> <p>Max. height RL 195</p>	<p>The commercial tower complies with the Draft LEP height controls with the exception of a 4.7 metres portion of the roof top plant room levels.</p>
	<p><u>28D (2) (b) (c) (d)</u></p> <p>No net increase in overshadowing:</p> <ul style="list-style-type: none"> • 9am-3pm (21 June outside NS centre) • 10am-2pm (anytime in public open space. Special areas within NS Centre) 	<p>Two properties at the western end of High Street are only affected for a max. 2 to 10 minutes in the afternoon on June 21.</p>
	<p><u>28D (2) (e)</u></p> <p>Site $\geq 1000m^2$</p>	<p>The proposal provides floor plates greater than $1000m^2$ in the commercial tower.</p>
<p>The non-compliance with Council's building height controls (both existing and proposed) will result in unacceptable impacts on the public domain, increase</p>	<p><u>LEP 2001 cl.28D(5)</u></p> <p><u>Building design and public benefits</u></p> <p>The consent authority must consider:</p> <p>(a) the impact of the proposed development in terms of scale, form & massing within the context &</p> <p>(c) whether the proposed development preserves important</p>	<p>The proposal is consistent with the built form and massing of the CBD whilst providing public benefit through will improved public domain to Mount Street, Walker Street and Spring Street together with other public domain improvements with improved pedestrian access around and through the sites.</p> <p>The proposal will not impact upon any public views or vistas.</p>

overshadowing of public open space within North Sydney CBD.	view lines and vistas, and (d) whether the proposed development enhances the streetscape.	
The proposed public benefits are inadequate	28D (5) (b) whether the proposed development provides public benefit such as open space, through-site linkages & community facilities	The proposed public benefits are adequately addressed in the report.
Insufficient information has been submitted re: geotechnical matters	-	Included in revised statement of commitments.
Insufficient information re: wind impacts	-	A revised Wind Report submitted with PPR that adequately addressed wind impacts.
The proposal not in the public interest		The proposal is in the public interest as it will provide additional commercial floor space; improve the surrounding public domain without producing any unacceptable environmental impacts.

Summary of Public submissions to the EA

Issue	Department's Comment
Traffic	Concerns were raised regarding traffic generation rates not being substantiated by Halcrow MWT and Colston Budd & Kafes review. The revised Traffic Report submitted with the PPR has adequately addressed this matter.
Overshadowing	Concerns were raised regarding overshadowing associated with the development. While there is a small amount of increased overshadowing of residential properties in High Street, Neutral Bay, this is minor and has no adverse impact on amenity. There will be additional overshadowing of some areas within the CBD; however, this additional shadowing is restricted to the morning period only.
Height	The commercial tower complies with the Draft LEP height controls with the exception of a 4.7 metres portion of the roof top plant room levels.
Privacy	There are no residential buildings adjacent the site. The Beau Monde residential building is 120 metres to the north.
View loss	There will be a significant impact on existing views from Beau Monde, although apartments with a south-eastely and south-westerly orientation will not be as significantly affected as the single-aspect south-facing units. However, there has to be an expectation of some impact due to the location of this residential building in the centre of the North Sydney commercial core, where residential development is now prohibited.

	The relevant Council planning strategies for the North Sydney CBD contemplate significant development potential on this site as prescribed by the relevant Draft LEP height controls since July 2005.
Noise Impacts	Conditions of consent can address the potential noise impacts during construction.
Parking	The parking rates as proposed are deemed adequate subject to reduction to comply with Council's DCP.
Pedestrian Traffic and safety	The increase setbacks at ground level have enabled a widening of the footpaths to ensure better pedestrian safety than that which currently exists.
Lack of Community Consultation	Community consultation was adequate. Proponent engaged surrounding residents prior to submitting the EA. The EA was exhibited for the statutory 30 days and late submissions were accepted from the public.
Non compliance with FSR	The version of the Draft North Sydney LEP adopted by Council on 30 November 2009 has removed all FSR controls applying to the subject site.
Wind Impacts	There are concerns that tree planting in the public domain is the only measure to alleviate wind impacts. A revised wind report was submitted with the PPR and adequately addresses the concerns raised.
Impacts on Beau Monde <ul style="list-style-type: none"> • Non-compliance with North Sydney LEP 2001 • Non-compliance with the controls of draft North Sydney LEP 2001 Amendment 28 • View loss for "Beau Monde" residents • Acoustic and wind impacts • Traffic and parking impacts surrounding the subject site 	<ul style="list-style-type: none"> • The Draft LEP controls and compliance have been addressed above. • View loss – refer above. • The submission is concerned that the planting of trees within the public domain is the only measure to mitigate wind impacts and the PPR has adequately addressed this matter. • Issues relating to noise have been addressed above and by condition. • The Traffix Report raised concern regarding traffic generation rates not substantiated by Halcrow MWT. A revised Traffic Report was submitted with the PPR and has adequately addressed this matter.
Bulk/Scale	The bulk and scale of the proposed development is considered acceptable within the context of North Sydney CBD.
Proposal should not be assessed under Part 3A	The \$145 million CIV for the proposal exceeds the \$50 million threshold in the former Major Projects SEPP at the time of lodgement and also the current \$100 million threshold under the Major Development SEPP.
Non-compliance with LEP Amendment 28	<p>The Amendment 28 draft LEP provisions have now been incorporated into the Draft LEP 2009, and generally remain unchanged, with the exception of the removal of the draft FSR controls.</p> <p>The proposal is permissible under Draft LEP, but presents a 1 storey (4.7metre) non-compliance with the Draft height controls.</p> <p>This matter has been addressed in the Department's assessment.</p>

