



WINTEN
PROPERTY
GROUP



Environmental Assessment Report Concept Plan

North Sydney Commerce Centre

177-199 Pacific Highway, North Sydney

Submitted to
Department of Planning
On Behalf of Winten Property Group

June 2010 ■ 09486

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This report has been prepared by: Michael Rowe

Signature



Date 18/06/10

This report has been reviewed by: Oliver Klein

Signature



Date 18/06/10

Statement of Validity

This Environmental Assessment has been prepared and submitted under Part 3A of the *Environmental Planning and Assessment Act 1979* (as amended) by:

Environmental Assessment

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Qualifications	BA (Geography), MURP, MPIA
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Address	Level 7, 77 Berry Street North Sydney NSW 2060
In respect of	Concept Plan Application

Project Application

Applicant name	Winten Property Group
Applicant address	Level 10, 61 Lavender Street, Milsons Point NSW 2061
Land to be developed	177-199 Pacific Highway, North Sydney
Proposed development	Envelope, use and other development features for a 31 storey commercial office building.

Environmental Assessment	An Environmental Assessment (EA) is attached
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Certificate	I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:
-------------	--

- It is in accordance with the Environmental Planning and Assessment Act and Regulation.
- It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature



Name

Oliver Klein

Date

18 June 2010

Contents

Executive Summary	v
1.0 Introduction	1
1.1 Project Background	1
1.2 Overview of Approval Sought	1
1.3 Environmental Assessment and Approvals Process	2
1.4 Project Team	3
2.0 Site Analysis	4
2.1 Site Location and Context	4
2.2 Land Ownership and Legal Description	5
2.3 Site Description	6
2.4 Existing Transport and Access	9
2.5 Surrounding Development	10
3.0 Concept Plan	13
3.1 Project Objectives	13
3.2 Concept Approval	13
3.3 Demolition and Site Preparation	15
3.4 Land Use and GFA	15
3.5 Building Height and Setbacks	15
3.6 Publicly Accessible Garden Plaza	16
3.7 Pedestrian and Vehicular Access	19
3.8 Car Parking	19
3.9 Environmental Sustainable Development	19
3.10 Infrastructure and Utilities	19
3.11 Stormwater	20
3.12 Indicative Project Staging	20
3.13 Contributions	20
4.0 Director General's Environmental Assessment Requirements	21
5.0 Environmental Assessment	23
5.1 Consistency with Relevant Strategic and Statutory Plans and Policies	23
5.2 Built Form and Urban Design	25
5.3 Public Benefit	44
5.4 Public Domain	46
5.5 Transport and Accessibility	47
5.6 Environmental and Residential Amenity	49
5.7 Contamination	53
5.8 Geotechnical and Ground Water	53
5.9 European Heritage	54
5.10 Stormwater	54
5.11 Crime Prevention Through Environmental Design	55
5.12 Environmental Sustainable Development	55
5.13 Consultation	56

6.0	Draft Statement of Commitments	57
6.1	Public Domain	57
6.2	Transport and Accessibility	57
6.3	Environmental and Residential Amenity	57
6.4	Environmentally Sustainable Development	57
6.5	Geotechnical and Groundwater	58
6.6	Contamination	58
6.7	Stormwater	58
6.8	Crime Prevention Through Environmental Design	58
6.9	Infrastructure and Utilities	58
7.0	Conclusion	59

Figures

1	Locality Plan	4
2	Bird's eye view of the site	5
3	Site Plan	6
4	The site viewed from the Pacific Highway, looking north east	7
5	View of the site from Berry Street looking south west	7
6	View of the site at the corner of Berry Street and the Pacific Highway looking east	7
7	View of the second building in the south east corner of the site	8
8	View of vehicular access to the basement car park from Berry Street	8
9	View of the internal courtyard from an internal stairwell	8
10	Berry Street	9
11	The Pacific Highway at the corner with Berry Street looking north	9
12	View of 201 Pacific Highway from Berry Street	10
13	View of Mont Sant' Angelo Mercy College from Berry Street	11
14	View of 173 Pacific Highway and Northpoint from The Pacific Highway	11
15	View of the boundary with 173 Pacific Highway from within the site	12
16	View of 53 Berry Street and 116 Miller Street from within the site	12
17	View to the west of 140 Pacific Highway	12
18	Photomontage of the North Sydney Commerce Centre	14
19	View analysis showing the proposed building setbacks	16
20	Indicative landscape concept plan of the proposed Garden Plaza	17
21	Indicative photomontage of the proposed publicly accessible Garden Plaza	18
22	Fully compliant building envelope	27
23	Shadow cast by proposed development at 9am on the 21 June	28
24	Areas affected by additional overshadowing	29
25	Additional shadow on the Don Bank Museum Special Area on the Autumn Equinox	32
26	View of the Don Bank Museum Special Area taken on 21 April	33
27	Additional shadow on the Miller Street Special Area on the Spring Equinox	34
28	Shadow Impact in terms of usable and non-usable space within the Miller Street Special Area during the Spring Equinox	35
29	Overshadowing impacts on Oak Street on the Winter Solstice at 9am	36
30	Overshadowing on the dwellings front Oak Street	37
31	Overshadowing impacts on Oak Street on the Autumn Equinox at 9am	38

32	proposed building heights overlayed on the draft LEP 2009 Height of Buildings Map	39
33	View Analysis from strategic view points	42
34	Analysis of North Sydney Special Areas	45
35	Affected dwellings within 171 Walker Street	50
36	Affected dwellings within 77 Berry Street	51
37	View analysis from 77 Berry Street	52
38	Heritage Items in the vicinity of the site	54

Tables

1	Land use and GFA	15
2	Director General's Requirements	21
3	Summary of consistency with key strategic and statutory plans and policies	23
4	Summary of compliance with relevant height controls in LEP 2001 and draft LEP 2009	26
5	Assessment against clause 28D(4)	30
6	Degree of shadow on Special Areas within the North Sydney Centre	31
7	Impact of overshadowing on the Miller Street Special Area during the Spring Equinox	34

Appendices

A	Architectural Drawings and Design Report (Refer to Volume 2) <i>Bates Smart</i>
B	Director General's Requirements <i>Department of Planning</i>
C	QS Certificate <i>WT Partnership</i>
D	Survey Drawings <i>Craig and Rhodes</i>
E	Stormwater Concept Plan and Report <i>Hyder</i>
F	Transport and Accessibility Report <i>Colston Budd Hunt & Kafes</i>
G	Wind Report <i>WindTech</i>
H	Phase 1 Environmental Assessment <i>Hyder</i>
I	Geotechnical and Groundwater Desktop Study <i>Hyder</i>
J	Heritage Impact Statement <i>Graham Brooks and Associates</i>

Executive Summary

Purpose of this Report

This submission to the Department of Planning comprises an Environmental Assessment for a Concept Plan under Part 3A of the Environmental Planning and Assessment Act. It relates to the development of 31 storey commercial building at 177-199 Pacific Highway, North Sydney.

This submission is in accordance with the Department's guidelines for Part 3A applications, and addresses the issues raised in the Director General's Requirements.

Overview of Project

The Concept represents a regionally significant development at a key, underdeveloped site within the North Sydney Centre. It is the result of a long term planning and design process that will provide large floorplate high grade commercial floorspace with minimal environmental impacts. Amongst meeting a wide range of State and local planning objectives, it will also provide significant public benefit through the provision of a 1,325m² publicly accessible Garden Plaza.

The Concept Plan seeks approval for:

- demolition of the existing structures on the site;
- the building envelope for the commercial building and basement car park;
- up to a maximum Gross Floor Area (GFA) of 44,770m²;
- land uses;
- pedestrian and vehicle access arrangements; and
- a maximum of 112 car parking spaces to service the tenants of the commercial building.

The Site

The North Sydney Commerce Centre is located at the corner of the Pacific Highway and Berry Street in the North Sydney Centre within the North Sydney local government area. The Concept Plan site is a 2,418m² irregular shaped area comprising five 3-4 storey commercial terrace buildings centred around an internal courtyard.

Planning Context

The site is zoned Commercial under North Sydney Local Environmental Plan 2001. The proposal is permissible with consent and meets the objectives of the subject zone. Amongst other provisions, the North Sydney Local Environmental Plan 2001 also provides height and massing controls for the site.

An unendorsed draft North Sydney Local Environmental Plan 2009 has also been made publicly available for consideration. This EAR has assessed the proposal against the current and draft planning controls for the site.

Environmental Impacts

The environmental impacts of the Concept Plan are considered in Section 5.0. Overall, the proposed development will have minimal adverse environmental effects in terms of bulk and scale and traffic. An assessment against North Sydney LEP 2001 and draft North Sydney LEP 2009 demonstrate that the proposal generally complies with the height and massing controls, and where non compliances occur variations to the controls are strongly supported by the merits of the project, substantial public benefit, and the absence of any adverse amenity impacts.

Other environmental impacts can be effectively managed through all stages of the development via mechanisms referred to in this report and the draft Statement of Commitments. The assessment of the proposal demonstrates that it will result in positive economic, environmental and public benefits.

Conclusion

The development is considered to be in the public interest as State, regional and local needs will be met by effectively increasing the quantum of large floorplate high-grade commercial space in the North Sydney Centre. The development will also provide significant public benefits, namely through the provision of a 1,325m² publicly accessible Garden Plaza. The proposed development will have minimal adverse environmental effects, all of which can be effectively managed. Therefore given the environmental planning merits of the proposal, it is requested that the Minister approve the Concept Plan under Section 75O of the EP&A Act.

1.0 Introduction

This Concept Plan and Environmental Assessment Report (EAR) is submitted to the Minister for Planning pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This is to fulfil the Environmental Assessment Requirements issued by the Director General for the preparation of an Environmental Assessment of a Concept Plan for the redevelopment of 177-199 Pacific Highway, North Sydney (herein referred to as the North Sydney Commerce Centre development).

The Concept Plan is seeking to address strategic project issues and establish the key parameters of the development prior to more detailed design work being undertaken.

This report has been prepared by JBA Urban Planning Consultants Pty Ltd on behalf of the Winten Property Group and is based on design information provided by Bates Smart (**Appendix A**) and supporting technical documents provided by the expert consultant team.

This EAR describes the site, its environs and the proposed development, and includes an assessment of the proposal in accordance with the Director-General's Environmental Assessment Requirements (DGRs) under Part 3A of the EP&A Act (see **Appendix B**). It should be read in conjunction with the information appended to this report.

1.1 Project Background

The North Sydney Commerce Centre project is the culmination of Winten's efforts over the past nine years to amalgamate 26 strata lots on an under-developed site and largely commercially redundant existing development at a key location in the North Sydney CBD.

The Winten Property Group owns 16 of the 26 strata lots outright, with Call Options for purchase over the remaining ten lots. However, the options over these lots will cease in November 2010. Therefore it is Winten's intention to gain approval for the building envelope prior to November in order to secure the development certainty they require to make purchasing the remaining lots financially viable.

Failure to obtain planning approval by this time will make the purchase of the remaining lots financially unviable and consequently result in the cancellation of the project. Should the project not proceed then in all likelihood the site will remain under fragmented ownership indefinitely and a key site at the gateway to North Sydney will remain under-developed. It should be noted that Mirvac previously attempted to acquire and redevelop the site in 2000/2001 but was unsuccessful.

1.2 Overview of Approval Sought

The Concept Plan is therefore seeking approval for:

- demolition of the existing structures on the site;
- the building envelope for the commercial building and basement car park;
- up to a maximum Gross Floor Area (GFA) of 44,770m²;
- land uses;
- pedestrian and vehicle access arrangements; and
- a maximum of 112 car parking spaces to service the tenants of the commercial building.

It is proposed that a detailed Project Application for demolition, construction, and detailed design of the building and internal layout of all facilities will be lodged should the Concept Plan be approved.

The subsequent building, subject of the Project Application will be designed in accordance with the approved Concept Plan. It should be noted that as Clause 75R(3) of the EPA & Act will apply to the future Project Application, no environmental planning instruments (other than State Environmental Planning Policies) will apply in respect to the approved project.

1.3 Environmental Assessment and Approvals Process

State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP) identifies development to which Part 3A of the EP&A Act applies, and for which the Minister is the consent authority.

Clause 6 of the SEPP states that development, which in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of Development, Schedule 2 (Specified Sites) or Schedule 3 (State significant development) of the SEPP, is declared to be a project to which Part 3A applies.

Clause 13 of Schedule 1 of the Major Development SEPP identifies the following developments as being Part 3A Major Projects:

13 Residential, commercial or retail projects

- (1) *Development for the purpose of residential, commercial or retail projects with a capital investment of more than \$100 million.*

The project's estimated Capital Investment Value is \$157.5 million, as detailed in WT Partnership Quantity Surveyors Statement prepared by WT Partnership (**Appendix C**), and is well in excess of the \$100 million threshold.

In accordance with Section 75B of the EP&A Act, and Clause 6 of the Major Development SEPP, JBA Urban Planning Consultants on behalf of Winten Property Group requested on 15 December 2009 that the Minister:

- declare the 177-199 Pacific Highway, North Sydney project to be a Major Project subject to Part 3A of the EP&A Act;
- authorise the preparation and lodgement of a Concept Plan for the site; and
- issue DGRs for the project.

On 29 January 2010, the Minister declared the 177-199 Pacific Highway project to be a Major Project and in accordance with Section 75F of the EP&A Act. The Director-General of the Department of Planning issued the requirements for the preparation of an Environmental Assessment to accompany a Concept Plan for the project on 24 March 2010.

A copy of the Director General's Environmental Assessment requirements and authorisation to lodge a Concept Plan is included in **Appendix B**.

1.4 Project Team

An expert project team has been formed to deliver the project and includes:

Proponent	Winten Property Group
Urban Planning	JBA Urban Planning Consultants
Architecture	Bates Smart
Quantity Surveyors	WT Partnership
Traffic and Transport	Colston Budd Hunt & Kafes
Landscape Architecture	McGregor Coxall
Stormwater	Hyder
Geotechnical & Groundwater	Hyder
Contamination	Hyder
Surveyor	Craig & Rhodes
European Heritage	Graham Brooks and Associates
Wind	Windtech

2.0 Site Analysis

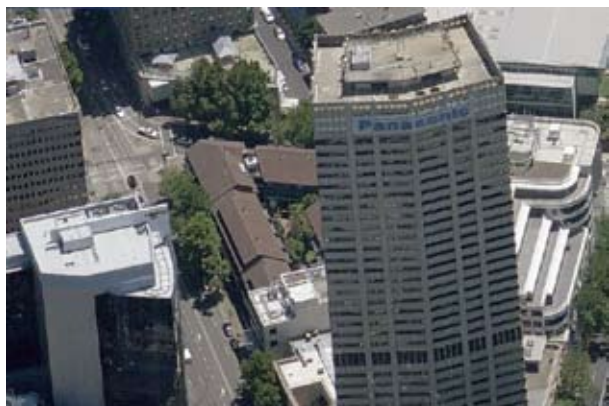
2.1 Site Location and Context

The Concept Plan site is positioned on the site known as 177-199 Pacific Highway, North Sydney. The site is located at the northern end of the North Sydney's commercial core (within the North Sydney LGA) at the south-eastern corner of Pacific Highway and Berry Street. The site's locational context is shown at **Figure 1**.

The area around the site is largely characterised by a mixture of older smaller-scale office buildings and new high rise commercial towers. A bird's eye view of the site is shown at **Figure 2**.



Figure 1 – Locality Plan



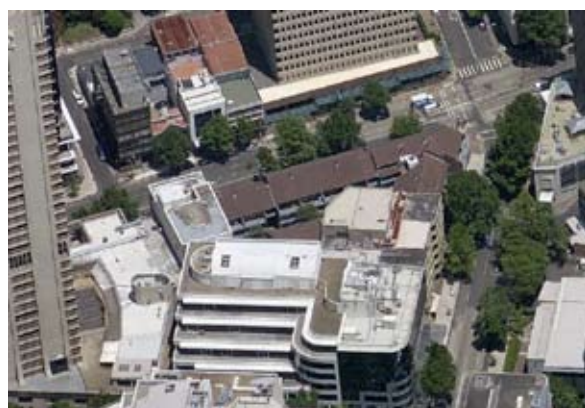
The site looking north



The site looking south



The site looking east



The site looking west

Figure 2 – Bird's eye view of the site

2.2 Land Ownership and Legal Description

The site is legally described as Lots 1-26 in Strata Plan SP 17198. The Winten Property Group owns outright 16 of the 26 strata lots (Lots 1, 3, 5, 6, 9-14, 17-20, 23, and 24) with Call Options for purchase over the remaining 10 lots (Lots 2, 4, 7, 8, 15, 16, 21, 22, 25, and 26).

