

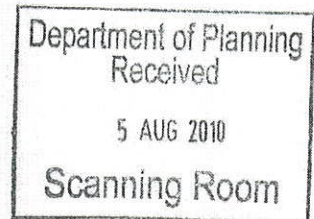


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Stanton Precinct  
PO Box 91/248 Miller Street  
North Sydney NSW 2060

4<sup>th</sup> August 2010

Director  
Metropolitan Projects  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001



Re: Application MP09-0214, 177-199 Pacific Highway, North Sydney

Dear Sir,

Our Precinct meeting held on 3<sup>rd</sup> August was attended by 16 people, we wish to comment on the above development:

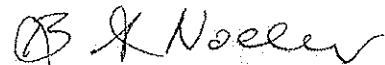
- 1 We are concerned about the considerable overshadowing of the Don Bank Museum and also overshadowing of the garden in the adjacent property in Charles Street at the rear of 100 Pacific Highway.  
A number of residences in that area will also be affected.
- 2 To a lesser degree, overshadowing of the 'Special Area' in Miller Street will also affect the pavement seating outside Tower Square.  
These areas are heavily used by the community who appreciate any sun that is available.
- 3 Loss of views by residents of Beau Monde (77 Berry Street)  
It is disingenuous for the developer to state that 41 units affected still have harbour views when we all know that those said views will be severely compromised by the building of Eastmark's two new towers and also the tower at 100 Mount Street.
- 4 The Precinct requests a comprehensive Acoustic Report such that future problems arising from noise disturbance through plant and equipment that operate around the clock will not occur.
- 5 The height of the building is excessive with regard to Council guidelines.
- 6 The Precinct is concerned about the increased traffic into Berry Street, an already congested traffic area. The right hand from Pacific Highway on to Berry Street is already problematic.
7. It is noted that adverse effects caused by southerly and westerly winds are expected. In the case of the westerly winds, it is stated it would be necessary to plant evergreen dense foliage trees. This is out of character with the planting in this street and would further

shade the proposed light filled public plaza space.

8. While it is stated that the building aims to be 5Green Star, it is noted that this could be improved upon to make the building carbon neutral.
9. It is very difficult to see how the area could be other than overshadowed from so many fronts.
10. That the plaza is to open only between certain hours will not bring much needed "life" into North Sydney.

The Precinct agrees that this site needs to be redeveloped and applauds the Garden Plaza as a potentially useable public space, however some sort of legal guarantee must be in place to ensure that this remains into the future and not returned to private use once the building is up and running. Could a larger outdoor area be incorporated next to the Plaza to allow office workers the opportunity to enjoy the fresh air.

We trust that our concerns are taken into consideration when ruling on this development.



Barbara Noden  
(Chair, Stanton Precinct)

5 August 2010

Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Luke Murtas

**SUBMISSION FROM SHORE SCHOOL**

**MP09\_0214 - CONCEPT PLAN APPROVAL FOR A 32 STOREY MIXED USE**

**RETAIL/COMMERCIAL DEVELOPMENT - 177-199 PACIFIC HWY, NORTH SYDNEY**

Dear Mr Murtas

This submission on the above Concept Plan has been prepared for Sydney Church of England Grammar School (**Shore**); located on Blue, Edward and Lord Streets at North Sydney.

Robinson Urban Planning Pty Ltd and JM Computer Modelling have reviewed the Environmental Assessment Report (**EAR**), in particular the shadow diagrams.

This submission provides additional information on the areas affected by additional shadows and sets out Shore's submission on the Concept Plan.

***Description of Shore areas affected by additional shadows and clarification of use***

As acknowledged in the EAR, the Concept Plan building envelope:

1. Breaches the composite shadow area prescribed at clause 28D North Sydney Local Environmental Plan 2001 (**LEP 2001**)
2. Casts some additional shadows onto the Shore property, described as follows at page 27 of the EAR:
  - *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*

The above EAR description of Shore areas affected by additional shadow requires some clarification:

- The affected landscaped area has frontage to both Lord and Edward Streets.

- A ground floor classroom window (floor to ceiling) looking east onto the Edward Street landscaped area is likely to be overshadowed at 9.00am.
- All of the affected area to the south of the Shore Preparatory School building is used as a playground, with the driveway accessible to vehicles for morning and afternoon drop-offs /pick-ups only. Notably, the driveway gates are closed at 8.30am, therefore it does not function as a driveway when the additional shadow is cast. At this time of day, students and their teachers intermittently use this area for physical education and a variety of other outdoor educational activities.


***Shore's submission on MP09\_0214***

Shore acknowledges that the duration of additional overshadowing on its property is short and in mid-winter only. Notwithstanding, approval of a Concept Plan that breaches the composite shadow area and consequently overshadows a school sets an undesirable precedent.

