

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning, determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms of approval and modifications listed in Schedule 2, and the Statement of Commitments in Schedule 4, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the development as set out in Schedule 3; and
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that approval to carry out all future stages of the project be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*.



Tony Kelly MLC
Minister for Planning

Date:

20 DEC 2010

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP09_00214
Proponent:	Winten (No. 13) Pty Ltd
Approval Authority:	Minister for Planning
Land:	177-199 Pacific Highway, North Sydney AKA Lots 1-26 in SP 17198
Project:	Redevelopment of the site for commercial and retail use, with a building envelope with a maximum height of RL195 metres (AHD) and a maximum Gross Floor Area of 44,760m ² and public domain improvements.

PART B: NOTES RELATING TO THE DETERMINATION OF MP09_0214

Responsibility for other consents / agreements

The Proponent is responsible for ensuring that all additional consents and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C — DEFINITIONS

In this approval:

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department or his nominee.

Environmental Assessment means the Environmental Assessment prepared by JBA Planning and dated June 2010.

Minister means the Minister for Planning.

MP No. 09_0214 means the Major Project described in the Proponent's Environmental Assessment.

Preferred Project Report (PPR) means the Preferred Project Report dated 24 September 2010 and Response to Submissions dated 13 September 2010 prepared by JBA Planning.

Proponent means Winten (No. 13) Pty Ltd or any party lawfully acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (as amended).

SCHEDULE 2

PART A: TERMS OF APPROVAL

1. Development Description

Concept approval is granted to the development described below:

- (a) A 31 storey (plus plant room) building envelope, including a tower above a podium of five storey scale, to a maximum height of RL195 metres (AHD);
- (b) A four-level basement envelope;
- (c) Commercial use of the building with ancillary retail (café) use and a 1325m² publicly accessible plaza at ground floor;
- (d) Public domain improvements around the Pacific Highway and Berry Street frontage of the site.

2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with application MP09_0214 and with the Environmental Assessment (including appendices), except where amended by the Preferred Project Report, and the following drawings prepared by Bates Smart:

Drawing No.	Rev.	Name of Plan	Date
PA02-004	A	Basement Level 004 Plan	25 September 2010
PA02-003	A	Basement Level 003 Plan	25 September 2010
PA02-002	A	Basement Level 002 Plan	25 September 2010
PA02-001	A	Basement Level 001 Plan	25 September 2010
PA02-00	A	Ground Floor Plan	25 September 2010
PA02-01	A	Level 02-03 Plan	25 September 2010
PA02-02	A	Level 04 Plant Plan	25 September 2010
PA02-03	A	Level 05-07 Plan	25 September 2010
PA02-031	A	Level 08-09 Plan	25 September 2010
PA02-04	A	Level 10 Plan	25 September 2010
PA02-05	A	Level 11 Plan	25 September 2010
PA02-06	A	Level 12-13 Plan	25 September 2010
PA02-07	A	Level 14 Plan	25 September 2010
PA02-08	A	Level 15-17 Plan	25 September 2010
PA02-09	A	Level 18-20 Plan	25 September 2010
PA02-10	A	Level 21 Plan	25 September 2010
PA02-11	A	Level 22-23 Plan	25 September 2010
PA02-12	A	Level 24-28 Plan	25 September 2010
PA02-121	A	Level 29-30 Plan	25 September 2010
PA02-13	A	Plant Level 31 Plan	25 September 2010
PA05-01	A	Street Elevations	25 September 2010
PA05-02	A	South Elevation	25 September 2010
PA05-03	A	East Elevation	25 September 2010
PA05-04	A	West Elevation	25 September 2010
PA05-05	A	North Elevation	25 September 2010
PA06-01	A	Section AA	25 September 2010
PA06-02	A	Section BB	25 September 2010

except as modified by the following pursuant to Section 75O(4) of the Act.