2.3 Site Description

Existing Development

The site is a 2,418m² irregular-shaped area comprising 5 strata-titled commercial terrace buildings (which read as two buildings) around an internal courtyard (see **Figure 3**). The development contains a total of 26 small commercial units and approximately 6,923m² of gross floor area (GFA). A number of the units are currently vacant.

The buildings consist of:

- a 3-4 storey J-shaped building (made up of 4 interconnected buildings) which run around the west and northern perimeter of the site with frontages to both the Pacific Highway and Berry Street (**Figures 4-6**); and
- a 3 storey rectangular building located in the south east corner of the site (**Figure 7**).

A level of basement car parking containing 60 spaces is located below the ground level. Vehicular access to the car park is located via a right in/right out drive way off/on to Berry Street (a one way street eastbound) (**Figure 8**).

The private internal courtyard provides access to the commercial units in both buildings and the basement car park below (**Figure 9**). A selection of the ground floor units also have private outdoor areas which front on to the main courtyard and adjoining properties to the rear. Direct pedestrian access is also available to the ground level units fronting the Pacific Highway and Berry Street.

Survey drawings showing the location and height of the existing development on the site is located **Appendix D**.

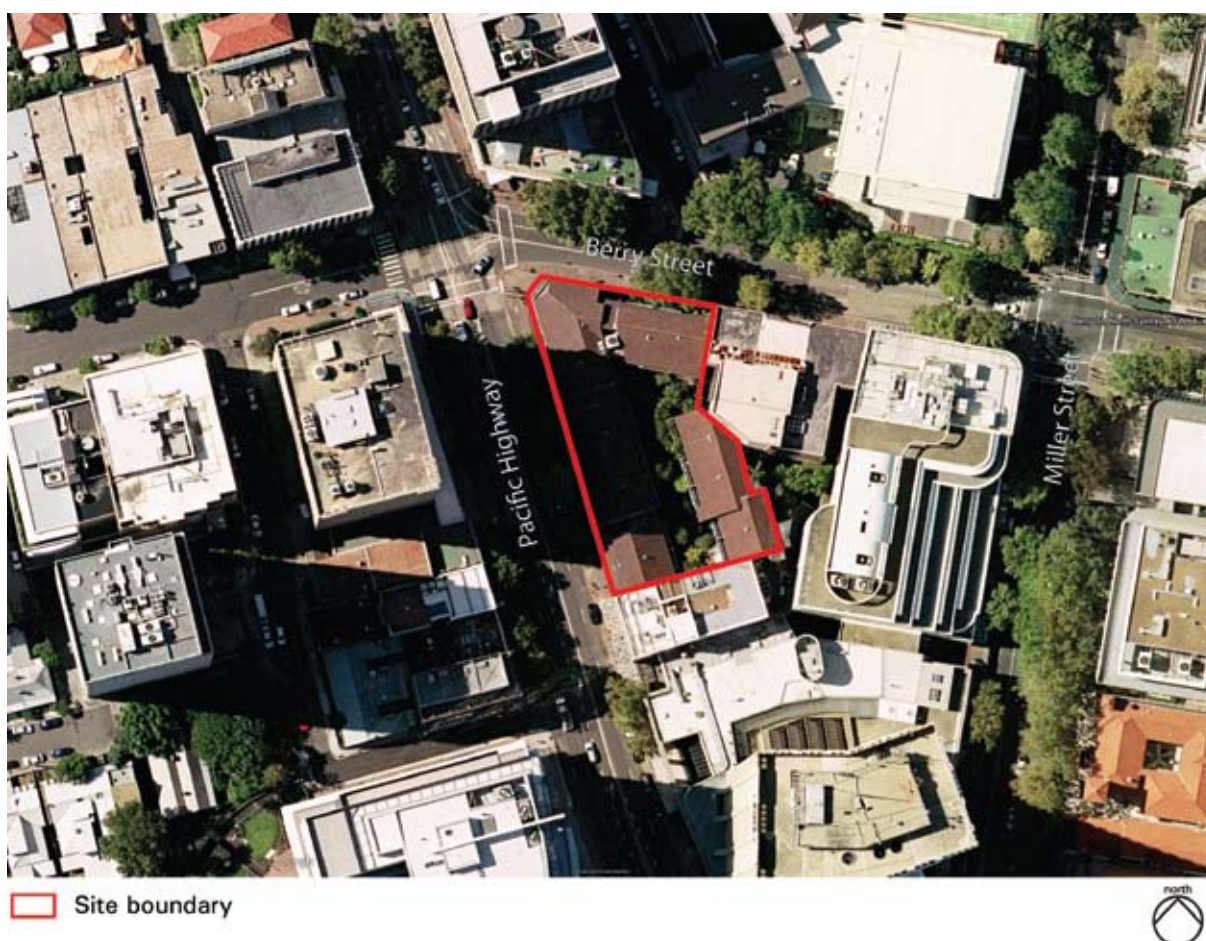


Figure 3 – Site Plan



Figure 4 – The site viewed from the Pacific Highway, looking north east



Figure 5 – View of the site from Berry Street looking south west



Figure 6 – View of the site at the corner of Berry Street and the Pacific Highway looking east



Figure 7 – View of the second building in the south east corner of the site



Figure 8 – View of vehicular access to the basement car park from Berry Street



Figure 9 – View of the internal courtyard from an internal stairwell

Landform and Vegetation

The site has a fall of 2.69m from the high point at the north west corner at Berry Street and the Pacific Highway to the north eastern corner on Berry Street. A survey plan is included at **Appendix D**.

The courtyard area between the two buildings is landscaped with a mixture of small trees and shrub planting sitting atop the deck of the basement (see **Figure 9**). There is no deep soil planting onsite.

2.4 Existing Transport and Access

Surrounding Road Network

Berry Street (**Figure 10**) is a sub-arterial road in North Sydney which links the Pacific Highway to the Warringah Freeway. Berry Street operates in one direction only from west to east. On street parking is available at certain times of the day.

The Pacific Highway (**Figure 11**) is an arterial road that runs from the Warringah Freeway up through Sydney's northern suburbs. At the site, the Pacific Highway runs in 2/3 lanes in both directions. On street parking is available at certain times of the day.



Figure 10 – Berry Street



Figure 11 – The Pacific Highway at the corner with Berry Street looking north

Pedestrian

The existing footpaths along the Pacific Highway and an underground pedestrian tunnel and footbridge over the Pacific Highway (via the Greenwood Shopping Centre) provide good quality pedestrian access to the site from the North Sydney train station.

Bicycle

There are several cycle paths in North Sydney including on-road marked lanes in both directions on Miller Street. The local cycleway network in North Sydney connects with the path that is provided on the western side of the Harbour Bridge and also the cycle path which is provided along side parts of the M2 Motorway.

Rail

The proposed development is located approximately 450m (5 minute walk) north of North Sydney Railway Station. North Sydney Station is located on the North Shore Line which provides local rail services and onward connections for regional services. North Sydney station has recently been upgraded to provide disabled access to the platforms and also to increase the capacity of the ticket concourse.

Bus

The site is in close proximity to a number of bus services which travel to the Sydney CBD, Greater North Shore, Northern Beaches and Western Suburbs.

2.5 Surrounding Development

The area around the site is largely characterised by a mixture of older smaller-scale office buildings and new high rise commercial towers.

To the north of the site, on the north eastern corner of the Pacific Highway and Berry Street is a 14 storey commercial building known as 201 Pacific Highway (**Figure 12**). Also to the north, on the eastern side of Angelo Street is Monte Sant' Angelo Mercy College, a locally-listed heritage item (**Figure 13**).

To the immediate south of the site is 172 Pacific Highway, a 4 storey commercial building (**Figure 14**). **Figure 15** shows the site's relationship with 172 Pacific Highway. Further to the south is Northpoint, a 34 storey commercial tower rising to about RL 200 AHD.

The eastern boundary of the site partially fronts the side of a 7 storey commercial development known as 53 Berry Street, and the rear of a 7 storey commercial building known as 116 Miller Street (**Figure 16**). A small irregular shaped rear courtyard area, which is accessed via 116 Miller Street, is located in the space between the site and the two adjoining properties to the east (see **Figure 16**).

To the west of the site, on the opposite side of the Pacific Highway is a 17 storey commercial building known as 140 Pacific Highway (**Figure 17**). Further to the west (approximately 95m) is the Don Bank Museum, a local and State-listed heritage item.



Figure 12 – View of 201 Pacific Highway from Berry Street



Figure 13 – View of Mont Sant' Angelo Mercy College from Berry Street



Figure 14 – View of 173 Pacific Highway and Northpoint from The Pacific Highway



Figure 15 – View of the boundary with 173 Pacific Highway from within the site



Figure 16 – View of 53 Berry Street and 116 Miller Street from within the site



Figure 17 – View to the west of 140 Pacific Highway

3.0 Concept Plan

The Concept Plan establishes the vision and planning and development framework which will be used by the consent or approval authority to assess future development proposals within the North Sydney Commerce Centre site. It articulates what Winten Property is seeking to achieve for future development and sets the broad parameters for the development of the site.

The development has been informed by comprehensive site and contextual analysis, which is documented in the Design Report at **Appendix A**, and will provide a building envelope appropriate to its North Sydney CBD location. The envelope will allow a future Project Application to achieve the best urban design and environmental outcome for the site.

3.1 Project Objectives

The following objectives have been established for the project.

Economic

- To provide high quality office space in the North Sydney Centre;
- To provide large commercial floor plates in the North Sydney Centre; and
- To deliver a significant number of new jobs in the North Sydney Centre consistent with the State's and local government's strategic planning objective.

Community

- To provide a new publicly accessible Garden Plaza with a variety of functions that is of high amenity throughout the year.

Environment / Sustainability

- To provide a building which incorporates ESD features that will reduce the use of water and energy; and
- To encourage the increased use of public transport.

Urban Design

- To design a project which will have a significant urban renewal effect on the North Sydney Centre and provide a new northern gateway into the CBD;
- To create a building envelope capable of achieving design excellence with minimum impact on the adjoining land uses; and
- To create a building envelope which is complementary to the North Sydney Centre skyline embraces the basic CBD urban design principles.

3.2 Concept Approval

Concept Approval is being sought for the following:

- demolition of the existing structures on the site;
- the building envelope for the commercial building and basement car park;
- a maximum Gross Floor Area (GFA) of 44,770m²;
- a maximum height of RL 195 AHD;
- land uses;
- pedestrian and vehicle access arrangements; and
- a maximum 112 car parking spaces to service the tenants of the commercial building.

An indicative photomontage of the building is shown in **Figure 18** below.



Figure 18 – Photomontage of the North Sydney Commerce Centre
Source: Bates Smart

3.3 Demolition and Site Preparation

To accommodate the proposed development the existing structures on the site, including both terrace buildings, will be demolished as part of the future Project Application.

3.4 Land Use and GFA

The Concept Plan seeks approval for a commercial office building envelope with an overall GFA of 44,770m² with a maximum FSR of 18.5:1.

Table 1 provides a summary of the land uses and GFA on a floor by floor basis for the proposed building.

Table 1 – Land use and GFA

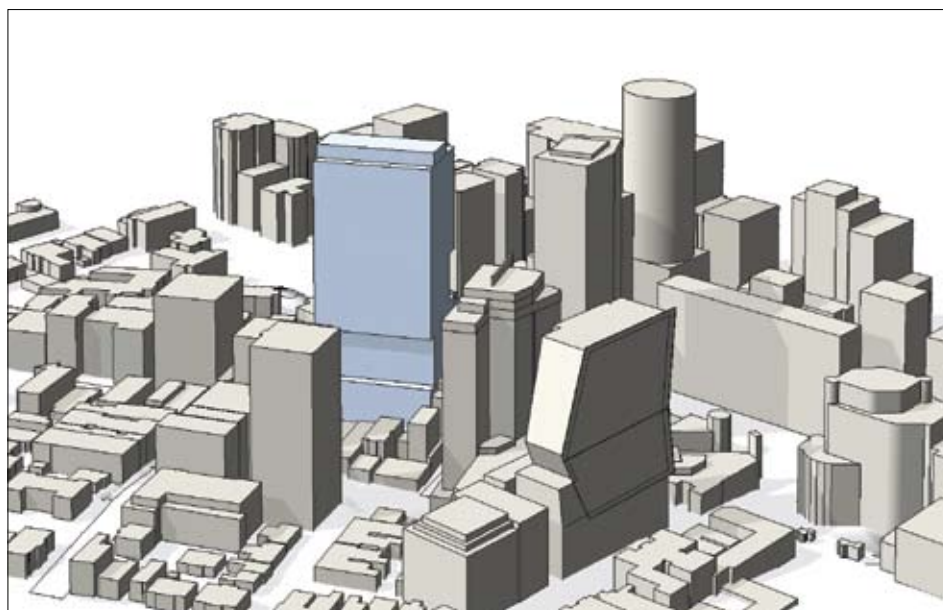
Level	Land Use(s)	GFA (m ²)
Basement 4	24 tenant parking spaces	-
Basement 3	44 tenant parking spaces	-
Basement 2	34 tenant parking spaces 74 bicycle lockers, 17 bicycle rails and associated change facilities	-
Basement 1	8 tenant parking spaces Service / loading area Plant Storage areas Substation	-
Ground Floor	Café Commercial lobby Garden Plaza	1,995
Level 1	Void	-
Level 2-3	Commercial office space	1,405
Level 4	Plant Level	-
Levels 5-9	Commercial office space	1,405
Levels 10-11	Commercial office space	1,660
Levels 12-14	Commercial office space	1,490
Levels 15-17	Commercial office space	1,340
Levels 18-20	Commercial office space	1,510
Levels 21-30	Commercial office space	1,660
Level 31	Plant Level	-

3.5 Building Height and Setbacks

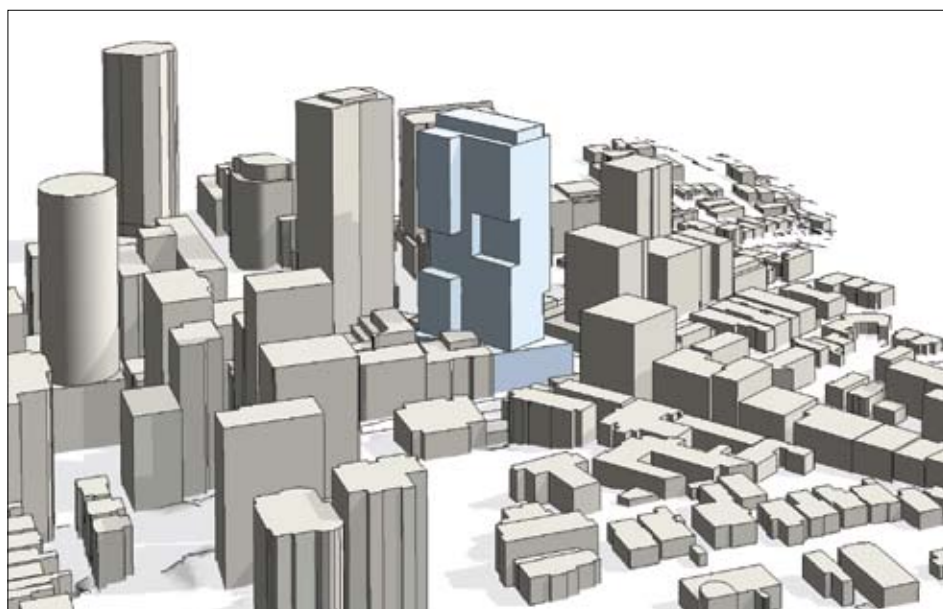
The proposed maximum height of the building is RL 195AHD (125.9m). The building will have a glass podium which ranges from 16.6 – 19.3m in height due to the fall of the land. The commercial tower will then sit 'suspended' within the glass podium.

