

**Report to General Manager**

Attachments:
Nil

SUBJECT: Modifications 6 and 7 to approved commercial building at 77-81 Berry Street, North Sydney, now known as 1 Denison Street, North Sydney.

AUTHOR: Geoff Mossemeneer, Executive Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

Winten Property Group is seeking two modifications to Project Approval MP08_0238 pursuant to Section 75W and Clause 12 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EPandA Act), relating to the approved commercial building at 77-81 Berry Street, North Sydney, now known as 1 Denison Street, North Sydney.

The two modifications are intertwined and involve changes to the building envelope including additional height and floor space, changes to vehicle and pedestrian movements, deletion of public parking within the basement carpark. This relationship is discussed in detail later in this report.

Council is required to provide comment to the Department of Planning and Environment by 19 December 2016. A summary of the proposal and the issues are outlined in the report. Any concerns raised by Council will be forwarded to the Department to consider in their assessment of the proposal.

FINANCIAL IMPLICATIONS:

There is a loss of 40 on street parking spaces, 27 of which are metered. This equates to approximately \$200,000 per annum in foregone revenue.

The previous approved 42 car space public parking within the basement was to be subject to a profit sharing arrangement. The proposed scheme would see this arrangement voided with an associated loss revenue (not quantified as yet).

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

RECOMMENDATION:

1. THAT Council acknowledges that Modifications 6 and 7 seek to deliver an improved design that better responds to the changed context of the site, specifically the new Victoria Cross Metro Station and Council's recent strategic planning, whilst at the same time providing an improved outcome for the residents of the Beau Monde building.

2. THAT Council note that detailed plans for the significant streetscape and traffic modifications are not presented in their final form, and that the application includes proposed conditions requiring:

- a. Streetscape improvements to Denison Street, Spring Street, Little Spring Street, and the new laneway (between Little Spring Street and Denison Street), in accordance with the approved plans, to be designed to the satisfaction of Council's Director of Engineering and Property Services,
- b. Traffic modifications to Denison Street, Spring Street, Little Spring Street and the new laneway, in accordance with the approved plans, to be designed to the satisfaction of Council's Director of Engineering and Property Services. The proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee.

3. THAT the Department of Planning and Environment be advised that Council:

- a. does not support the previously approved 42 space public car park on site being replaced by car share parking and tenant parking,
- b. does not agree to the loss of 40 on street car spaces without an appropriate offset being provided for on site,
- c. seeks reinstatement of the public parking to offset the loss of on street parking for a minimum of 40 spaces.

4. THAT the Department of Planning and Environment be advised that the under-provision of bicycle parking, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of Council's DCP and transport policies.

5. THAT Council identify any other issue that the Department of Planning and Environment should have regard to in its determination of the applications.

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

- | | |
|------------|--|
| Direction: | 2. Our Built Environment |
| Outcome: | 2.2 Improved mix of land use and quality development through design excellence |
| | 2.6 Improved traffic management |

BACKGROUND

MP08_0238 was granted by the Minister for Planning on 25 February 2010 for demolition of existing buildings and erection of a mixed-use development comprising a retail/commercial building at 77-81 Berry Street and a hotel building 88 Walker Street.

The consent has since been modified five times, as follows:

- MP08_0238 MOD 1 – Modification to amend the approved building design, including a minor increase to the building envelope, amendments to façade treatments, a reinstatement of the underground service tunnel, internal reconfigurations, a reconfiguration of the public domain area, and amendments conditions of consent;
- MP08_0238 MOD 2 – Technical amendments to the wording of consent conditions to allow for the staged construction of the two separate buildings;
- MP08_0238 MOD 3 – Modification to enable extended hours of construction facilitating internal fitout works;
- MP08_0238 MOD 4 – Technical amendments to the wording of consent conditions to clarify the staging of Construction Certificates, clarify the timing for satisfying relevant conditions, and to enable temporary access works; and
- MP08_0238 MOD 5 – Modification to amend the approved design, including a deletion of the hotel component (at 88 Walker Street) and the associated service tunnel, a reconfiguration of the commercial tower basement, a retention of existing stormwater infrastructure; internal layout changes, and a realignment of the approved pedestrian bridge at Denison Street.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