PART B: MODIFICATIONS TO CONCEPT PLAN

1. Public Domain – Berry Street

The proposed streetscape upgrade to Berry Street and creation of the Berry Street Special Area is to extend beyond the immediate frontage of the site, along Berry Street to the east until the corner of Berry Street and Miller Street. Footway finishes, seating, street tree plantings and landscaping and the like are to be designed to Council's specifications.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Pursuant to Section 75P(1)(a) of the Act the following future environmental assessment requirements apply.

1. *Building Design*

Future Applications shall demonstrate that façade design on all elevations (and elements such as the exposed soffit to the Pacific Highway and visible parts of the roof level) incorporates high quality architectural expression and a high standard of materials and finishes due to the highly visible location of the proposed development.

In addition, the Applicant shall respond to concerns raised regarding disabled access being integrated into the design of the ground level plaza and lobby area.

2. *Pacific Highway Pedestrian Route*

Future Applications shall give consideration to improving conditions and minimising obstacles along the main pedestrian access to the site from the North Sydney Railway Station, along the eastern side of the Pacific Highway. Provision should be made for public domain upgrades beyond the immediate frontage of the site in order to improve accessibility.

3. *Public Access to the Plaza*

Future Applications shall clearly set out the mechanism for creating rights of public access to the public plaza, with the relevant instrument to be executed prior to commencement of the use of the development. Consideration shall be given to allowing public access to the plaza outside of weekday business hours.

4. *Transport & Travel*

Future Applications shall provide a detailed justification for the proposed departure from AS2890.1-2004 in relation to the driveway entry point, including a study by a suitably qualified consultant which reviews the impact of the proposed driveway on traffic flows along Berry Street.

Future Applications shall provide details of a Sustainable Travel Plan prior to the occupation of the development. This should include an investigation of car sharing schemes and methods for promoting the use of public transport for future occupants of the development.

5. *ESD*

Future Applications shall demonstrate the implementation of the applicant's commitment to 5-star (Green Star and NABERS) energy efficiency ratings or greater.

6. *Substation*

Future Applications shall include details of consultation with Energy Australia in relation to the substation located at the Berry Street frontage of the site, with the aim of relocating the substation in the basement of the approved building envelope and improving the Berry Street streetscape.

7. *Consultation with Airport/ Aviation Authorities*

Future Applications shall include evidence that the Proponent has consulted with Sydney Airport Corporation (SACL) and other relevant authorities to ensure that the final detailed design has considered any SACL requirements.

End of Schedule 3

SCHEDULE 4

STATEMENT OF COMMITMENTS MP09_0214

**CONCEPT PLAN FOR A COMMERCIAL DEVELOPMENT AT 177-199 PACIFIC
HIGHWAY, NORTH SYDNEY (source: PPR)**

4.0 Final Statement of Commitments

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by Winten to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments included with the EAR.

4.1 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.

4.2 Soffit Design

The detailed design and appearance of the Level 10 soffit will provide a high quality visual outcome when viewed from the public domain.

4.3 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.
- Winten will request that workplace travel plans and transport access guides be prepared by future tenants prior to occupation.
- Winten will investigate the following matters at the Project Application stage:
 - locating the cycle facilities on B1;
 - providing a car share space;
 - the need and nature of any upgrade works to the nearest bus stops; and
 - providing visitor bicycle parking at the entrance to the development.
- 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.

4.4 Environmental and Residential Amenity

4.4.1 Acoustic Privacy

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

4.4.2 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.

4.5 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.

4.6 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.

4.7 Contamination

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

4.8 Stormwater

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

4.9 Crime Prevention Through Environmental Design

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

4.10 Infrastructure and Utilities

As part of the detailed design during the Project Application stage, an investigation into the existing capacity and required infrastructure works, 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.

Winten will enter into an appropriate arrangement with Sydney Water to organise for the upsize of the drinking water main to a 200mm pipe.

4.11 Obstacle Limitation Surfaces

Winten commits to consulting with SACL regarding obstacle limitation surfaces as part of the future stages.