With the exception of the northern boundary to Berry Street, which is set back 8m to the kerb alignment, the building podium will be built to the site's boundaries.

In order to minimise the impacts of overshadowing, and provide a visually interesting building envelope, the tower's setbacks between Levels 5-30 vary throughout the envelope, as shown in **Figure 19**.



View of the building looking east



View of the building looking west

Figure 19 – View analysis showing the proposed building setbacks
Source: Bates Smart

3.6 Publicly Accessible Garden Plaza

A 1,325m² publicly accessible 'Garden Plaza' is proposed at the ground level of the building at the corner of Berry Street and the Pacific Highway. The final design of the Garden Plaza will be the subject of the future Project Application for the site. However, an indicative landscape concept plan and photomontage of the space is shown at **Figures 20 and 21**.

The Garden Plaza will provide a high quality publicly accessible space for workers, residents and visitors of North Sydney to enjoy throughout the year. The north facing Garden Plaza will sit within the building's glass podium and provide a sunny protected environment all year round.

A row of continuous doors will abut the Berry Street Frontage which will provide a wide inviting entrance into the space. The doors will open out to a set of stairs which accommodate the change in level along Berry Street. The stairs will provide further space for people to sit and enjoy throughout the year.

The location of the site at the corner of Berry Street and the Pacific Highway at the entrance to the North Sydney Centre ensures that sunlight into the Garden Plaza is maximised. Louvres within the podium will control the level of solar access, thereby improving amenity and the energy efficiency of the space.

The central volume of the space is dedicated to public seating. Loose seating will be provided to allow members of the public to arrange the furniture to suit their needs while moveable planters will create discrete spaces within the overall volume of the Plaza. A small café is proposed to provide continuous activation of the space but there will be no dedicated seating for commercial purposes.

The side volumes area treated differently to create a variety of useable spaces. To the west of the central volume is a linear water element which will provide a transition between the upper and lower spaces as well as creating background noise and a lively reflectivity to the space. Stairs provide access over the water feature to a raised seating area, which will allow people to overlooking the central part of the main Plaza. On the eastern side of the Plaza, running along the Pacific Highway frontage, will be a series of smaller more intimate spaces which will be contained within a bed of wildflowers.

The size and design of the Garden Plaza also provides the opportunity for public art to be located within the space and for its use as a multi-function space.

The Garden Plaza will be open to the public Monday to Friday between 7:00am and 7:00pm. The operation and maintenance of the Garden Plaza will be the responsibility of the building management.



Figure 20 – Indicative landscape concept plan of the proposed Garden Plaza
Source: Bates Smart / McGregor Coxall



Figure 21 – Indicative photomontage of the proposed publicly accessible Garden Plaza
Source: Bates Smart / McGregor Coxall

3.7 Pedestrian and Vehicular Access

Pedestrian Access

Pedestrian access into the building is available from both the Pacific Highway and Berry Street frontages.

The commercial building lobby will be located at the southern end of the site and is directly accessible from the Pacific Highway. The publicly accessible Garden Plaza will be accessible from both the Pacific Highway and Berry Street frontages. Internal access will be provided between the lobby and the Garden Plaza.

Vehicular Access

All vehicular access, including service vehicles to the site will be via the new basement entrance on the southern side of Berry Street, in the same location as the existing basement entry. A loading dock will be located on the first level.

3.8 Car Parking

The proposed development seeks consent for up to 112 car parking spaces across four basement levels to service the proposed commercial use. The loading dock will be located on Basement Level 1 and will accommodate 5 truck bays and 9 courier bays.

The final design of loading dock areas and car park will be finalised during the Project Application stage in accordance with the North Sydney DCP 2002 and the relevant Australian Standards.

3.9 Environmental Sustainable Development

The proposed envelope is capable of achieving a high environmental rating at the detailed design phase. The Proponent is seeking to achieve a 5 Star Green Star Office Design (v3) rating and a 5 Star NABERS Office Energy Rating.

The detailed design development for this project will thoroughly review the sustainability targets for commercial office building with the aim of maximising sustainability and future flexibility whilst reducing energy use and carbon / CO² emissions.

Specific environmental benefits that will be explored will include natural ventilation to the podium, orientation specific sun-shading to minimise heat gain, low temperature VAV or chilled beams, rainwater recycling, solar water heating, and low embodied energy in materials.

3.10 Infrastructure and Utilities

As part of the detailed design during the Project Application stage, an investigation into the existing capacity and required infrastructure works, including water, gas, electricity and telecommunications, will be undertaken for the proposed building.

An external electricity substation is currently located on the boundary with Berry Street and the site. It is the intention of Winten to enter into an appropriate arrangement with Energy Australia to organise for the substation to be relocated (and upgraded if necessary) within the basement of the North Sydney Commerce Centre to allow for the entrance of the building to extend across the Berry Street frontage.

3.11 Stormwater

A stormwater concept Plan has been prepared for the proposed development and is located at **Appendix E**. In order to facilitate the construction of basement car parking it is proposed to divert the existing 750mm brick pipe which runs diagonally across the site. The preliminary design for the diversion runs along the eastern boundary of the site (see **Appendix E**). The final design will be further developed in consultation with Sydney Water and will involve resolution of the following issues:

- Modelling of the proposed diversion to demonstrate the design of the proposed works have no significant impacts on upstream or downstream properties.
- Agreement on requirements for easements and asset ownership / maintenance requirements.

The site's internal drainage system will be connected directly into the diverted stormwater pipe to maintain the existing discharge conditions.

3.12 Indicative Project Staging

The final staging of the proposed development will be resolved during the detailed design stage. It is anticipated that a single Project Application will be lodged for the development.

3.13 Contributions

The North Sydney Section 94 Contribution and North Sydney Rail Station Contribution will be determined at the Project Application stage once the detailed design of proposal has been resolved.

4.0 Director General's Environmental Assessment Requirements

On 24 March 2010, in accordance with Section 75F of the EP&A Act, the Director-General of the Department of Planning issued the requirements for the preparation of an Environmental Assessment to accompany a Concept Plan for the project. A copy of the DGRs is included in **Appendix B**.

Table 2 provides a detailed summary of the individual matters listed in the DGRs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 2 – Director General's Requirements

Requirement	Location in Environmental Assessment	
General		
Executive Summary	Page ii	
Statement of Validity	Page i	
Quantity Surveyor's Certificate	Appendix C	
Site Analysis	Section 2.0	
Description of the Proposed Development	Section 3.0	
Assessment of the Key Issues	Section 5.0	
Draft Statement of Commitments	Section 6.0	
Conclusion and Justification	Section 7.0	
Key Issues	Report	Technical Study
Relevant EPIs policies and guidelines to be addressed	Section 5.1	N/A
Built Form and Urban Design <ul style="list-style-type: none">- Height, Bulk and Scale- Scale, Form and Setbacks- CPTED- Design Excellence	Section 5.2.1-2 Sections 5.2.3-4 Section 5.11 Section 5.2.5	Appendix A
Public Domain	Section 5.4	Appendix A
Transport and Accessibility Impacts	Section 5.5	Appendix F
Environmental and Residential Amenity <ul style="list-style-type: none">- Solar Access- Acoustic Privacy- Visual Privacy- View Loss- Wind Impacts	Section 5.6.1 Section 5.6.2 Section 5.6.3 Section 5.6.4 Section 5.6.5	Appendix A N/A N/A N/A Appendix G
Ecologically Sustainable Development	Sections 3.9 & 5.12	N/A
Contributions	Section 3.13	N/A
Consultation	Section 5.13	N/A
Statement of Commitments	Section 6	N/A

Requirement	Location in Environmental Assessment
Plans and Documents	
Existing Site Survey Plan	Appendix A
Site Analysis Plan	Appendix A
A Locality / Context Plan	Appendix A
Architectural Drawings	Appendix A
Shadow Diagrams	Appendix A
Visual and View Analysis	Appendix A
Landscape Concept Plan	Appendix A
A Massing Model	Appendix A
Stormwater Concept Plan	Appendix E
Heritage Impact Statement	Appendix J
Geotechnical Report and Groundwater Assessment	Appendix I

5.0 Environmental Assessment

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

The draft Statement of Commitments complements the findings of this section.

5.1 Consistency with Relevant Strategic and Statutory Plans and Policies

The DGRs require the following legislation, strategies and planning instruments, which are relevant to the proposed development, to be addressed:

- NSW State Plan;
- Draft Inner North Subregional Strategy;
- NSW Metropolitan Transport Plan;
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- North Sydney Local Environmental Plan 2001 (LEP 2001);
- Draft North Sydney Local Environmental Plan 2009 (DLEP 2009); and
- North Sydney Development Control Plan 2002 (DCP 2002).

The Concept Plan's consistency with the relevant strategic and statutory plans and policies is located in **Table 3** below. Variations to, and non-compliance with, the key standards and guidelines highlighted in the table are discussed in detail in the following sections of this environmental assessment.

Table 3 – Summary of consistency with key strategic and statutory plans and policies

Instrument / Strategy	Comments
Strategic Plans	
NSW State Plan	<p>The NSW State Plan 2010 is a long-term plan to deliver services in NSW and sets clear priorities to guide Government decision-making and resource allocation.</p> <p>The 2010 State Plan sets out 10 priorities including a new priority to speed up planning decisions to support business investment in NSW and a new approach to integrated transport and land use planning and delivery. The State Plan also aims to focus growth around existing transport hubs.</p> <p>The proposed Concept Plan is consistent with the following priorities:</p> <ul style="list-style-type: none"> - Better Transport and More Liveable Cities – By providing commercial floor space near the North Sydney Station the Concept Plan will increase the share of peak hour public transport journeys. - Supporting Business and Jobs – By providing a high quality office development in the centre of Global Sydney the Concept Plan will increase business investment in NSW.

Instrument / Strategy	Comments	
Draft Inner North Subregional Strategy	This Concept Plan is consistent with the Strategy in that it will: <ul style="list-style-type: none">- create approximately 2,600 jobs (1 job / 15m² Net Lettable Area) which will contribute to the Subregion's employment target of 60,000 additional jobs and the North Sydney CBD target of 15,000 additional jobs; and- strengthen North Sydney's role as a part of "Global Sydney" by providing increased economic activity and employment.	
Metropolitan Transport Plan	The NSW Metropolitan Transport Plan is a strategy to effectively link Sydney's land use planning with its transport network. The proposed Concept Plan is consistent with the Transport Plan vision as it locates employment near existing transport infrastructure.	
State Planning Instruments and Controls		
SEPP 55	The Phase 1 Environmental Site Assessment prepared for the site (see Appendix H) demonstrates the site is suitable for the proposed development and a Phase II Assessment will not be required.	
SEPP (Infrastructure)	The project is a commercial premises with an area greater than 2,500m ² and will therefore be referred to the RTA under Clause 104 of the SEPP.	
SEPP (BASIX)	SEPP (BASIX) only applies to residential development and is therefore not relevant to the proposed development.	
Local Planning Instruments and Controls		
North Sydney Local Environmental Plan 2001	Part 2 – General provisions for the development of land	The proposed 'commercial premises' is consistent with the Commercial Zone objectives and is permissible with consent.
	Clause 28D – Building heights and massing	See Section 5.2.1.
Draft North Sydney Local Environmental Plan 2009	Clause 2.2 – Zone B3 Commercial Core	The proposed 'office premises' is consistent with the proposed B3 Commercial Core land use zone objectives and is permissible with consent.
	Clause 6.4 – Building heights and massing	See Section 5.2.2.
North Sydney Development Control Plan 2005	Ground level setbacks – Zero, with the exception of an 8m setback from the kerb alignment on Berry Street	The proposal complies with the ground level setbacks. See further discussion in Section 5.2.3.
	Street frontage podium height – maximum 5 storeys and transitional with adjoining buildings	The proposed podium will be 4 storeys in height and is consistent with the adjoining buildings.
	Above podium setbacks – weighted average of 5m from edge of podium.	The proposal partially complies with the above podium setback. See further discussion in Section 5.2.3
	Parking - 1 space / 400m ² (commercial / retail use)	112 spaces are proposed. The proposal therefore complies with the DCP requirement (see Section 5.5.1).

Whilst the following assessment has considered the proposal's consistency with the development standards contained within LEP 2001 and draft North Sydney LEP 2009, it should be noted that under clause 75R(3) of the EP&A Act, environmental planning instruments, such as LEP 2001, do not apply to Concept Plans. In deciding whether or not to give approval for the Concept Plan, the Minister may (but is not required to) take into account the provisions of any environmental planning instrument that would not (because of section 75R) apply to the project.

Furthermore it should be noted that at this stage draft North Sydney LEP 2009 is still unendorsed by the Department of Planning and has yet to go on exhibition as a draft environmental planning instrument. The reason for the extended delays in receiving the Section 65 Certificate to allow for public exhibition of the plan is a result of the opposing views held between the Department of Planning and North Sydney Council regarding significant issues with the content of the draft LEP.

Part 3A enables the timely assessment and approval of significant project on their merits despite the uncertainty of the current draft planning controls. The Minister for Planning in considering and approving a Part 3A project is able to look at a major development in its context, removed from the politics and processes of local government, and make a determination on the basis of the proposal's merits and its ability to contribute to broader strategic outcomes.

The following environmental assessment demonstrates that whilst the proposal does not fully comply with the development standards in LEP 2001 or Draft LEP 2009, where non-compliances occur, variations to the controls are strongly supported by the merits of the project, substantial public benefit, and the absence of any adverse amenity impacts.

5.2 Built Form and Urban Design

The height, bulk and scale of the proposed building envelope has been assessed in terms of the development standards set out in LEP 2001 and Draft LEP 2009 (see Sections 5.2.1 and 5.2.2 below) which set out the parameters for an appropriate built form on the site.

The proposed envelope is entirely consistent with the building heights and massing objectives of both LEP 2001 and draft LEP 2009 in that it will:

- achieve a transition of building heights between 100 Miller Street and 79–81 Berry Street (see Section 5.2.3);
- achieve a height and massing that has no adverse or significant impact on land in the public open space zone or land identified as a Special Area (see Section 5.2.1 and 5.2.2);
- minimise overshadowing of land in the residential and public open space zones or identified as a special area (see Section 5.2.1 and 5.2.2);
- have no impact on the privacy of residents within and around the North Sydney Centre (see Section 5.6.3);
- be capable of achieving a final design that has a scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access and visual dominance (see Section 5.6.5); and
- consolidate 26 strata-titled units into a high grade commercial office development and provide significant public benefits (see Section 5.3).

The compliance summary (see **Table 4**) demonstrates that the proposed envelope generally complies with the development standards contained within both instruments. Where minor non-compliances do occur with the development standards the following assessment demonstrates that the exceedances will have no adverse or significant impacts on the North Sydney Centre or other land uses in the locality.

Table 4 – Summary of compliance with relevant height controls in LEP 2001 and draft LEP 2009

Clause	Compliance	Comment
LEP 2001 - Clause 28D(2) Building Heights and Massing Controls		
(a) the height of the building will not exceed RL 195 AHD	Y	
(b) there is no net increase in overshadowing of any land between the hours of 9am and 3pm, 21 June outside the composite shadow area	Y	Complies using variation clause 28D(4)(c).
(c) there is no net increase in overshadowing, between 10am and 2pm, at any time of the year, of any land that is within the North Sydney Centre and is within the public open space zone or within a special area	N	Will result in additional overshadowing on the Miller Street and Don Bank Museum Special Areas on the Spring and Autumn Equinoxes.
(d) there will be no increase in overshadowing that would reduce the amenity of any dwelling that is outside the North Sydney Centre and falls within the composite shadow area	Y	
(e) the site area is not less than 1,000m ² .	Y	
Draft LEP 2009 – Clause 6.4(2) Building Heights and Massing Controls		
(a) the building height will exceed the height for the land shown on the Height of Buildings Map	Y	Complies using variation clause 6.4(4).
(b) there will be a net increase in overshadowing between 12 noon and 2pm, Eastern Standard Time, of any land that is within the North Sydney Centre and is within the RE1 Public Recreation zone or within a Special Area as shown on the North Sydney Centre Map	N	Will result in additional overshadowing on the Miller Street Special Area on the Spring and Autumn Equinoxes.
(c) there will be a net increase in overshadowing between 10am and 2pm, Eastern Standard Time, of the land known as Don Bank Museum, 6 Napier Street, North Sydney	N	Will result in additional overshadowing on the Spring and Autumn Equinoxes.
(d) the site area is less than 1,000m ²	Y	

As part of the detailed site analysis process, Bates Smart modelled a building envelope that complies with all the development standards contained within LEP 2001, draft LEP 2009 and DCP 2002. The envelope, which is shown at **Figure 22**, illustrates that despite Council's intentions for a tall building to be located on the site (shown by the dotted line in the figure), it is not possible to develop a fully compliant and commercially viable building under the existing and proposed planning controls.