The original developer, Eastmark Holdings Pty Ltd, first lodged the Project Application MP08_0238 in April 2009 for the demolition of existing buildings and erection of a retail/commercial building and a hotel building at 77-81 Berry Street and 88 Walker Street,

In the years following the approval in 2010, Eastmark Holdings attempted to obtain a major pre-commitment from a tenant to lease the building in order to commence construction but were unsuccessful. In late 2014 Eastmark Holdings was placed into receivership and insolvency firm Ferrier Hodgson took control of the site on behalf of Pacific Alliance Group, as the mortgagee in possession of Eastmark Holdings. Ferrier Hodgson substantially commenced the Project Approval to preserve it in perpetuity.

Victoria Plaza Holdings (a subsidiary of Winten) purchased the site from the receivers with the view to deliver this significant project for the North Sydney Centre. As part of the process Winten has also significantly advanced negotiations with a major anchor tenant for the building, who would enable construction to commence and bring a major media and broadcasting corporation to the North Sydney Centre that is likely to also attract other similar organisations who are interested in co-locating with such a business.

In acquiring the site and undertaking consultation with the major tenant, Winten undertook a review of the existing approval and identified the need to modify the approved development in response to the changing and increased strategic importance of the site, market demands and the requirements of the major tenant. Accordingly, this Modification seeks to deliver an improved design that better responds to the changed context of the site, specifically the new Victoria Cross Metro Station and Council's recent strategic planning, whilst at the same time providing an improved outcome for the residents of the Beau Monde building.

The Project Application is proposed to be modified as follows:

- Refinement of the ground plane, to include additional retail activation fronting Denison Street and the through site-link;
- Introduction of landscape and public domain upgrades to Berry Square;
- Inclusion of ancillary media production and broadcasting spaces within the podium to support the major tenant's office premises;
- Reconfiguration of the approved site access arrangements, vehicle movements and through-site link;
- Improve pedestrian access to the precincts by the through-site link and laneways;
- Replacement of a stepped built form with a tapering built form to the northern façade of the building from level 12 to the top of the roof;
- Rationalisation and rounding of the tower floor plates;
- An additional seven storeys, providing a maximum building height of RL210.65;
- Deletion of the public car park for 42 spaces and inclusion of 44 additional tenant spaces and 10 car share spaces; and
- changes to the public domain will result in the loss of 40 existing on street public parking spaces with 27 of those spaces being metered.

Strategic Context

Since the Project Application was first proposed in 2008, a number of significant changes to the strategic context of the subject site and the public domain have occurred. The following is noted in relation to the subject site:

- The subject site is located in the heart of the North Sydney Centre, which was the subject of a recent 'Capacity and Land Use Study' undertaken by Council. The Study, which is currently on public exhibition (until 15 December 2016), aims primarily to develop a framework to unlock additional commercial floor space capacity within the Centre. The study recommends a strategy which, if adopted, would provide a building height control increase on the subject site from RL 155 / 170 to RL 238 (Proposal at RL 210.65).
- The NSW Government announced in November 2015 that a new Sydney Metro station will be located within the North Sydney Centre. The Victoria Cross station is proposed to be located directly west of the subject site between Miller Street and Denison Street. A key pedestrian entry/exit point to the proposed station is located directly opposite the site on Denison Street, where it is anticipated that the majority of movements in and out of the station will be made from. The design of the subject site and surrounding public domain is critical to the movement and amenity of future Metro users.
- A Traffic and Pedestrian Management Study for the North Sydney Centre was adopted by Council on 16 March 2015. This study recommended a number of vehicle and pedestrian amendments to the existing public domain including changes to the public realm in the south of Denison Street from Brett Whitely Place and widening the footpath in the north of Denison Street up to Berry Street. The Study was undertaken prior to the announcement of Sydney Metro.
- Post-Metro announcement, Council has undertaken works to inform and influence the on-going planning and design process of the Victoria Cross Metro site and surrounds. Following on from the Sydney Metro Planning Study, adopted in May 2016, a Central Laneways Masterplan was developed for the laneway network adjoining the station site and within which the subject site lies. The Masterplan was a response to what Council has identified as an urgent need to address identified deficiencies in the public domain, directly related to the impending arrival of new public transport infrastructure. It was also a response to the significant place making opportunities afforded by both the Metro development and the revisiting of the 1 Denison Street approval. The Masterplan is intended to form the basis for on-going planning and consideration of the public domain response for the precinct and its relationship with the proposed Metro station and other surrounding development, including 1 Denison Street.