The composite shadow area provides a degree of solar access protection to Shore, important given its proximity to North Sydney Centre. Shore therefore requests amendment of the proposed building envelope so that it does not breach the composite shadow area and does not cast any additional shadows onto the Shore property.

Please do not hesitate to contact the undersigned or the Mrs Kathy Dickson (Bursar, Shore School) on Phone 9956 1111 Mobile 0413 484 303.

Yours sincerely



Sandra Robinson  
*Director*

cc. Kathy Dickson (Bursar, Shore)



# Beau Monde Apartments

4<sup>th</sup>  
August  
2010

Thursday, 5 August 2010

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The Hon Tony Kelly  
Minister for Planning, Infrastructure and Land  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

Dear Minister Kelly

**Re: Project Application MP 09\_0214 at 177-199 Pacific Highway, North Sydney**  
**Applicant: JBA Urban Planning on behalf of the Winten Property Group**

On behalf of the Executive Committee of the Owners Corporation of Strata SP74602, the Residential Building on 77-81 Berry Street, North Sydney, NSW 2060, we wish to offer our submission for the subject project proposed by JBA Urban Planning on behalf of the Winten Property Group, for your due consideration.

## **Submission Statement:**

We strongly OBJECT to the proposed development as it will have significant adverse impacts on both residents and the community of North Sydney, for a number of reasons which are set out below.

We are not against development and would be comfortable to accept a proposal that addresses our concerns.

## **Reasons for Objection to the Proposal:**

### OBJECTION NO. 1 Planning and Height:

There is misleading misuse of planning controls as they relate to the various Planning Instruments ie LEP 2001 Amendment 28, DLEP 2009 (not yet Publicly Exhibited) and DCP 2002.

*"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."*

THE EXECUTIVE COMMITTEE OF THE OWNERS CORPORATION (SP74602)  
C/o Beau Monde Owners Corporation  
77-81 Berry Street, North Sydney NSW 2060



It appears that heights have been taken from a consolidation of both 173 and 177 Pacific Highway, favouring 173 Pacific Highway (195RL) as it is close to Northpoint (196RL). The proposal is misleading in claiming this height relates to the site at 177 Pacific Highway.

LEP 2001 allows a maximum height of 195RL but prohibits overshadowing on various areas within and around the North Sydney centre, including the Miller Street and Don Bank Museum Special Areas. *See Objection 3 in regard to the overshadowing of these areas.*

DLEP 2009 allows a maximum height of 190RL on the southern part of the site and a maximum of 85RL on the northern (Berry Street) half whilst also including similar overshadowing provisions to LEP 2001. DLEP 2009 is yet to be publicly exhibited! The applicant is being disingenuous in claiming that an RL of 195 should apply.

Proposals like this defeat the use of LEPs and the promotion of good urban planning in order to not leave stranded irrelevant blocks that are of insufficient size to develop.

## OBJECTION NO. 2 Setbacks:

There is no setback above the foyer resulting in a protrusion of building on the Pacific Highway frontage and into the setback area required by DCP controls.

## OBJECTION NO. 3 Overshadowing:

*"... overshadowing of the Don Bank Museum and Miller Street Special Areas during Spring and Autumn."*

Miller Street (between 1.15pm and 1.45pm) is alive with office workers vying for fresh air and sunlight. The explanation that *"in light of significant public benefit of the proposal, in providing high quality publicly accessible recreation space should offset any loss in the use of Don Bank Museum and Miller Street Special Areas during Spring and Autumn . . . ."* is NOT acceptable and North Sydney Council's prohibitions on solar impacts to the Miller Street Area and the absolute prohibition on solar impacts to the Don Bank Special Area should be supported.

Also, this development will have a major impact on residents of the Edward Precinct. Further mapping of overshadowing (outside the 9.00am winter solstice figure) should be done to abide by LEPs in that no adverse shadowing would impact residential areas.

## OBJECTION NO. 4 Ground Floor and Garden Plaza:

*" . . . . the development will also provide significant public benefits, namely through the provision of a publicly accessible Garden Plaza."*

North Sydney needs to be reactivated outside of business hours. Creative planning initiatives must be considered in these vital concept stages to open this area to residents outside the 7am-7pm Monday to Friday time frame proposed. Linking a genuine open space along Berry Street through to the open forecourt of 77-81 Berry via the open space on the corner of Miller and Berry Streets would provide a much stronger urban planning result.

As was debated at the North Sydney Council Meeting of 2 August 2010, this area should be established as a Special Area.

## OBJECTION NO. 5 Views:

*" . . . . the proposed envelope will be visible from 41 apartments within Beau Monde, 77 Berry Street . . . Whilst the proposed tower will obstruct a small view to the west for these apartments . . . it is not significant . . . "*

Beau Monde Residents are 'entertaining' three (3) Part 3A Developments to the south, east and now the west. There has been absolutely no public consultation whatsoever with residents as to this proposed development let alone the potential loss of existing panoramic views to the west. Forty-one units over Levels 19 to 36 will be affected ie 17% of the building as per JBA's Report. More information is requested by residents in order to ascertain the exact degree of view loss.