The resultant envelope or building simply would not be able to provide meaningful, consistent A-grade commercial floorplates that would generate corporate or commercial interest in locating to North Sydney's CBD. Furthermore, the job creation and reinforcing of North Sydney's role in the Global Arc and Global City, as espoused by the Metro Strategy, would be less likely to be met.

The proposed design evolution, which is documented in the Design Report at **Appendix A**, has resulted in an innovative design solution to the very complex series of planning constraints which apply to the site. Despite minor non-compliances, which are discussed in the following sections, the proposed envelope will provide a commercially viable building whilst having no adverse environmental impacts, therefore demonstrating that the proposal should be assessed on its merits, and not its strict compliance with the existing and proposed planning framework.

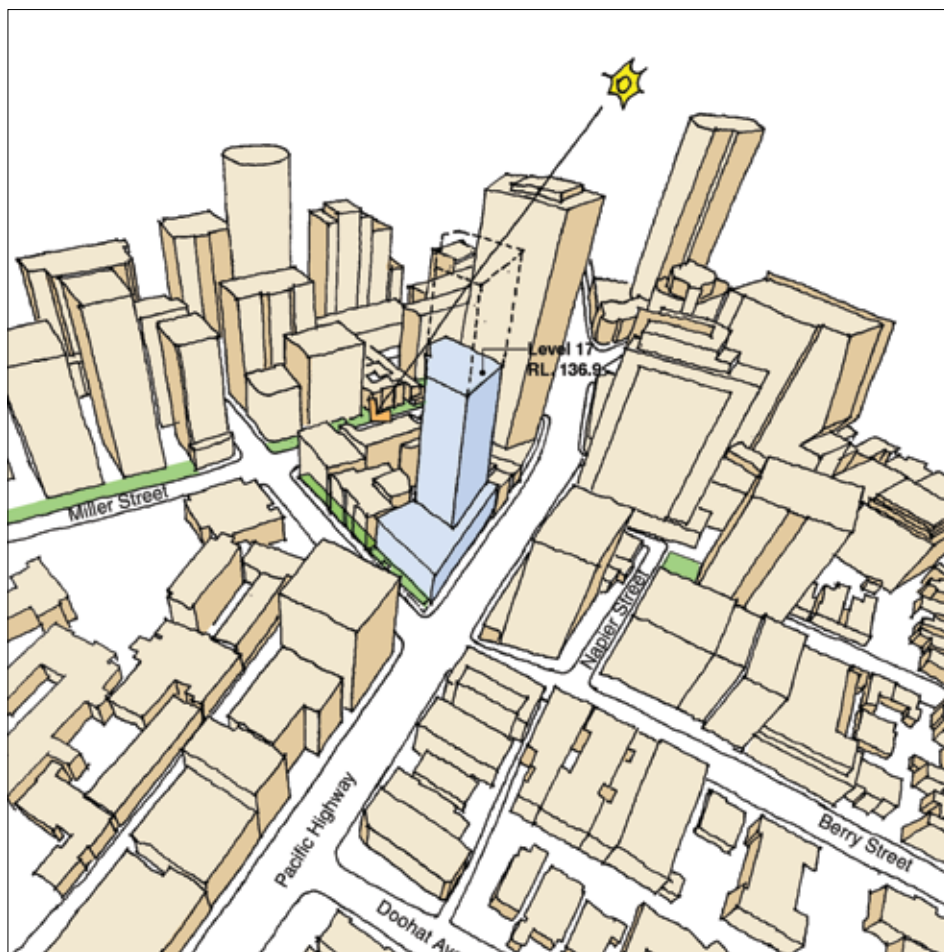


Figure 22 – Fully compliant building envelope
Source: Bates Smart

5.2.1 Assessment against clause 28D of LEP 2001

(a) the height of the building will not exceed RL 195 AHD

The proposed development has a maximum RL of 195 AHD and therefore does not exceed the maximum height control.

(b) there is no net increase in overshadowing of any land between the hours of 9am and 3pm, 21 June outside the composite shadow area

The proposed development will result in minor overshadowing on land outside the composite shadow area between 9:00am – 10:00am on the 21 June as shown in **Figure 23** (see also Shadow Diagrams in full at **Appendix A**).

During the affected time, the increased overshadowing occurs on the following areas outside the composite shadow area:

- on the road carriageway at the intersection of Lord Street and Edward Street;
- an inaccessible landscaped area at the Lord Street frontage of Shore School;
- a car park and densely landscaped area at the rear of the Shore School playing fields to east of Edward Street; and
- the driveway area behind the Shore Preparatory School building.

Figure 23 provides photos of the affected areas noted below.

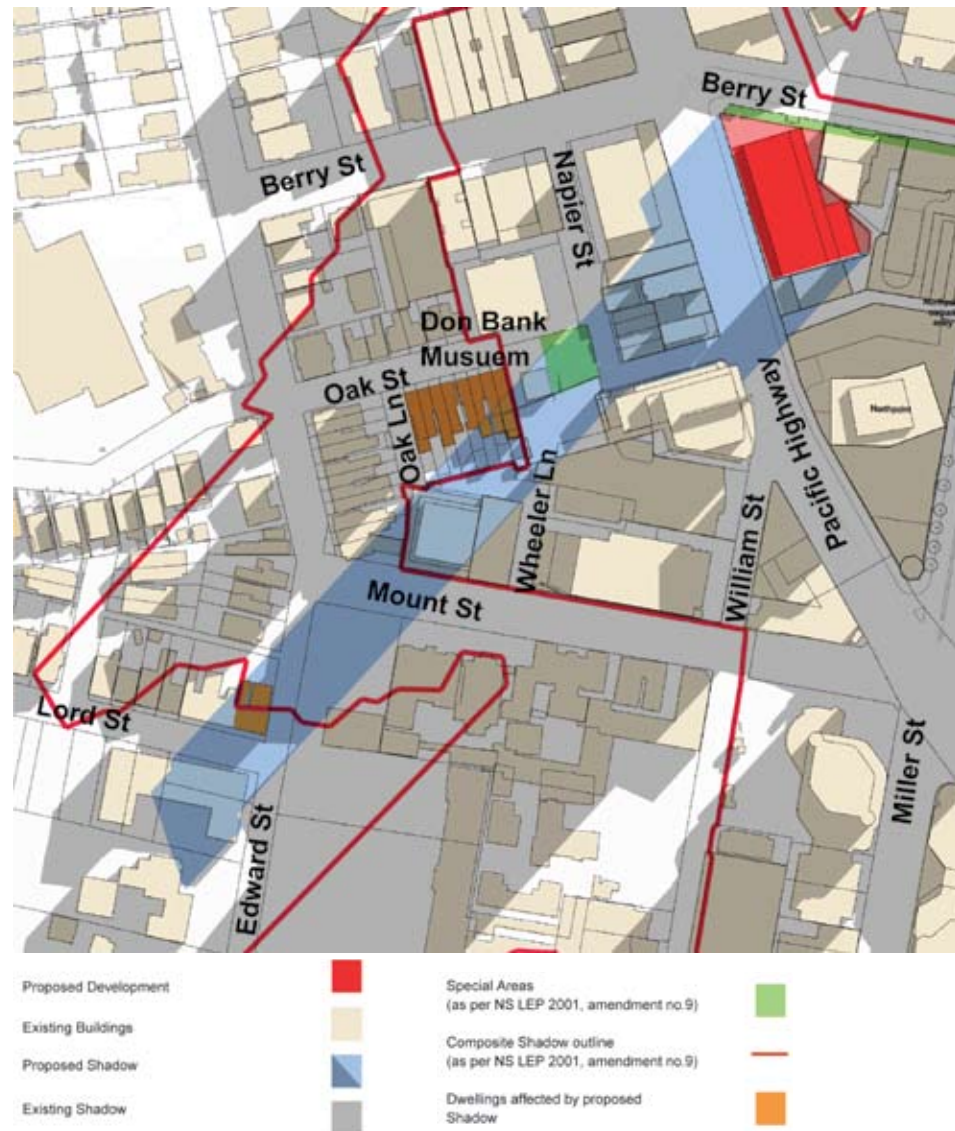


Figure 23 – Shadow cast by proposed development at 9am on the 21 June
Source: Bates Smart



Figure 24 – Areas affected by additional overshadowing

Under clause 28D(4) of LEP 2001 the consent authority may vary the subject development standard if it meets certain criteria. **Table 5** assesses the increased area of overshadowing against these criteria.

Table 5 – Assessment against clause 28D(4)

Criteria	Proposal	Satisfied
(4) Minor variation of overshadowing controls The consent authority may make a determination to vary, to a minor extent only, the operation of subclauses (2) (b) or (c), or both, in respect of a particular development application, but only if:		
(a) it is satisfied that the variation is justified due to the merits of the development application and the public benefit to be gained.	The merits of the Concept Plan and public benefit of the proposal are established in Section 5.3.	✓
(b) it is satisfied that any increase in overshadowing will not reduce the amenity of any land.	The additional overshadowing will not reduce the amenity of any land as: <ul style="list-style-type: none"> - it does not occur for more than 15 minutes in any location; - the landscaped area in front of the Shore Preparatory School building is an inaccessible space (see Figure 24); - due to the height of the Shore Preparatory School the shadow cast on the landscaped area to the rear building will be negligible; - overshadowing of the car park will not result in the loss of any amenity to the land; - overshadowing of the rear of the playing fields only occurs in an area that is not used as playing fields and is already shaded by large established trees (see Figure 24). 	✓
(c) the variation will result in not more than 2 hours net increase in overshadowing between the hours of 9am and 3pm on 21 June.	The shadow diagrams at Appendix A demonstrate that the shadow will have completely shifted within the composite shadow area by 10am on 21 June. Therefore the development will not result in more than 2 hours net increase in overshadowing between the hours of 9am and 3pm on 21 June.	✓

In light of the information in **Table 5** above, the Department can be satisfied that the proposal meets the variation criteria of clause 28D(4) and therefore complies with clause 28(2)(b) of the LEP.

The shadow diagrams at **Appendix A** demonstrate that there will be no other increases in overshadowing of any land between the hours of 9am and 3pm on the 21 June outside the composite shadow area.

(c) there is no net increase in overshadowing, between 10am and 2pm, at any time of the year, of any land that is within the North Sydney Centre and is within the public open space zone or within a special area

The proposal will result in an increase in overshadowing between 10am and 2pm at certain times of year on the Don Bank Museum and Miller Street Special Areas. The degree of impact at the solstices and equinoxes is shown in detail at **Appendix A** and summarised in **Table 6** below.

Table 6 – Degree of shadow on Special Areas within the North Sydney Centre

Time of year	Degree of Impact	
	Don Bank Museum Special Area	Miller Street Special Area
Winter Solstice	No increase in overshadowing	No increase in overshadowing
Summer Solstice	No increase in overshadowing	Negligible increase in overshadowing
Spring Equinox	Partially overshadowed for an additional 19 minutes between 10:00am and 10:19am	Partially overshadowed for an additional 45 minutes between 1:15pm and 2:00pm
Autumn Equinox	Partially overshadowed for an additional 33 minutes between 10:00am and 10:33am	Partially overshadowed for an additional 30 minutes between 1:30pm and 2:00pm

The proposed envelope has been specifically designed to include large cut away sections within the tower form which maximise sunlight access to the Special Areas during the most critical time of the year, the Winter Solstice. The unconventional envelope will ensure there will be no increase in overshadowing of the Don Bank Museum or Miller Street Special Areas on the 21 June.

When considered in context, being the site's close proximity to the Miller Street and Don Bank Museum Special Areas, the ability to provide a building envelope that is both commercially viable and does not overshadow these special areas on the Winter Solstice is a highly desirable outcome for the site.

On the summer solstice the envelope will result in a negligible increase in overshadowing on a very small portion of the Miller Street Special Area at 2pm. As the additional overshadowing only occurs at 2pm, is very minor, and occurs on the summer solstice (the longest day of the year), the impact is considered negligible.

The proposed envelope will increase the area of overshadowing on The Don Bank Museum and Miller Street Special Areas during the Autumn and Spring Equinoxes. The Don Bank Museum Special Area will be most affected on the Autumn Equinox and the Miller Street Special Area on the Spring Equinox. As a result the assessment has been undertaken at the time of the greatest increase of overshadowing. The shadow diagrams at **Appendix A** show the full extent of the additional overshadowing at both times of year.

Don Bank Museum Special Area

On the 21 March sections of the Don Bank Museum Special Area will be partially overshadowed for a total of 33 minutes between 10:00am and 10:33am as a result of the proposed envelope. **Figure 25** below illustrates the extent of the shadowing during this time.

Under clause 28D(4) of LEP 2001 the Consent Authority may grant development to vary clause 28D(2)(c) if the variation will result in no more than 15 minutes net increase in overshadowing between 10am and 12 noon, is justified in terms of merit and public benefit to be gained, and will not reduce the amenity of the land.

The proposed development will result in an additional 33 minutes of shadow and therefore does not satisfy the requirement of the clause by an excess of 18 minutes only. However, the scope provided in the LEP to vary the development standard demonstrates that should the other criteria relating to public benefit and reduction in amenity be satisfied, a new development which results in additional overshadowing of a Special Area can be considered an acceptable outcome.

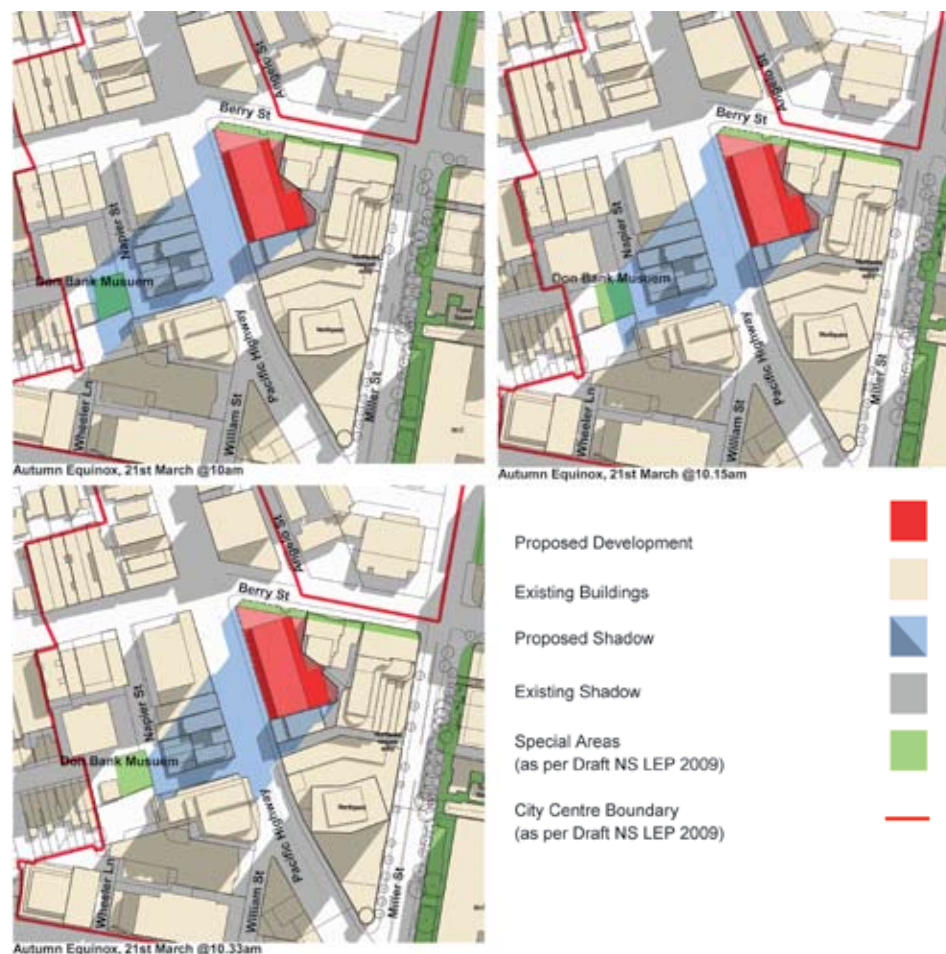


Figure 25 – Additional shadow on the Don Bank Museum Special Area on the Autumn Equinox
Source: Bates Smart

As discussed in Section 5.3, the proposed Concept Plan will have significant public benefit. Notably it will increase the quantity of publicly accessible recreation space in the North Sydney Centre by approximately 18% by providing a new publicly accessible Garden Plaza and creating the Berry Street Special Area. The significant increase in public recreation area will completely offset any potential loss in the use of the Don Bank Museum Special Area between 10:00am and 10:33am by providing 1,325m² of high quality publicly accessible space all year round.