Site

The site comprises a large parcel of land known as 1 Denison Street, North Sydney (also known as 77-81 Berry Street). The site is located within the heart of the North Sydney CBD.

North Sydney Station is located approximately 350 metres south of the site. The Warringah Freeway is 200 metres east of the site.

This application relates to land legally described as Lots 3 and 4 in DP1078998 (1 Denison Street). The proposal also involves works on parts of Little Spring Street, Spring Street and Denison Street, all of which are owned by Council. It is noted that this application does not apply to the existing mixed use building known as 77 Berry Street and Beau Monde Tower.

The site has a total area of approximately 5,650m², and is bounded by a Berry Street to the north, Little Spring Street to the east, Spring Street to the south, and Denison Street to the west.



 The Site

Proponents Environmental Assessment Report

MP08_0238 MOD 6

The following description is an extract from the proponent's submission. The primary purpose of MP_0238 MOD 6 is to seek approval for a modified basement configuration to enable a more efficient basement layout.

Extension and redesign of the approved Lower Ground and Basement 1-4 Levels

The footprint and layout of the basement structure beneath Ground Level of the approved commercial tower is to be reconfigured to produce a more efficient and functional space for parking, loading and unloading. The basement access point on Little Spring Street, and the internal ramps connecting each basement level, have each been relocated to support a more practical movement of vehicles throughout the basement. The profile of the basement is proposed to be expanded, extending further to the northern site boundary.

As the detailed design of the basement relies on the outcome of MOD 7, the basement entry location, layout (including core and plant locations) and car parking allocations shown on the Architectural Plans are indicative only. The proposed entry, core and building service locations, and the car parking allocations, will be subject to MOD 7 and does not form part of this application. In order to respond to the outcome of MOD 7, but enable MOD 6 to occur ahead of MOD 7, an additional condition is proposed by the applicant that requires basement layout

plans to be submitted for approval by the Secretary prior to the issue of the Construction Certificate for the construction of the Commercial Building

Replacement and augmentation of the existing stormwater infrastructure

The existing stormwater culvert traversing the site is owned and managed by Sydney Water. Runoff from surrounding streets currently drains to Council pits and discharges into the Sydney Water culvert system. The Project Approval MP08_0238, as modified, retains this infrastructure in its present location.

This application seeks to replace and augment the existing stormwater infrastructure to a capacity of 13.4m³/s, in a similar location but independent of all building structures. The stormwater infrastructure will be temporarily diverted during excavation and construction.

The proponent has conducted preliminary discussions with Sydney Water as to the design requirements. The final infrastructure design and access arrangements, as well as the temporary diversion will be approved by Sydney Water prior to the relevant construction certificate or occupation certificate as set out in the proposed conditions of consent.

MP08_0238 MOD 7

The following description is an extract from the proponent's submission. Concurrent to this application, Winten Property Group has lodged a separate Section 75W (MOD 7) application relating to architectural form improvements and the internal floor plate requirements of the building's future anchor tenant, as well as responding to the changes in the strategic context of the site.

The proposed modifications include:

- refinement of the ground plane, to include additional retail activation fronting Denison Street and the through site-link;
- introduction of landscape and public domain upgrades to Berry Square;
- inclusion of ancillary media production spaces within the podium to support the major tenant's office premises;
- reconfiguration of the approved site access arrangements, vehicle movements and through-site link;
- improve pedestrian access to the precincts by the through-site link and laneways;
- replacement of a stepped built form with a tapering built form to the northern façade of the building from level 12 to the top of the roof;
- rationalisation and rounding of the tower floor plates;
- an additional seven storeys, providing a maximum building height of RL210.65; and
- deletion of the public car park for 42 spaces and inclusion of 44 additional tenant spaces and 10 car share spaces.