APPENDIX B: DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 08_0241
Project	Project Application for construction of a commercial development
Location	86-96 & 100 Mount Street, North Sydney
Proponent	Urbis Pty Ltd on behalf of Delmege Commercial & Lainge O'Rourke
Date issued	30 April 2009
Expiry date	If the Environmental Assessment (EA) is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> 1. Relevant EPI's policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: <ul style="list-style-type: none"> • SEPP 55, Draft SEPP 66, SEPP (Infrastructure) 2007; • Draft Inner North Subregional Metropolitan Strategy; • North Sydney LEP 2001 and North Sydney DCP 2002; • Draft North Sydney LEP 2001 (Amendment No. 28); • NSW State Plan, Urban Transport Statement; and • Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines (including DCP's) and justification for any non-compliance. 2. Architectural, Building and Urban Design Impacts <ul style="list-style-type: none"> • The EA shall address the visual impact of the project in the context of adjoining development, and the impact on any adjacent heritage item (on-site, adjoining and adjacent the site) and its setting and building mass as viewed from public areas. • The EA shall also address the design of the proposed development relative to the proposed design of the adjoining development at 88 Walker and 77-81 Berry Street, North Sydney in order to ensure a high level of design quality and coordination of outcomes to the public domain are achieved for the North Sydney Centre. 3. Site Amalgamation <ul style="list-style-type: none"> • The proposal should seek to amalgamate with the property to the west known as 80 - 84 Mount Street on the corner of Mount Street, Spring Street and Denison Street so that a more appropriate and reasonable relationship is established with surrounding development and land uses, details shall be included in the EA, and shall include details outlining negotiations with the owners of the affected properties. • If this is demonstrated to be not possible, the EA shall assess, in detail, possible alternative options for this land demonstrating that it can be appropriately and reasonably be integrated into the development and land uses proposed for the land immediately adjacent, and also give consideration to the viable future development potential of the isolated site. 4. Built Form <ul style="list-style-type: none"> • The EA shall address the appropriateness of the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate potential impacts relating to loss of sunlight, privacy and views at neighbouring properties and the public domain.

	<ul style="list-style-type: none"> In particular, the proposal should seek to provide appropriate building setbacks and a podium to ensure the development makes a positive contribution to the human scale of the North Sydney Centre, and to minimise amenity impacts on the public domain. It is noted that the resolution of this issue may impact upon the size of floor plates at upper levels. <p>The EA shall also provide the following documents:</p> <ul style="list-style-type: none"> Comparable height study to demonstrate how the proposed height relates to the height of the existing development surrounding the subject site; View analysis to and from the site from key vantage points; and Options for building massing and articulation. <p>5. Public Domain The EA shall consider;</p> <ul style="list-style-type: none"> Potential improvements to the existing public domain including local streets, footpaths and shared - zones and identify any proposed road closures and re-alignments. Interface of proposed development and public domain (where applicable); Relationship to and impact upon existing public domain; and Provision of linkages with and between other public domain spaces including access rights, openness to the sky, legibility and "safer by design" (CPTED) issues
	<p>6. Transport and Accessibility (Construction and Operational) The EA shall address the following matters:</p> <ul style="list-style-type: none"> Provide a Transport & Accessibility Impact Study prepared in accordance with the RTA's <i>Guide to Traffic Generating Developments</i>, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages. In particular the key intersections the study should consider are: <ul style="list-style-type: none"> Mount Street/Walker Street; Berry Street/Walker Street; and Pacific Highway/Walker Street. Provide an assessment of the proposal with regards to the Governments 'Integrating Land Use and Transport Policy'. Provide an assessment of the implications of the proposed development for non-car travel modes (including public transport, walking and cycling). Identify measures to mitigate potential impacts for pedestrians and cyclists during the construction stage of the project.
	<p>7. Noise and Lighting Impacts Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts (including traffic noise) on amenity in the locality.</p> <p>8. Construction Impacts Address measures to ameliorate potential impacts arising from the demolition, excavation and construction phases of the proposed development upon surrounding land uses and public streets, and provide a Construction Management Plan.</p> <p>9. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> The proposal is to be designed to incorporate ESD principles in the design, construction and ongoing operation phases; and Provide an assessment of how the new commercial tower will achieve a 5 star Green Star and Commercial NABERS rating. <p>10. Contributions</p> <ul style="list-style-type: none"> The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94/94A Contribution Plan and/or details of any Planning Agreement or