Despite the clear public benefit, which offsets any potential reduction in amenity, the increased overshadowing will not reduce the amenity of the Don Bank Museum Special Area for the following reasons:

- The Special Area itself is densely landscaped with established trees which shade the majority of the park (see **Figure 26**). At the times of year when the overshadowing will occur (Spring and Autumn) these trees will have the majority of their foliage and will continue to shade the Special Area. **Figure 26**, which was taken on the 21 April (after the Autumn Equinox) illustrates the shady quality of the Special Area.
- The landscaped area in front of the Don Bank Museum is considered a Special Area as it provides a reclusive vegetated haven within the North Sydney CBD. An analysis of the use of the space indicates that the area is primarily used during the lunch period between 12 – 2pm. As the overshadowing occurs between 10:00am and 10:33am the additional shadowing is unlikely to reduce the amenity of the area during a period when it is most being used.

- At its greatest impact the additional shadow will fall on the Don Bank Museum Special Area for a total of 33 minutes. However, the shadow moves across the Special Area during this time and for the majority of the 33 minutes it will only partially overshadow the Special Area.
- Modifications to the design of the envelope to reduce the shadowing impacts at the equinoxes would result in overshadowing during the Winter Solstice, a time where solar access is far more critical to the amenity of a space than during March and September.



Figure 26 – View of the Don Bank Museum Special Area taken on 21 April

Miller Street Special Area

As previously mentioned, at its greatest impact (on 23 September) sections of the Miller Street Special Area will be partially overshadowed for a total of 45 minutes between 1:15pm and 2:00pm (see **Figure 27**).

Once again under the scope provided in Clause 28D(4) of LEP 2001 to vary the development standard, if it can be demonstrated that the other criteria relating to public benefit and reduction in amenity be satisfied, a new development which results in additional overshadowing of a Special Area can be considered an acceptable outcome.

As previously discussed, the proposed Concept Plan will have significant public benefit as it will increase the quantity of publicly accessible recreation space in the North Sydney Centre by approximately 18% by providing the publicly accessible Garden Plaza and creating the Berry Street Special Area in-front of the site. The significant increase in public recreation area will completely offset any potential loss in the use of the Miller Street Special Area between 1:15pm and 2:00pm by providing 1,325m² of high quality publicly accessible space all year round.

Despite the clear public benefit which offsets any potential reduction in amenity, a detailed study has been undertaken to assess the impact of the additional overshadowing on the amenity of the Special Area.

In order to determine the full impact of the additional overshadowing a survey was undertaken to determine the usable and non-usable spaces within the Miller Street Special Area. Despite there being no definition for a 'Special Area' in Council's LEP, the areas identified as Special Areas, such as Miller Street, appear to have been selected because they provide a space of high amenity for recreation purposes. Therefore in determining the usable and non-usable space within the Miller Street Special Area, any space that could not meaningfully be used for recreation purposes i.e. vents, buildings, circulation spaces, and inaccessible landscaped areas were considered to be non-usable space.



Figure 27 – Additional shadow on the Miller Street Special Area on the Spring Equinox
Source: Bates Smart

It should be noted that a percentage of the affected area included within the usable area is within the private domain, in the form of the cafes and restaurants which form part of the Special Area, and is therefore not a truly publicly accessible space.

The shadow modelling was then overlayed onto the usable / non-usable survey drawing to illustrate the actual impact of the additional overshadowing. The shadow diagrams at **Appendix A** and **Figure 28** illustrate that the actual area of affected usable space is relatively minor and at its most affected (at 2pm) only overshadows a maximum of 13% of the usable area. **Table 7** summarises the impact of the overshadowing on the usable space at the relevant times of affectation.

Table 7 – Impact of overshadowing on the Miller Street Special Area during the Spring Equinox

Time	Usable Area Affected (m ²)	Percentage of Usable Area Affected
1:15pm	0	0%
1:30pm	67	4%
1:45pm	75	4%
2:00pm	214	13%

The detailed analysis below demonstrates that the proposed overshadowing will not result in any significant loss of amenity as:

- at its greatest impact the additional shadow will only affect up to 13% (214m² of 1637m²) of the usable area within the Special Area; and
- an analysis of the use of the space indicates that the area is primarily used during the lunch period between 12 – 2pm. As the overshadowing only affects approximately 4% of the usable area at any given time between 1:15pm and 1:45pm the additional shadowing is unlikely to reduce the amenity of the area during a period when it is most being used.

It should be noted that studies into modifying the design of the envelope to reduce the shadowing impacts at the equinoxes demonstrated that the building would result in far greater overshadowing during the Winter Solstice, a time where solar access is far more critical to the amenity of a space than during March and September.

In light of the significant public benefit of the proposal, in providing high quality publicly accessible recreation space to offset any loss in the use of the Don Bank Museum and Miller Street Special Areas during Spring and Autumn, and the absence of any significant reduction to the amenity of the affected land, the proposed non-compliance with clause 28D(2)(c) should be supported as, on balance, the Concept Plan will result in a positive outcome for the North Sydney Centre both in terms of the provision of high quality commercial floorspace as well as public recreation space.

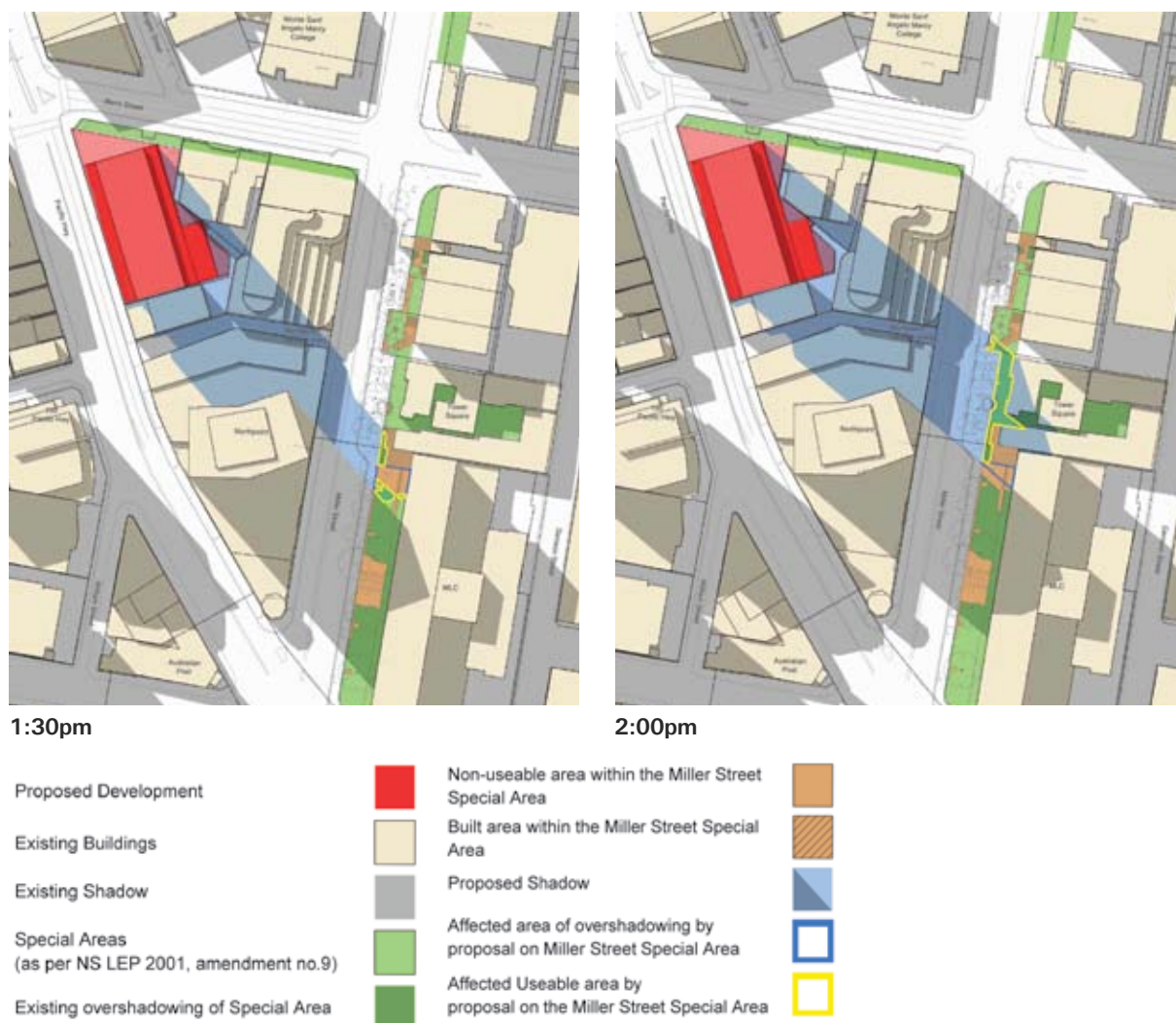


Figure 28 – Shadow Impact in terms of usable and non-usable space within the Miller Street Special Area during the Spring Equinox
Source: Bates Smart

The shadow diagrams at **Appendix A** demonstrate that there will be no other increases in overshadowing of any land that is within the North Sydney Centre and is within the public open space zone or within a special area between 10am and 2pm, at any time of the year.

(d) there will be no increase in overshadowing that would reduce the amenity of any dwelling that is outside the North Sydney Centre and falls within the composite shadow area

The proposed building envelope will result in an increase in overshadowing on:

- a small number of dwellings fronting Oak Street within the composite shadow area during the Winter Solstice and Equinoxes between 9:00am & 9:42am; and
- the rear of two terraces situated on the boundary of the Composite Shadow Area fronting Lord Street during the Winter Solstice between 9:00am & 9:10am.

Despite the minor increase in overshadowing on the Winter Solstice (see **Figure 29**), an analysis of the areas overshadowed (see **Figure 30**) demonstrates that the additional shadow will not reduce the amenity of the affected dwellings as the overshadowed area is used as driveways.

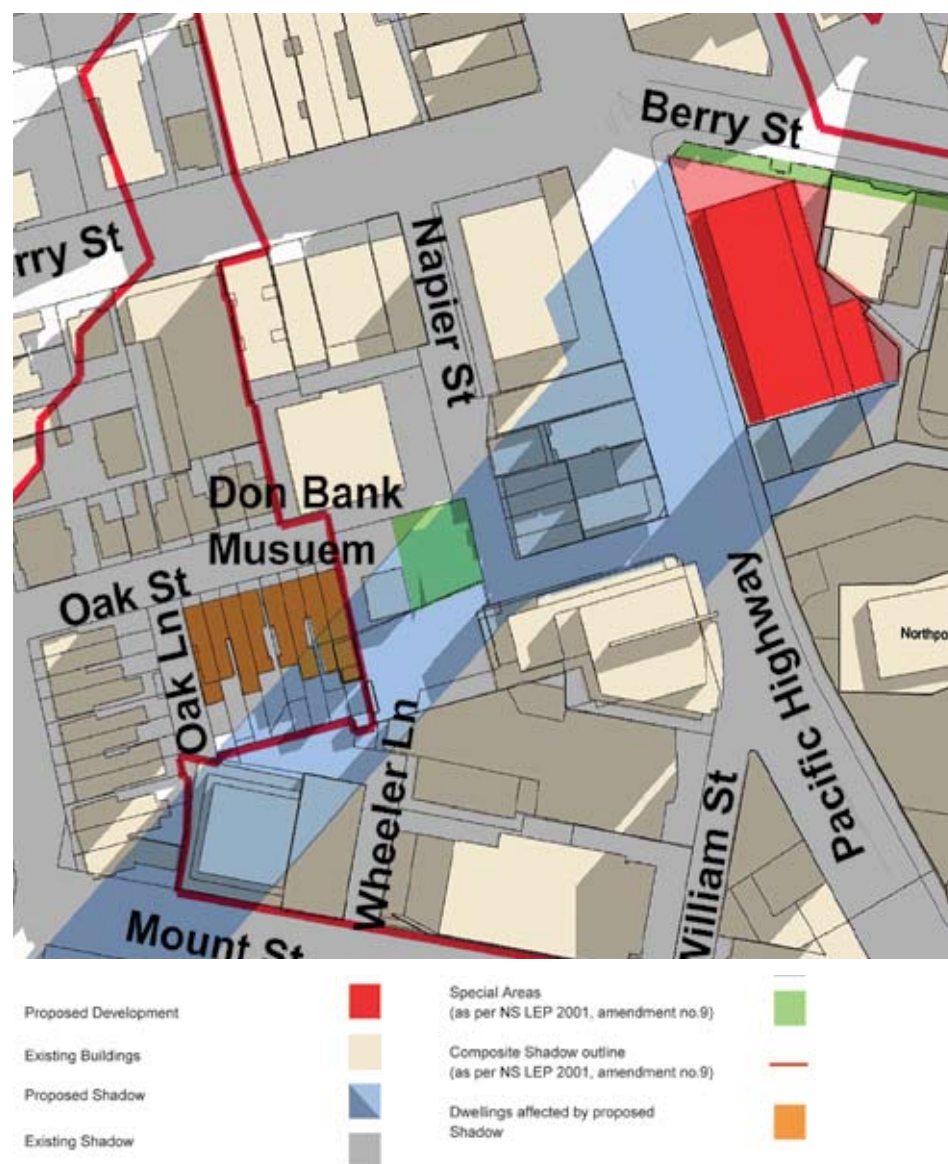


Figure 29 – Overshadowing impacts on Oak Street on the Winter Solstice at 9am
Source: Bates Smart



Figure 30 – Overshadowing on the dwellings front Oak Street

The greatest increase in overshadowing on the dwellings fronting Oak Street will occur during the Autumn Equinox, as shown in **Figure 31**.