Further to the applicant's description, changes to the public domain will result in the loss of 40 existing on street public parking spaces with 27 of those spaces being metered.

The above ground changes have been separated from the below ground changes in order to allow the Department to determine the MOD 6, should MOD 7 be delayed.



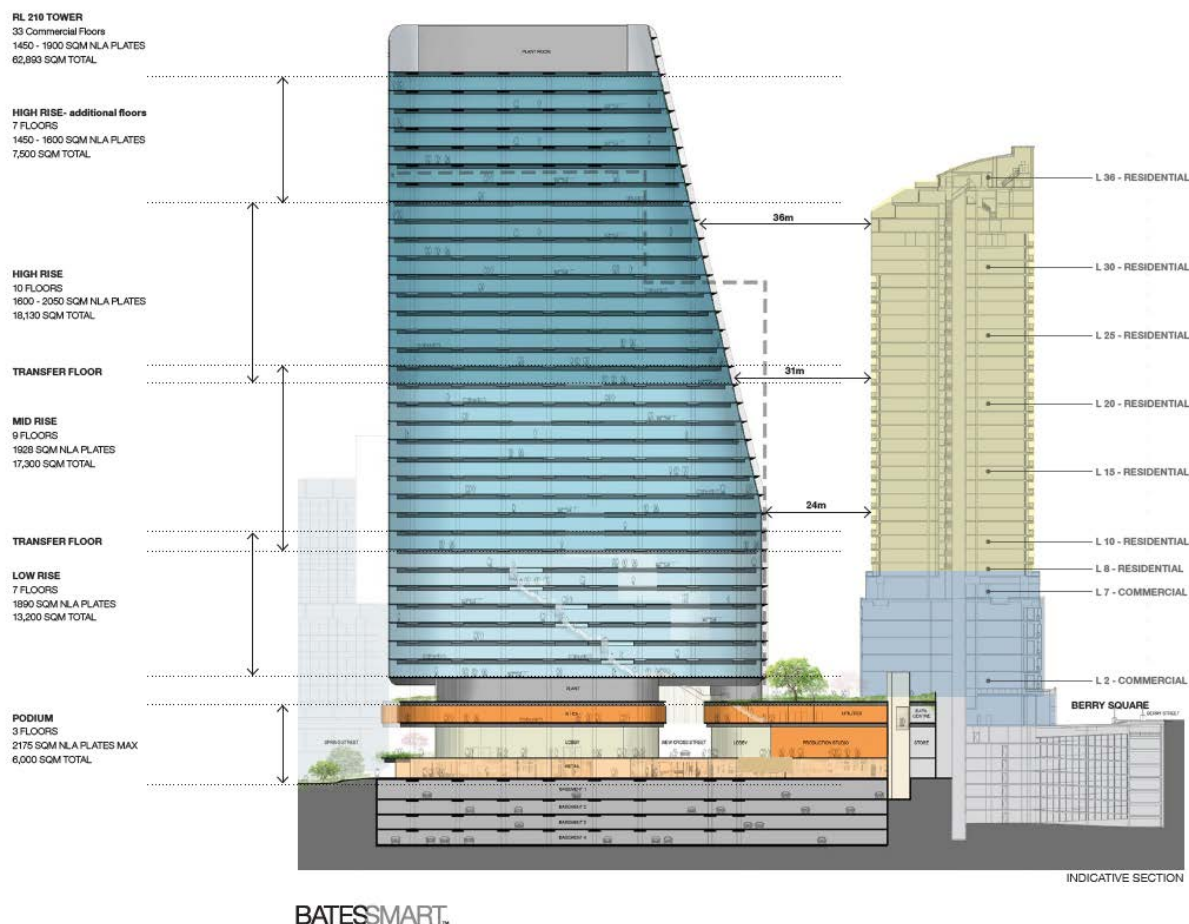
Source: Bates Smart

1 DENISON STREET, NORTH SYDNEY

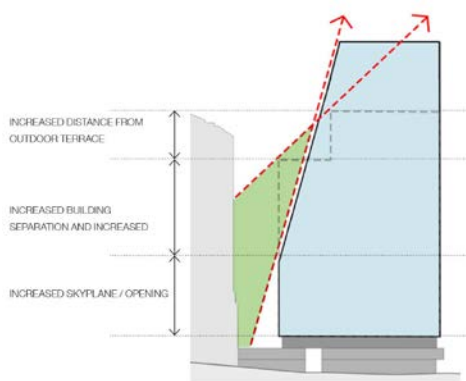
23



BATESSMART.



