

Concept Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 May 2011, we determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and the modifications in Schedule 3; 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*.


Member of the Commission


Member of the Commission


Member of the Commission

19 July

2011

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP09_0210
Proponent:	Winten (No. 42) Pty Ltd
Approval Authority:	Minister for Planning & Infrastructure
Land:	88 Christie Street and 75, 77 and 79 Lithgow Street, St Leonards Lot 71, DP 542079; Lot 72, DP 542079; Lot 10, Section 18, DP 3175; Lot 50, Section 18, DP 3175; Lot 4, DP 560889.
Project:	Redevelopment of the site for commercial and retail use, with a building envelope with a maximum height of RL149.05 metres (AHD) and a maximum Gross Floor Area of 32,599m ²

PART B: NOTES RELATING TO THE DETERMINATION OF MP09_0210

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 & Infrastructure 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 16 July 2010.

Minister means the Minister for Planning & Infrastructure.

MP No. 09_0210 means the Major Project described in the Proponent's Environmental Assessment.

Preferred Project Report (PPR) means the Preferred Project Report and Response to Submissions dated 30 November 2010 prepared by JBA Planning.

Proponent means Winten (No. 42) Pty Ltd or any party lawfully acting upon this approval.

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

End of Schedule 1

SCHEDULE 2

TERMS OF APPROVAL AND MODIFICATIONS TO CONCEPT PLAN

PART A: TERMS OF APPROVAL

Development Description

1. Concept approval is granted to the development described below:
 - (a) A 18 storey (plus plant room) building envelope to a maximum height of RL149.05 metres (AHD);
 - (b) A four-level basement envelope; and
 - (c) Commercial use of the building with ancillary retail and café uses and a through site link from Lithgow Street to Christie Street at ground floor.

Development in Accordance with Plans and Documentation

2. The approval shall be generally in accordance with application MP09_0210 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
PA02-001	A	Basement Level B01 Plan	November 2010
PA02-002	A	Basement Typical Plan	November 2010
PA02-GL	A	Lower Ground Floor Plan	November 2010
PA02-00	A	Ground Floor Plan	November 2010
PA02-01	A	Podium Level 1-Level 2 Plan	November 2010
PA02-03	A	Tower Typical - Low Rise Plan	November 2010
PA02-11	A	Tower Typical - High Rise Plan	November 2010
PA02-15	A	Tower Level 15 Plan	November 2010
PA02-16	A	Tower Level 16 Plan	November 2010
PA02-17	A	Plant Level 17 Plan	November 2010
PA05-001	A	West Elevation	November 2010
PA05-002	A	South Elevation	November 2010
PA05-003	A	East Elevation	November 2010
PA05-004	A	North Elevation	November 2010
PA06-01	A	Section AA	November 2010

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

Lapsing of Approval

3. Approval of the Concept Plan shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

PART B: MODIFICATIONS TO CONCEPT PLAN

On-site Car Parking provision

4. The basement car park shall include a maximum of 206 car parking spaces.

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.

Building Design

1. Future Applications shall demonstrate that façade design on all elevations incorporates high quality architectural expression and a high standard of materials and finishes.
2. The architectural roof feature shall be designed to minimise the height above the roof level of the uppermost storey and allow maximum transparency, while screening visible roof elements.
3. Future Application shall demonstrate a high level of expression and emphasis of entry portals to the through-site link at Lithgow and Christie Streets.

Lithgow Street Public Open Space

4. Future Applications shall give consideration to measures to minimise conflict between pedestrians and vehicles at the entry/exit to the basement car park.

Shareway design

5. Future Applications shall include detailed Shareway design plans for the Lithgow Street road reserve, including provision for initial construction for one-way northbound vehicular traffic, and future potential conversion to allow two-way vehicular traffic, should the proposed closure of Christie Lane and new lane to the south of the site occur. Future Applications shall clearly set out mechanisms to allow future conversion from one-way to two-way traffic.

Public Access to the Through Site Link

6. Future Applications shall clearly set out the mechanism for creating rights of public access to the through site link, with the relevant instrument to be executed prior to commencement of the use of the development.
7. Future Applications shall address crime prevention through environmental design and incorporate appropriate measures to provide activity, surveillance and security within the through-site link to allow for 24 hour/ 7 day public access.

Upgrade of Pedestrian Subway under the Pacific Highway

8. Future Applications shall consider a Voluntary Planning Agreement (VPA) with RailCorp to upgrade the southern portion of the existing pedestrian subway under the Pacific Highway, including new floor, ceiling and wall treatments, lighting and hand rails, to a minimum standard comparable to the northern portion of the subway.

Transport & Travel

9. Future Applications shall provide details of a Workplace 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.

ESD

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

End of Schedule 3

SCHEDULE 4

STATEMENT OF COMMITMENTS MP09_0210

**CONCEPT PLAN FOR A COMMERCIAL DEVELOPMENT AT 88 CHRISTIE STREET, ST
LEONARDS (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 publicly accessible through-site link will be provided between Lithgow Street and Christie Street. The hours of access will be determined at the Project Application stage.

4.2 Architectural Roof Feature

All building plant will be fully integrated into the design of the Architectural Roof Feature.

4.3 Transport and Accessibility

Winten makes the following commitments regarding transport and accessibility:

- Winten will request that workplace travel plans and transport access guides be prepared by future tenants prior to occupation.
- 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 / Development Application stage.
- A construction traffic management plan will be prepared prior to the issuing a construction certificate.
- Adequate pedestrian circulation space will be provided in accordance with Lane Cove DCP 2010's objectives and controls for access.
- Additional visitor bicycle parking will be provided near the external entrances to the building - this will be further considered at the relevant next application stage.

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 and of the adjacent existing and potential future rail corridors at the Project Application stage.

4.4.2 Wind Impact

Winten commits to implementing the following wind mitigation measures at the Project Application stage:

- Developing a design solution for the western frontage of the development to capture down-washed westerly winds;
- Retaining the proposed evergreen trees along the Christie and Lithgow Street frontages.
- Providing impermeable balustrades 1.2m in height and landscaping around the Level 15 terrace.

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 Contamination

A Phase 2 Environmental Site Assessment will be undertaken at the Project Application stage.

4.7 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.

4.8 Rail Infrastructure

Detailed planning and design of the building will be undertaken at the Development or Project Application stage with liaison with relevant officers of Rail Corp to ensure adequate protection measures or mitigation can be provided for existing and potential future rail corridors in the immediate vicinity of the site.

4.9 Crime Prevention Through Environmental Design

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

4.10 Construction Management

A construction management program will be submitted to North Sydney and Lane Cove Councils for approval by their respective traffic committees prior to the issue of a Construction Certificate.

The Construction Management Plan will include measures to encourage construction workers to travel to the site by public transport whenever possible.

4.11 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, wastewater, electricity and telecommunications, will be undertaken for the proposed building.

An external substation is currently located on the boundary with Christie 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 St Leonards Commerce Centre to allow for the entrance of the building to extend across the Christie Street frontage.

4.12 Contributions

As part of the detailed design during the Project Application stage, consideration and negotiation will be undertaken with respect to a suitable material public benefit and/or monetary contribution based on Council's applicable s94 plan.

End of Schedule 4