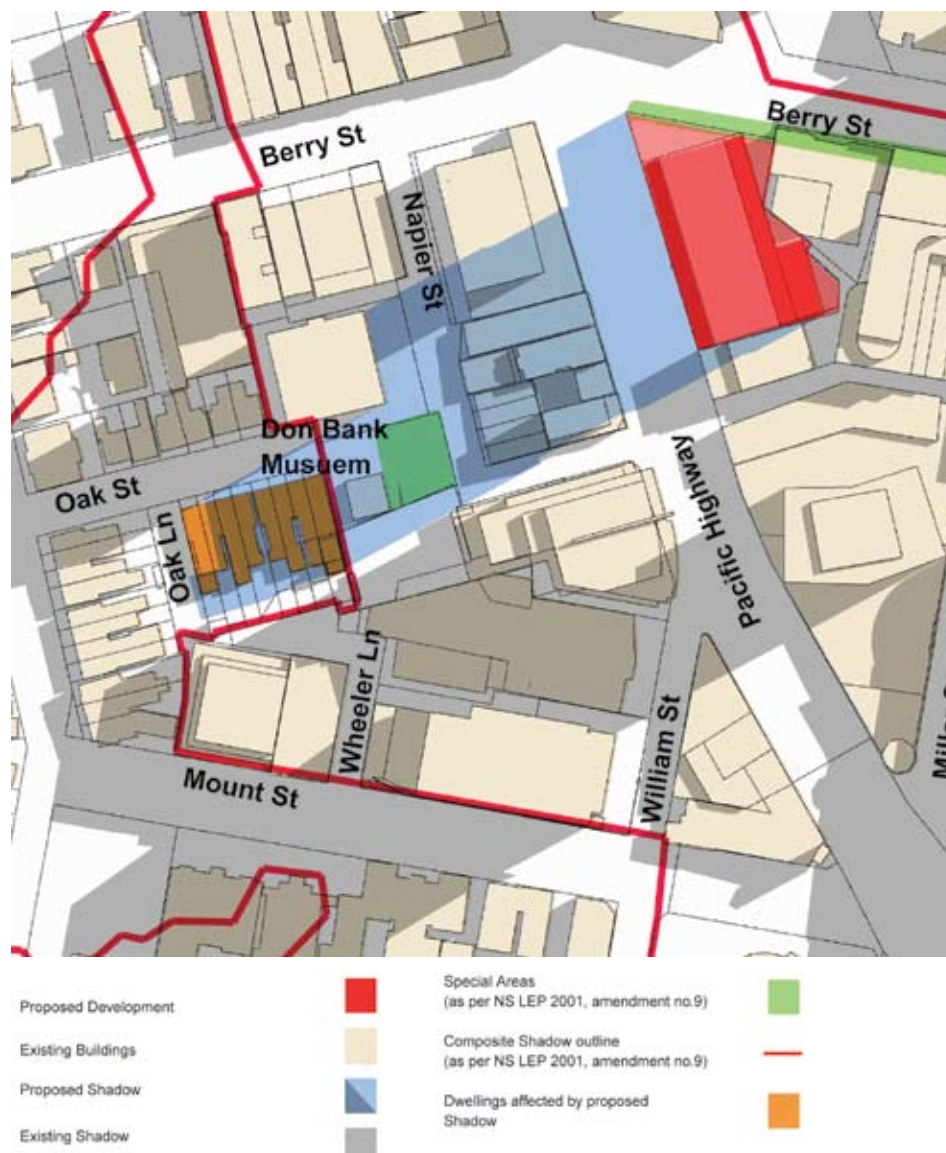


Figure 31 – Overshadowing impacts on Oak Street on the Autumn Equinox at 9am
Source: Bates Smart

Once again the additional shadow will fall on areas used as garages at the rear of the dwellings. A small area of additional shadow will fall on some of the dwellings' outdoor private open space, however the additional shadow is not considered to affect the amenity of the dwellings as:

- the shadow lasts for less than half an hour on the affected areas;
- as shown in **Figure 30**, the rear of the properties are used primarily as a means of rear access to the dwellings and not as outdoor recreation space;
- the shadow occurs at 9am in the morning when it is unlikely that the space will be in use;
- the dwellings are located in close proximity to other public spaces in the North Sydney which receive of high level amenity through-out the year; and
- there are a number of large trees, and in one case a covered awning, which shade the areas all year round.

The proposed envelope will create additional overshadowing on the rear of two terraces fronting Lord Street between 9:00am and 9:10am on the Winter Solstice. As the overshadowing only occurs for less than ten minutes at 9:00am in the morning, the impact of the shadow is considered negligible.

(e) the site area is not less than 1,000 square metres.

The site has an area 2,418m² and therefore complies with minimum site area.

5.2.2 Assessment against clause 6.4 of draft LEP 2009

As previously noted, the draft North Sydney LEP 2009 is still unendorsed by the Department of Planning and has yet to go on exhibition as a draft environmental planning instrument, however the draft LEP has been considered in order to provide the most robust assessment of the building envelope possible.

(a) the building height will exceed the height for the land shown on the Height of Buildings Map

The proposed development will exceed the maximum building heights for the land which range from 85m to 190m. **Figure 32** illustrates the proposed tower overlayed on the draft LEP Height of Buildings Map.

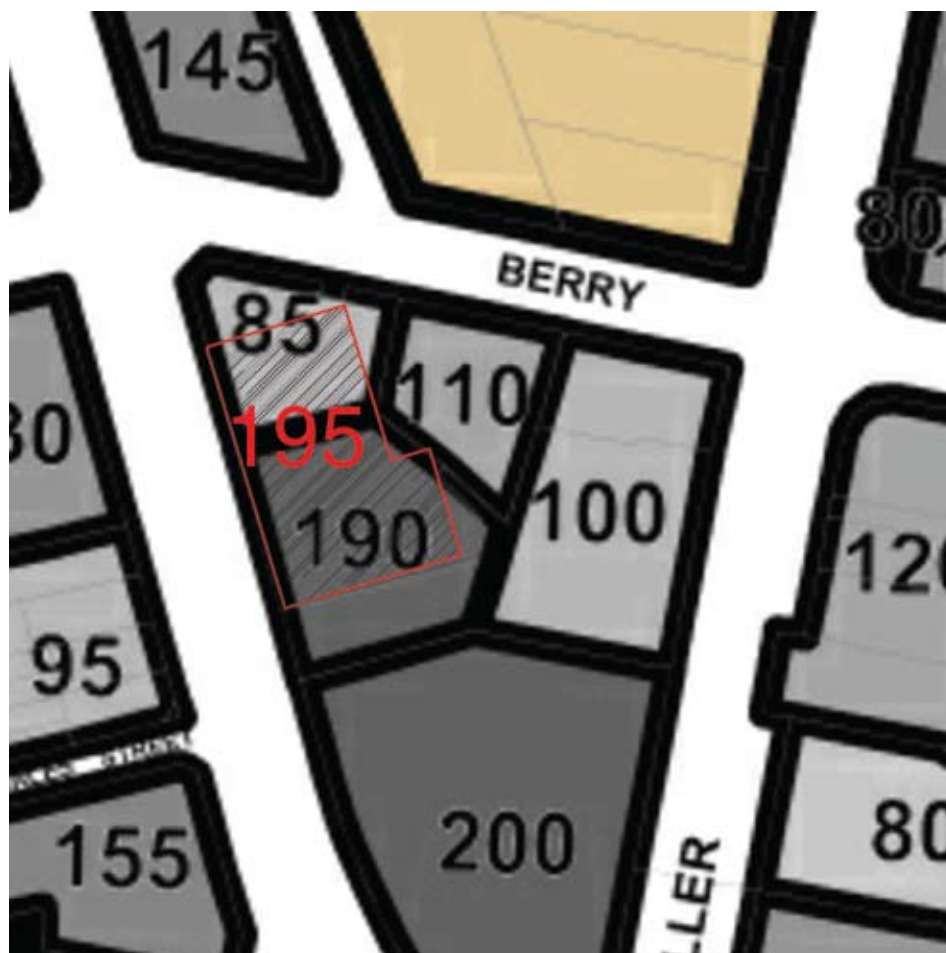


Figure 32 – proposed building heights overlayed on the draft LEP 2009 Height of Buildings Map
Source: Bates Smart

Whilst the proposal exceeds the maximum building heights on the site, Clause 6.4(4) of draft LEP 2009 states that:

...consent may be granted for development that exceeds the maximum building height if the consent authority is satisfied that:

(a) the variation is justified by the merits of the development and the public benefit to be gained, and

(b) any increase in overshadowing between the hours of 9am and 3pm, Eastern Standard Time, will not reduce the amenity of any dwelling that is outside the North Sydney Centre.

The merits of the development and the significant public benefit that will be gained are discussed in detail in Section 5.3.

The shadow diagrams at **Appendix A** demonstrate that the proposal will result in overshadowing of a small number of terraces on Oak Street during the Winter Solstice and Equinoxes at 9:00 am, and the rear of a terrace fronting Lord Street, but only on the Winter Solstice at 9:00 am. An assessment of the overshadowing on these dwellings is located in Section 5.2.1 under the assessment of clause 28D(2)(d). The assessment demonstrates that the proposal will not reduce the amenity of these dwellings.

In light of the merits of the proposal, significant public benefit and absence of any additional overshadowing that will reduce the amenity of any dwelling outside the North Sydney Centre, the Department can be satisfied that the exceedance of the height control meets the requirements under clause 6.4(4) for variations to clause 6.4(2)(a).

It should also be noted that despite North Sydney Council envisaging a 190m tower on part of the site, the draft building height map does not take into consideration the ownership and title context of the site and the surrounding properties. In order to achieve a complying, commercially viable building envelope that is capable of providing A-grade large commercial floor plates, the subject site would need to be amalgamated with 173 Pacific Highway to the south.

Winten investigated amalgamating the two sites, however, 173 Pacific Highway is on the same title as 166 Miller Street, a 14,000m² commercial building to the east. In addition to being on the same title, both buildings' services and car park entry points run through 173 Pacific Highway, making subdivision of the two sites highly impractical. Despite this, Winten offered a number of alternatives to the owner, including:

- purchasing both 173 Pacific Highway and 166 Miller Street;
- going into a joint venture to develop both sites; and
- subdividing 173 Pacific Highway and 166 Miller Street.

None of the aforementioned options were supported by the owner of 173 Pacific Highway and consequently, despite Winten's best efforts, amalgamation with 173 Pacific Highway is not possible at this time. As a result the proposed tower envelope is the only financially viable proposal on a site that is already heavily constrained by the costs associated with amalgamating the 26 strata titled lots. It should also be noted that the owner of 173 Pacific Highway is an unlisted property trust of AMP, and the site represents a long term investment for which they recently went into a new 10 year lease with the tenants.

If the proposed development does not proceed in its current form then the financial constraints of amalgamating the site can not be overcome and the site will remain underdeveloped, and in fragmented ownership indefinitely. However, as the preceding environmental assessment has demonstrated, the proposed building will satisfy the variation requirements of clause 6.4(4), whilst offering the opportunity to amalgamate an underdeveloped site in fragmented ownership. Therefore on balance, the variation to the proposed building height is considered a favourable outcome for the North Sydney Centre.

(b) there will be a net increase in overshadowing between 12 noon and 2pm, Eastern Standard Time, of any land that is within the North Sydney Centre and is within the RE1 Public Recreation zone or within a Special Area as shown on the North Sydney Centre Map

An assessment of the proposal's increase in overshadowing between 12 noon and 2pm on the Miller Street Special Area is located in Section 5.2.1 under the assessment of clause 28D(2)(c).

(c) there will be a net increase in overshadowing between 10am and 2pm, Eastern Standard Time, of the land known as Don Bank Museum, 6 Napier Street, North Sydney

An assessment of the proposal's increase in overshadowing between 10am and 2pm on the Don Bank Museum is located in Section 5.2.1 under the assessment of clause 28D(2)(c).

(d) the site area is less than 1,000m²

The site has an area 2,418m² and therefore complies with minimum site area.

5.2.3 Scale and Form

The scale and form of the building is the result of a detailed context and site analysis which is documented in the Design Report at **Appendix A**. The narrow dimensions of the site provide a building that is tall and slender and of a scale that will sit comfortably in the context of the North Sydney CBD.

A long standing urban design principle for the North Sydney CBD is the setting of heights so that an arc is formed across the CBD skyline. Specifically, the North Sydney Character Statement seeks: *"Buildings are stepped down from Northpoint (100 Miller Street) and Berry Square Retail (77 – 81 Berry Street) towards the boundaries of the centre."*

The view analysis diagrams located at **Appendix A** and **Figure 33** below, illustrate that the proposed envelope, with a maximum RL 195, is slightly lower than the existing tallest buildings in the North Sydney CBD. Its location immediately to the north of North Point (100 Miller Street), the tallest building in North Sydney, means that the proposed building steps down toward the boundary of the centre to create an arc effect consistent with the North Sydney Character Statement and current enforceable height control.

It should be noted that the montages do not include the recently approved 88 Walker Street (RL 178.6) or the proposed 100 Mount Street (RL 200.7) which will further contribute the scale and form of the skyline.

View from Montpelier Street Neutral Bay



View from Warringah Freeway Pedestrian Overpass



View from Waverton Bowling Club



Figure 33 – View Analysis from strategic view points
Source: Bates Smart

5.2.4 Setbacks

At podium level the North Sydney Centre Character Statement within North Sydney DCP requires a ground level setback of zero to the Pacific Highway and an 8m setback from the kerb alignment on Berry Street. Both of these setbacks have been provided in accordance with the DCP control. The proposed setback to Berry Street will achieve Council's urban design objective of providing a new Special Area along Berry Street which currently does not exist.

Council's DCP requires a weighted average setback of 5m from the edge of podium to Berry Street and the Pacific Highway. The proposed envelope provides the required setback of 5m above the podium up to Level 10, at which point the tower envelope returns out to the podium setback.

Whilst the tower setback will not achieve a 'weighted average' of 5m, the envelope has been designed to comply immediately above the podium, which acknowledges the scale of the smaller buildings to the north and will achieve the perceived effect of the setback on the streetscape.

Despite the DCP control, a zero metre tower setback has been consistently implemented along the Pacific Highway near the site. In particular, the three tallest buildings in close proximity to the site, which include North Point (the tallest building in North Sydney), 100 Pacific Highway (the recently completed Logica building) and 201 Pacific Highway (directly opposite the site) all have zero metre setbacks to the Pacific Highway.

The other tall buildings along this part of the Pacific Highway demonstrate that due to the width of the Pacific Highway, a zero metre tower setback does not result in an overbearing built form on the streetscape and is an acceptable urban design outcome.

As documented in the Design Report at **Appendix A**, the mid and upper level protrusion into the weighted average setback is a consequence of redistributing the floor space from other parts of the envelope which were removed to minimise overshadowing and maximise the amenity of the Garden Plaza. Therefore on balance, the redistribution of the envelope from these critical areas into the setback zone, which as demonstrated above will have no adverse design impacts, should be supported as it will result in a far greater design outcome on the site.

5.2.5 Design Excellence

The design evolution process, which is documented in the Design Report at **Appendix A**, has resulted in a highly irregular and innovative envelope. The proposed envelope represents the outcome of a detailed design process which will minimise the overshadowing impacts of the future building whilst providing an economically viable building with large commercial floorplates.

In order to ensure the building is capable of achieving design excellence, Bates Smart has undertaken conceptual studies to demonstrate how a building form might be designed that logically accommodates the irregular envelope. Their design report states that:

The preferred option is based on a composition of volumes asymmetrically attached to the central anchoring volume. This pin wheel arrangement of volumes creates a dynamic assemblage of volumes that creates a differing appearance for the building depending on the point of view. Each volume has been studied for its impact on the overall composition, and given a differing façade treatment in response to orientation. The western volume has been emphasized to acknowledge the gateway entry to the North Sydney CBD.

A photomontage demonstrating the above approach is shown at **Figure 18**.

5.3 Public Benefit

Should the proposed Concept Plan be approved, it will result in a number of significant public benefits, the key benefits include:

- provision of a 1,325m² publicly accessible Garden Plaza as a new special area within North Sydney;
- creation of the Berry Street Special Area along the site's frontage;
- amalgamation and redevelopment of an underdeveloped site which would otherwise remain under fragmented ownership indefinitely;
- provision of high grade commercial building with large floor plates; and
- urban design and public domain improvements.

The following section provides an overview of these benefits.

Publicly Accessible Garden Plaza

As detailed in Section 3.6, a 1,325m² publicly accessible Garden Plaza is proposed at the corner of the Pacific Highway and Berry Street. The Garden Plaza will provide much needed quality public space for workers, residents and visitors to the North Sydney Centre.

A desktop survey of the North Sydney Centre found that there is approximately 8,000m² of usable public recreation space. The proposed 1,325m² Garden Plaza will therefore increase the quantity of public recreation space in the North Sydney Centre by nearly 18% which results in a substantial public benefit for the entire North Sydney Centre.

The Garden Plaza will be unique from the other public areas within the Centre in that it provides protection from the elements all year round whilst still maintaining an inviting, open, and naturally lit environment for the public to use.