## OBJECTION NO. 6 Traffic:

Reports commissioned for the now *Approved* Part 3A Walker, Berry and Mount Street Developments found that the narrow laneways (Denison, Spring and Little Spring) serving the proposals were inadequate to accommodate the pedestrian and vehicular traffic, resulting in a hazardous environment for both pedestrians and vehicular traffic.

Berry Street has had a number of pedestrian injuries including fatalities and this increased congestion and confusion will further aggravate the likelihood of this. Adding further merging volumes and crossovers from the right hand lane to the left two lanes will, in our view, exponentially increase the danger and traffic snarl on Berry Street.

## Beau Monde Apartments

4<sup>th</sup>  
August  
2010

According to North Sydney Council's Traffic Engineer's Report, there will be a "*net increase of 26 vehicles per hour*" as a result of this development. Given the traffic travelling down Berry Street (a one-directional, sub-arterial road) linking Pacific Highway to the Freeway, we welcome the more detailed design plans that would be prepared and submitted to the Department of Planning in the event this development is approved.

### OBJECTION NO 7: Glare

We are not aware of any Solar Reflectivity Testing and the subsequent affect this would have on Beau Monde?

### SUMMARY:

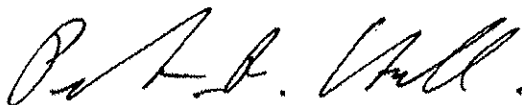
It appears that any non-compliance with Local Environment Planning Controls have been excused and supported by the idea that this proposed development will be of huge public benefit.

It clearly has marked adverse impacts on adjoining residents (in and outside the CBD) and office workers.

As mentioned, the owners of Beau Monde are NOT averse to development. Our concern is that there has been a total lack of public consultation and, secondly, that the opportunity to create something very special for the residents and workers of North Sydney has again been lost.

Therefore, this application should be REFUSED and returned to Council's planning process and urban planning strategy.

Yours sincerely



Peter R Hull  
2310 Beau Monde Apartments  
Executive Committee Member (SP74602)

Unit 908  
81 Macleay Street  
Potts Point  
Sydney NSW 2011



**Luke Murtas - Online Submission from alison plant of private submission (object)**

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**From:** alison plant <alison.plant@aapt.net.au>  
**To:** Luke Murtas <luke.murtas@planning.nsw.gov.au>  
**Date:** 05/08/2010 13:13  
**Subject:** Online Submission from alison plant of private submission (object)  
**CC:** <assessments@planning.nsw.gov.au>

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I strongly object to the proposed development. I believe it is too tall and that my home will be impacted in terms of loss of light especially in the winter, damp associated with loss of light, with additional problems with wind funnelling.

I am also concerned about potential problems with traffic as this is already a very busy area and close to schools. The project is inconsistent with the mixed use of this area as residential and commercial, it is too tall and does not appear to be part of any integrated and coordinated plan for the area. It should be rejected.

Name: alison plant  
Organisation: private submission

Address:  
26 Edward Street  
North Sydney

IP Address: c-59-101-10-217.hay.connect.net.au - 59.101.10.217

Submission for Job: #3741 MP09\_0214 - Concept Plan approval for a 32 storey mixed use retail/commercial development

[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=3741](https://majorprojects.onhiive.com/index.pl?action=view_job&id=3741)

Site: #2181 177-199 Pacific Hwy, North Sydney

[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=2181](https://majorprojects.onhiive.com/index.pl?action=view_site&id=2181)

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**Luke Murtas**  
Planner

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**council - DA - Submissions or Objections**

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**From:** council@northsydney.nsw.gov.au <council@northsydney.nsw.gov.au>  
**Date:** 5/08/2010 1:07 PM  
**Subject:** DA - Submissions or Objections

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Name: alison plant

Mailing Address: 26 edward street north sydney

Phone: 0405 811280

Email: alison.plant@aapt.net.au

DA NUMBER: NSW 3741

PROPERTY ADDRESS: 177 pacific highway

COUNCIL OFFICER:

I have inspected the DA plans; I have considered them in the context of the North Sydney Local Environmental Plan (LEP) and North Sydney Development Control Plan (DCP) and their impact on my property and interests: YES

I am willing to appear and provide evidence to the Land and Environment Court should the application be appealed: YES

COMMENT (6500 character limit) In the interests of public transparency please note that your submission in its entirety may be available to the applicant or other interested persons on request.: I am very concerned that the council is not actively objecting to the proposed building of a 32 level building so close to a residential area. It will have major impacts for my home in terms of light, and the dampness associated with a lack of light. I also think it is inconsistent with the published policies for development in north sydney. There are already plenty of tall, empty, office blocks in north sydney and we do not need another one.