	<p>other binding legal agreement.</p> <ul style="list-style-type: none"> The EA shall include a Developer Commitment Deed prepared and executed in accordance with the Railway Commitment Deed as required by North Sydney Council (and Railcorp) to ensure the increased demand upon the North Sydney Railway Station generated by the development is addressed satisfactorily.
	<p>11. Utilities In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</p> <p>12. Staging The EA must include details regarding the staging of the proposed development (if proposed).</p> <p>13. Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p>
Deemed refusal period	60 days

Plans and Documents to accompany the Application

General	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. A Transport and Accessibility Impact Study prepared in accordance with the RTA's <i>Guide to Traffic Generating Developments</i>. 7. The plans and documents outlined below; 8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP; and 10. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
Plans and Documents	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sqm) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; • location and height of adjacent buildings and private open space; and • all levels to be to Australian Height Datum.

2. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).
3. A **locality/context plan** drawn at an appropriate scale should be submitted indicating:
 - significant local features such as parks, community facilities, open space and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes; and
 - including photographs of existing buildings and streetscapes, and any significant views and vistas.
4. **Architectural drawings** at an appropriate scale illustrating:
 - the location proposed building envelopes and/or structures on the land in relation to the boundaries of the land and any development on adjoining land;
 - the height (AHD) of the proposed development in relation to the land;
 - the level of the lowest floor, the level of any unbuilt area and the level of the ground;
 - any changes that will be made to the level of the land by excavation, filling or otherwise.
5. **Other plans and documents:**
 - **Landscape Concept Plan** - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.
 - **Shadow diagrams** showing solar access to the site and adjacent properties including open space areas (where appropriate) at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and Sep 21) at 9.00 am, 12.00 midday and 3.00 pm.
 - **CBD Rail Link Plan** – showing the location of the proposed CBD Rail Link (CBDRL) in relation to the subject development and site. The plan must provide sufficient information in order for RailCorp to make a full assessment of the development with regards to its interaction with the CBDRL, including consideration of the future effects of electrolysis, noise, vibration and electromagnetic fields.
 - **Stormwater Concept Plan** – illustrating the concept for stormwater management;
 - **Heritage Impact Statement** – prepared in accordance with the NSW Manual and illustrating the impact of the proposed development of the adjoining heritage item at 86 Walker Street (former North Sydney Fire Station).
 - **Wind Effects Report** - based on wind tunnel testing is to be submitted. The report is to identify and analyse the effects of wind conditions on pedestrians within the site, on the street at footpath level, and in other locations in the vicinity. The report shall also compare and analyse the current situation with the likely impacts created by the proposed development, and also take into consideration the proposal at No. 88 Walker Street.
 - **Isolated Site Design Options** – If the adjoining site to the west is not able to be amalgamated with the project, plans should be provided demonstrating the site is able to be developed in the future.
 - **Access Report** – to be prepared demonstrating compliance with the various Discrimination and Disability regulations for the building and open space areas, as well as access to the surrounding public spaces.
 - **Traffic and Transport Study** - addressing the RTA Guide to Traffic Generating Developments
 - **Geotechnical Report** – to be prepared in relation to the proposed excavation and structural integrity of surrounding properties.

	<ul style="list-style-type: none"> • Waste Management Plan – to be prepared to address both the construction and operational use of the proposed development. • Photomontages – detailing the proposal in the context of adjacent buildings, streetscapes and the North Sydney skyline. <p>6. A massing model of the proposed development.</p>
Documents to be submitted	<ul style="list-style-type: none"> • 1 copy of the EA, plans and documentation for the Test of Adequacy (TOA) including 1 copy of the EA and plans on CD-ROM; <p>Once the EA has been determined to be adequate;</p> <ul style="list-style-type: none"> • 12 hard copies of the EA; • 12 sets of architectural and landscape plans to scale, including 1 set at A3 size (to scale); and • 1 copy of the EA and plans on CD-ROM (PDF format), in accordance with the Department's Web Site protocol.
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files; • File names will need to be logical and appropriate labelled so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files; • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order; • Graphic images will need to be provided as [.gif] files; • Photographic images should be provided as [.jpg] files; • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each; and • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

APPENDIX C: ENVIRONMENTAL ASSESSMENT

Refer to attached CD