The location of the Garden Plaza will dramatically expand the Berry Street Special Area identified in LEP 2001 and draft LEP 2009, and its strategic location at the end of Berry Street will create a 'book-end' effect for the Centre's Special Areas and assist with the creation of a new East/West Special Area Spine (See **Figure 34**).

Berry Street Special Area

The existing development is built to the site boundary with Berry Street and does not provide the Special Area envisaged in the North Sydney LEP 2001 and draft LEP 2009. The proposed development observes Council's DCP setback of 8m to the kerb alignment with Berry Street, thereby creating the new Berry Street Special Area envisaged by Council (see **Figure 34**). The proposed steps along the setback, which accommodate the change in levels, will provide a place for people to sit and congregate. Furthermore the Special Area will be highly integrated with the Garden Plaza which flows off the Special Area. Overall the integration of the new Special Area and the Garden Plaza will provide a significant public benefit in the form of a new urban space with a high level of amenity.

Amalgamation and Redevelopment of the Site

The existing strata title development is no longer consistent with Council's current or long term intention and aspirations for the future capacity of the area and under the current fragmented ownership the site is likely to remain underdeveloped indefinitely. The proposed Concept Plan, which is the outcome of Winten's efforts over the past 9 years to amalgamate the site, provides the rare opportunity, and public benefit, to amalgamate the site once and for all, and redevelop it inline with North Sydney Council and the State Government's vision for the North Sydney Centre. It should be noted that Mirvac previously attempted to acquire and redevelop the site in 2000/2001 but was unsuccessful.



Figure 34 – Analysis of North Sydney Special Areas

High Grade Commercial Floor-space

North Sydney is the second largest office market in Sydney and the sixth largest office market in Australia. It is well placed spatially and to public transport links to further grow its commercial business functions. However, the centre has been outpaced by new office construction in the Sydney CBD, and the increasing competition of lower cost, large scale and campus-style office development at Macquarie Park. As a result of the lack of high-quality large floor-plate commercial floor space in the centre, many major tenants have relocated in recent years and the uptake of the North Sydney centre's office market has begun to decline. The proposed development offers the opportunity to provide a public benefit by fighting this trend through increasing the supply high quality floor space in the centre.

As previously mentioned, the existing low-rise development ('Norberry Terrace') is outdated, redundant and no longer consistent with Council's current or long term intention and aspirations for the future capacity of the area. Nor is it consistent with the broad strategic aims of the Department of Planning's Metropolitan Strategy as it relates to North Sydney, particularly in its desired position to be part of the 'Global Sydney', the global hub of the Australian economy.

Objective (h) under clause 28B of LEP 2001 states aims to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1000 square metres. By providing large floor plate (generally between 1,300-1500m² Net Lettable Area), high-grade commercial floor space the proposal will assist both North Sydney Council and the State Government in meeting its strategic planning objectives for the Centre, the Sub-region and the Global Arc.

Urban Design and Public Domain

The Concept Plan will substantially facilitate improvement to the quality of the urban design and public domain in the area through:

- providing a landmark building at a key gateway site at the entrance to the North Sydney CBD;
- replacing the existing building, which turns its back on the street, with a large glass podium that opens up the corner to the public domain; and
- activating this part of the Centre through providing a large open public space.

5.4 Public Domain

The proposed 8 metre setback will allow for the creation of the Berry Street Special Area envisaged by Council in LEP 2001 and draft LEP 2009. As detailed in Section 5.3, the Special Area will be the interface between the public domain along Berry Street and the proposed publicly accessible Garden Plaza.

The proposed Garden Plaza will be a high quality a publicly accessible space, that has been specifically designed to function as a public domain area. In order to achieve this, a series of interconnected open glass doors will front the Berry Street Special Area inviting members of the public into the space.

Between 7am and 7pm the continuous row of doors along the Berry Street frontage will allow for the two spaces to flow into each other. Whilst outside of those hours the doors to the Garden Plaza will be closed to reinforce the private domain and ensure that anti-social behaviour does not take place.

Within the podium, the boundary between the Garden Plaza (publicly accessible space) and the commercial building lobby (private domain) will be clearly delineated by a glass covered 'green' wall. The wall will effectively communicate the boundary between the two spaces, whilst maintaining the openness of the podium and provide a high level of amenity.

Under the existing circumstances the Norberry Terrace development turns its back on the street. However, under the proposed development the design will open up the corner to the public and provide significant enhancements to the public domain.

As the site is located on a corner abutting three other commercial developments there is no opportunity to provide through site linkages. However, there will be the opportunity for pedestrians to walk through the Garden Plaza when travelling between Berry Street and the Pacific Highway.

5.5 Transport and Accessibility

A Transport & Accessibility Impact Study (TAIS) has been prepared by Colston Budd Hunt & Kafes in accordance with the DGRs and RTA's Guide to Traffic Generating Developments (see **Appendix F**). The findings of the TAIS are summarised below.

5.5.1 Parking Provision

Consistent with the Department's policy, the North Sydney DCP adopts a minimalist approach to provision of car parking (a maximum of one parking space per 400m²) on the basis of its accessibility of to public transport.

Application of the DCP rate results in a maximum allowable provision of 112 parking spaces for the proposed development. The proposed provision of 112 parking spaces is therefore in accordance with this requirement, and is considered appropriate. Eleven motorcycle spaces will be provided (one space per 10 car spaces) in accordance with DCP 2002.

In accordance with the DCP rate, 74 bicycle lockers and 17 bicycle racks are proposed to be provided in the basement parking levels.

5.5.2 Traffic Generation

Based on the existing traffic conditions and estimated traffic generation created by the proposed development, the TIAS estimates the impact of the proposal on the surrounding road network, with specific consideration the key intersections at:

- Pacific Highway / Walker Street
- Pacific Highway / Miller Street
- Pacific Highway / Berry Street
- Berry Street / Miller Street
- Berry Street / Walker Street

Traffic generated by the proposed development will have its greatest impacts during morning and afternoon peak periods when it combines with commuter traffic. Based on surveys of the traffic generation of the existing building, the existing parking spaces within the development generate some 0.25 to 0.4 vehicles per hour per space (two-way) during peak periods.

With an increase in parking provision of some 52 spaces proposed, the increase in traffic generation of the proposed development would be some 13-21 vehicles per hour two-way during peak hours. This is a very low increase, equivalent to one vehicle every three to five minutes during peak hours.

The TIAS concludes that such a low additional traffic generation would not have noticeable effects on the operation of the surrounding road network. Intersections would continue to operate at their existing satisfactory levels of service, with similar average delays per vehicle. As a result no road / intersection upgrades will be required.

5.5.3 Travel Demand

To encourage travel modes other than private vehicle, it is proposed to adopt a travel demand management approach through a work place travel plan (WPT).

The WPT plan will assist in delivering sustainable transport objectives by considering the means available for reducing dependence solely on cars for travel purposes, encouraging the use of public transport and supporting the efficient and viable operation of public transport services. It is noted that the implementation of a WTP would be through the responsibility of the future tenants of the building.

5.5.4 Impact on Non-Car Travel Modes

The TIAS provide an assessment of the implications of the proposed development for non-car travel modes including public transport, walking and cycling. In regards to the relevant non-car travel modes, the TIAS concludes that:

- As the proposed development will increase employment densities close to existing public transport services it will provide more potential customers for the existing public transport services and hence support their efficient and viable operation.
- The site is readily accessible for pedestrians as it is close to residential areas, public transport nodes and is well serviced by existing pedestrian crossings and footpaths.
- Appropriate bicycle parking (75 bicycle racks lockers and 18 bicycle racks) and shower / change facilities will be provided in accordance with North Sydney Council's DCP rate, which will support accessibility for cyclists.

5.5.5 Access

Colston Budd Hunt & Kafes has undertaken a review of the proposed car park access arrangements and indicative loading dock and internal car park designs shown on the Concept Plan drawings.

Access to the proposed development will be provided via a combined entry and exit driveway at the eastern end of the site on Berry Street. The proposed access driveway is in the same location as the existing driveway to the site. The TIAS concludes that the proposed access arrangements are appropriate.

Within the upper basement level, a loading dock is proposed. The loading dock will provide for a range of service vehicles, including vans and courier-sized vehicles, as well as small and medium rigid trucks. Five bays will be provided for trucks and nine bays for vans and courier sized vehicles.

All access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.

5.5.6 Construction Traffic

An assessment of the construction traffic will be undertaken at the Project Application stage once the methodology, process and staging of construction can be determined. A preliminary review of the construction traffic management on the site are considered in the TIAS at **Appendix F**.

The builder will be responsible for the preparation of a construction traffic management plan, which will be prepared prior to the commencement of work following approval of the subsequent Project Application for the site.

The above recommendations are reflected in the draft Statement of Commitments.

5.6 Environmental and Residential Amenity

5.6.1 Solar Access

The proposals impact on solar access as been assessed against LEP 2001 and Draft LEP 2009 (see Section 5.2). The assessment demonstrated that the proposed development will not reduce solar access to any residential dwellings within or outside of the North Sydney composite shadow area.

5.6.2 Acoustic Privacy

The proposed development is not envisaged to have any impacts on the acoustic privacy of residential developments in the vicinity. The mechanical plant such as rooftop exhausts and air-conditioning associated with the future development has the potential to impact on nearby residential and commercial properties. The details of the mechanical plant for the development will be finalised at the Project Application stage. Therefore the proponent will commit to prepare an Acoustic Report to assess the impact and make necessary recommendation to manage these impacts as part of the Project Application stage.

The above recommendations are reflected in the Statement of Commitments.

5.6.3 Visual Privacy

The development will not directly look into or over any residential dwellings. The building will have distant views to the residential development in the surrounding area but will not result in the loss of any visual privacy to those dwellings.

5.6.4 View Loss

The view analysis at Figure 35 demonstrates that the proposed envelope will not result in the loss of any key or significant views from the residential tower at 171 Walker Street (Maximum RL 122.80) as the views west across the site are currently largely obstructed by the building at 140 Pacific Highway (Maximum RL 127.58) and other development to the west of the North Sydney CBD.

The view analysis at **Figure 36** illustrates that the proposed envelope will be visible from 41 apartments within the Beau Monde building at 77 Berry Street. Whilst the proposed tower will obstruct a small view to the west for these apartments, **Figure 37** illustrates that the affected view is not significant and is small in comparison with the panoramic views enjoyed by the building. It is noted that the view shown in **Figure 37** is indicative and varies from apartment to apartment and floor to floor. Of the 41 affected units only 10 are orientated to the west, with the remainder orientated to utilise their desirable views of the city to the south, or over North Sydney Oval and St Leonards Park to the north.

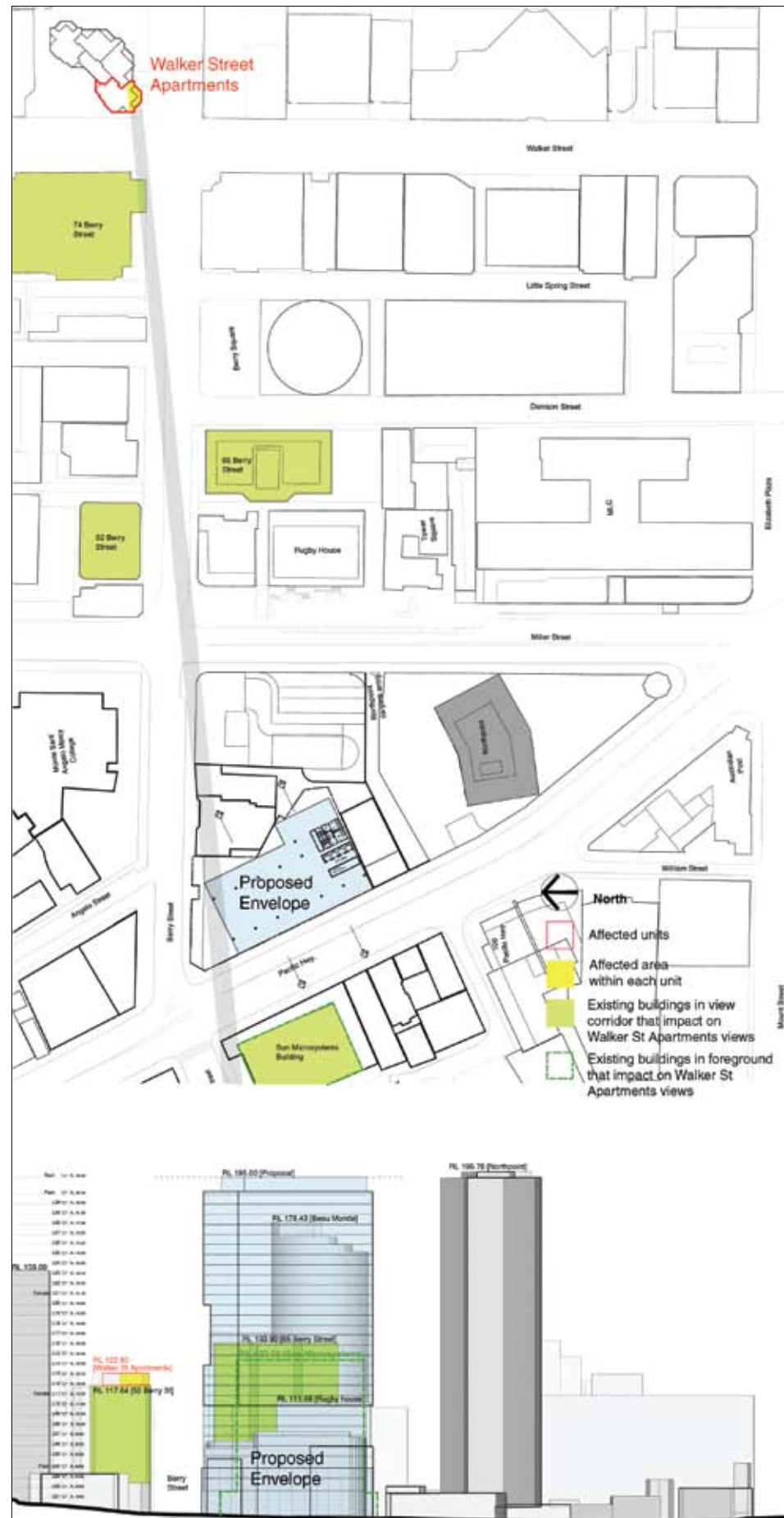


Figure 35 – Affected dwellings within 171 Walker Street

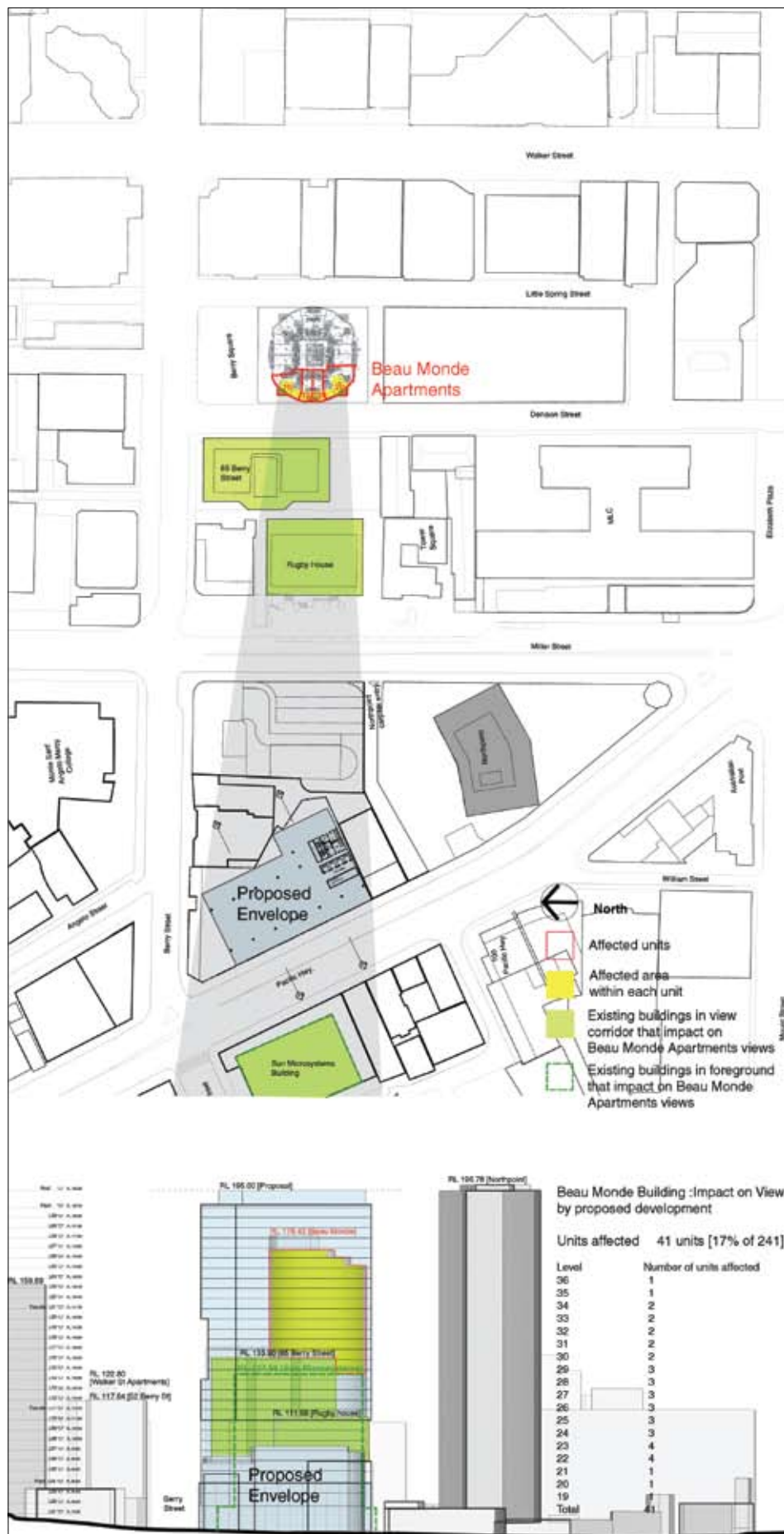


Figure 36 – Affected dwellings within 77 Berry Street

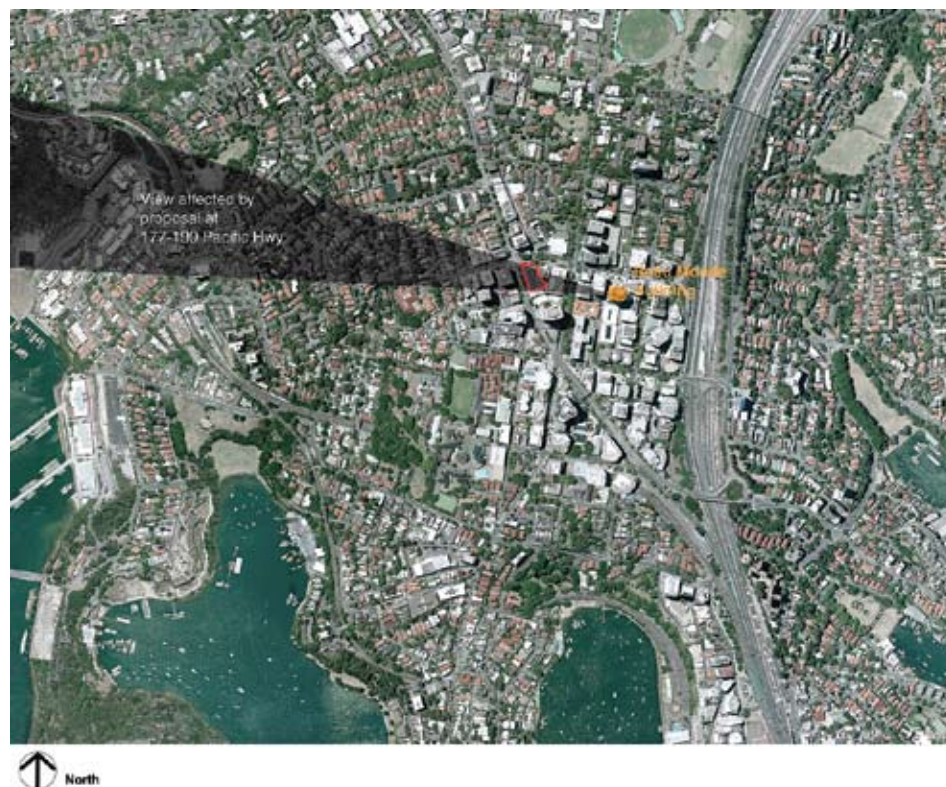


Figure 37 – View analysis from 77 Berry Street
Source: Bates Smart

5.6.5 Wind Impact

An Environmental Wind Assessment of the Concept Plan building envelope has been prepared by WindTech (see **Appendix G**). The assessment reviews the existing wind environment, assesses the potential impacts of the proposed tower and makes recommendations to be incorporated at the detailed design stage. A summary of the assessment is located below.

Three principal wind directions, from the north east, south and west, were identified as potentially affecting the development.

The report concludes that the wind conditions for most of the outdoor areas within and around the site are expected to be acceptable for their intended uses without the need for additional ameliorative treatments.

The report recommends that:

- the proposed trees at the north-western corner of the development be retained in the final landscape plan and be an evergreen species;
- the existing trees along Pacific Highway and Berry Street pedestrian footpaths should be retained to help improve wind conditions along the pedestrian footpaths; and
- impermeable balustrades 1.2m in height be placed around the Level 15 and 16 terraces to further improve wind conditions in these areas.

The above recommendations are reflected in the Statement of Commitments.

5.7 Contamination

A Phase 1 Environmental Site Assessment was undertaken by Hyder to determine the potential risk for land contamination from past and current activities (see **Appendix H**).

Analysis of the site history through aerial photographs has suggested that previous land uses were likely to be commercial or light warehousing which are unlikely to lead to significant land contamination. A search of Council and State Government databases showed no record of contamination on the site. As the site is currently used for commercial purposes it is unlikely that any site activities might have occurred that would lead to significant land contamination.

The assessment concludes that the risk of significant soil or groundwater contamination on the site is minimal, and the site is considered suitable for continued commercial use.

Although the risk is considered low, potential contaminants may still exist on site through construction practices used in the past. Therefore the report recommends that during the removal of excess soil, testing be undertaken to confirm soil quality prior to off-site disposal.

The above recommendations are reflected in the Statement of Commitments.

5.8 Geotechnical and Ground Water

A Geotechnical and Groundwater Assessment was undertaken by Hyder (see **Appendix I**). Based on previous site investigation data the sub-surface conditions were identified to be:

- fill and residual soil of varying thickness in the order of 1 to 2m; and
- Hawkesbury Sandstone.

The groundwater table is anticipated to be at or below the existing basement level. As there are deep basements from the adjoining towers the groundwater table at the site may have already been drawn down by the deep basement at these sites.

The report concludes that the proposed development is feasible at the concept stage from a geotechnical and groundwater perspective but recommends that a comprehensive geotechnical site investigation be carried out as part of the future Project Application for the site. The comprehensive geotechnical site investigation should:

- Develop appropriate design and construction methodologies to mitigate noise and vibration impacts during excavation of the basement car park.
- Identify existing services and utilities and relocate them if required prior to demolishing and excavation works.
- Investigate the need to develop a retaining or shoring system for the existing building during demolition and for the excavation of the basement levels to ensure structural integrity of the adjacent buildings and basements.
- Develop temporary and/or permanent shoring systems to retain the soil and residual as well as the weak sandstone overlying the good quality sandstone so that the basement excavation can be carried out in a safe manner.
- Develop appropriate design solutions and construction methodologies to mitigate ground movement that may occur due to stress relief resulting from the basement excavation.
- Identify any significant geological features intersecting the project or in the close vicinity of the site that may have an impact on the development.

5.9 European Heritage

A number of heritage items are located within the vicinity of the site (see **Figure 38**). To ensure there will be no adverse heritage impacts, a Heritage Impact Statement (HIS) has been prepared by Graham Brooks and Associates and is located at **Appendix J**.

The HIS concludes that the proposed Concept Plan envelope will have no adverse impact on the established heritage significance of the heritage items in the vicinity.

The North Sydney LEP heritage map shows the Monte Sant' Angelo Group occupying a large site diagonally opposite the subject site in Berry Street (see Item 1 in **Figure 38**). The Monte Sant' Angelo buildings at this interface are recent additions to the site, constructed in contemporary style and materials. As such, the Heritage Impact Statement concludes that there will be no impact on the established heritage significance of the historic Monte Sant' Angelo buildings and their settings as they are located in the centre and north of the complex and separated from the subject site by a number of intervening buildings.

As there will be no heritage impacts the report does not make any recommendations regarding mitigation measures.



Figure 38 – Heritage Items in the vicinity of the site
Source: GBA

5.10 Stormwater

A Stormwater Concept Plan and Report has been prepared for the proposed development and is located at **Appendix E**. The proposed development will not increase the imperviousness of the site, nor increase the developed area discharging into the drainage system. Therefore the report concludes that the development will not increase stormwater discharges from the present condition and therefore no on-site detention is required.

5.11 Crime Prevention Through Environmental Design

The proposed development has been assessed against the key principles of Crime Prevention Through Environmental Design (CPTED). A detailed CPTED assessment will be undertaken at the Project Application stage.

Natural Surveillance

The proposed podium which will be constructed out of glass, will open up sightlines into and out of the proposed building at ground level. The activation of the street through the provision of the Garden Plaza and café / wine bar within that area will provide a high degree of passive surveillance. The glass podium and the sites location at the corner of the Pacific Highway and Berry Street, two major roads, will contribute to ongoing surveillance 24 hours a day.

During the Project Application stage consideration will be given to:

- the choice of material, façade construction, barriers, plants, foliage and similar design elements; and
- lighting design.

Territoriality

Territoriality and a delineation of public and private space has been achieved through the transparent glass podium which aim to promote use of the Garden Plaza as a public space while deterring would-be criminals from conducting unfavourable acts in the space.

Ownership

Effective ownership of the space aids in promoting to the public, a well used and maintained facility, which in turn encourages legitimate activity. The enforcement of ownership aims to deter criminals and vandals from opportunistic crime and vandalism when the space is clean, well lit, and filled with people.

Management

Management of the North Sydney Commerce Centre development will develop efficient mechanisms for reporting and rectifying maintenance, cleanliness and property damage issues, particularly the prompt removal of graffiti and similar vandalism.

5.12 Environmental Sustainable Development

The proposed Concept Plan seeks approval for a building envelope, therefore at this point in time Winten can not assess the proposal against a suitably accredited rating scheme or provide specific details on design, construction or operational ESD measures as matters will be addressed at the Project Application Stage as part of the detailed design of the development. However, Winten intend to achieve a high environmental rating and are seeking to achieve a 5 Star Green Star Office Design (v3) rating and a 5 Star NABERS Office Energy Rating.

Winten's commitment to providing an environmentally sustainable development is reflected in the draft Statement of Commitments.

5.13 Consultation

Winten Property Group met with officers of North Sydney Council on 4 December 2009. Council's officers indicated general support for the scheme, and acknowledged that the envelope would generally "hide behind" the existing Northpoint tower.

Council's specific areas of concern centred on the overshadowing of the MLC building forecourt for a short part of the afternoon as well as seeking revised street wall and/or tower setbacks at the junction of Berry Street and the Pacific Highway.

All other aspects of the proposal were verbally supported, including activation of the street frontages, building height and massing, minor overshadowing impacts, potential public benefit outcomes and use of the ground floor space, and revitalisation of this part of the centre.

6.0 Draft Statement of Commitments

In accordance with the Director-General's Environmental Assessment Requirements, the proponent is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures on the site. The following are the commitments made by the Winten Property Group to manage and minimise potential impacts arising from the project.

6.1 Public Domain

A 1,325m² publicly accessible recreation space will be provided at the ground level of the building between 7:00am – 7:00pm Monday to Friday.

6.2 Transport and Accessibility

Winten makes the following commitments regarding transport and accessibility:

- All access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.
- An assessment of the construction traffic generated by the development will be undertaken at the Project Application stage.
- A construction traffic management plan will be prepared prior to the issuing a construction certificate.
- Appropriate bicycle parking (75 bicycle racks lockers and 18 bicycle racks) and shower / change facilities will be provided in accordance with North Sydney Council's DCP rate.

6.3 Environmental and Residential Amenity

6.3.1 Acoustic Privacy

An Acoustic Report will be prepared to assess the acoustic impacts of the proposal at the Project Application stage.

6.3.2 Wind Impact

Winten commits to the following wind mitigation measures:

- provision of trees in at the north-western corner of the development in accordance with Council requirements;
- retention of the existing trees along the Pacific Highway and Berry Street pedestrian footpaths; and
- provision of impermeable balustrades 1.2m in height around the Level 15 and 16 terraces.

6.4 Environmentally Sustainable Development

The proposed building will achieve a 5 Star Green Star Office Design (v3) rating and a 5 Star NABERS Office Energy Rating.

Winten also commits to exploring the following environmental initiatives:

- natural ventilation to the podium;
- orientation specific sun-shading to minimise heat gain;
- low temperature VAV or chilled beams;
- rainwater recycling;

- solar water heating; and
- low embodied energy in materials.

6.5 Geotechnical and Groundwater

A comprehensive geotechnical site investigation will be undertaken at the Project Application stage. The comprehensive geotechnical site investigation will:

- Develop appropriate design and construction methodologies to mitigate noise and vibration impacts during excavation of the basement car park.
- Identify existing services and utilities and relocate them if required prior to demolishing and excavation works.
- Investigate the need to develop a retaining or shoring system for the existing building during demolition and for the excavation of the basement levels to ensure structural integrity of the adjacent buildings and basements.
- Develop temporary and/or permanent shoring systems to retain the soil and residual as well as the weak sandstone overlying the good quality sandstone so that the basement excavation can be carried out in a safe manner.
- Develop appropriate design solutions and construction methodologies to mitigate ground movement that may occur due to stress relief resulting from the basement excavation.
- Identify any significant geological features intersecting the project or in the close vicinity of the site that may have an impact on the development.

6.6 Contamination

During the removal of excess soil from the site, testing to confirm soil quality will be undertaken prior to off-site disposal.

6.7 Stormwater

The design of the future stormwater connection will be developed in consultation with Sydney Water.

6.8 Crime Prevention Through Environmental Design

A detailed CPTED assessment will be undertaken at the Project Application stage.

6.9 Infrastructure and Utilities

As part of the detailed design during the Project Application stage, an investigation into the existing capacity and required infrastructure works, including water, electricity and telecommunications, will be undertaken for the proposed building.

Winten will enter into an appropriate arrangement with Energy Australia to organise for the external substation on Berry Street to be relocated (and upgraded if necessary) within the basement of the North Sydney Commerce Centre.

7.0 Conclusion

This Concept Plan seeks approval for the redevelopment of Norberry Terrace into a 31 storey commercial development known as the North Sydney Commerce Centre.

The proposal represents a significant upgrade and enhancement of a dated commercial development and will provide an envelope capable of delivering a landmark building at the gateway to the North Sydney Centre.

The proposal will result in positive economic, environmental and public benefit in the form of the:

- provision of a 1,325m² publicly accessible Garden Plaza as a new special area within North Sydney;
- creation of the Berry Street Special Area along the site's frontage;
- amalgamation and redevelopment of an underdeveloped site which would otherwise remain under fragmented ownership indefinitely;
- provision of high grade commercial building with large floor-plates; and
- various other urban design and public domain improvements.

The assessment of the Concept Plan has demonstrated that the proposed development will have minimal adverse environmental effects. In terms of the bulk and scale, an assessment against North Sydney LEP 2001 and draft North Sydney LEP 2009 demonstrate that the proposal generally complies with the height and massing controls, and where non-compliances occur variations to the controls are strongly supported by the merits of the project, substantial public benefit, and the absence of any adverse amenity impacts.

Given the environmental planning merits described above, and significant public benefits proposed, it is requested that the Minister approve the Concept Plan under Section 750 of the EP&A Act.