The modified building will continue to be an office building with ground level retail uses. The proposed modification will result in a total GFA of 66,706m², an increase of 13,470m² above that approved under MP08_0238. The potential major office tenant requires approximately 800m² of GFA for ancillary media production and broadcasting spaces on ground and level 1 of the podium of the building. These spaces have been designed to consider the spatial requirements of the specific anchor tenant and are necessary to support their offices which will take approximately 20,000m² of GFA within the building. The proposed modification seeks to increase the height of the approved development to RL210.65, an increase of 32.65m (7 storeys). In order to mitigate the impact of this height increase, and to provide a slender tower form, the modification introduces a tapered built form from level 14.



Source: Bates Smart

The approved elevations have been evened and straightened to provide a more regular floor plate and a single contiguous space on each level. Rounded floor plate corners have been introduced. This curved footprint will improve site lines from adjoining buildings.

This Section 75W seeks to alter the approved pedestrian and vehicle site access arrangements within and surrounding the site in response to Council's Laneways Master Plan and Public Domain Master Plan, as well as the adjoining Victoria Cross Metro Station – each of which were not considered through the approval of MP08_0238.

The approved mid-block through-site link, aligned with the southern edge of the existing link between Little Spring Street and Walker Street, will be maintained. Nevertheless it is proposed that this link now operate as a pedestrian-only thoroughfare rather than a shared zone. This is intended to provide enhanced pedestrian public access to and from the future Metro station.

To respond to the increased pedestrian flows from the future Metro station onto Denison Street, it is proposed that Denison Street will be restricted to pedestrian traffic only between the through-site link and Spring Street, with exception for MLC centre service and loading. Denison Street between Berry Street and the through-site link will allow two-way vehicle traffic. These changes will maintain a functional means of access to the parking and loading areas for the existing basements within adjacent buildings.

All other laneway circulation will remain unchanged. However, the proponent will continue discussions with both Council and Roads and Maritime Services (RMS) as to the future opportunities for Little Spring Street, Spring Street and vehicular access to Mount Street based on the Laneways Master Plan.



Source: ARUP

MOD 7 seeks to update the approved landscape plans to respond to Council's Laneways Master Plan and Public Domain Master Plan and the proposed changes to site access arrangements. This application also seeks consent for landscape works to upgrade Berry Plaza at the northern boundary of the site. These plans demonstrate the intent to 'green' the public domain and communal facilities provided for the building tenants.

Whilst the Modification sets a landscape concept for the public domain areas, Council will have an important role in the detailed design of the public domain. Accordingly a new condition is proposed by the applicant that requires the final design to be developed in consultation with, and submitted for approval by Council prior to the works being undertaken.



Source: Aspect

The proposed modification includes an update of façade treatment. The proposed façade is broken down into two components, being a podium and tower.

The podium will be constructed of timber, using a technology called Cross Laminated Timber (CLT) for column, beams and floor slabs. The podium office floor will have a studio like feel with exposed timber construction, and exposed services. Externally the timber construction is expressed as spandrels that cantilever beyond the glass line to provide covered pedestrian shelter below. Concrete columns from the tower are expressed in the podium. Columns have curved corners in reference to the floor plate geometry.

The tower will be constructed of a unitised curtain wall technology, with double glazed units. The glass will incorporate a linear ceramic frit pattern that provides a combination of privacy, glare control and solar control depending on orientation. A linear sunshade follows the frit pattern, providing solar control.

The proposed modification seeks to alter the approved car parking allocation within the basement car park. The proposed basement also includes loading facilities within the uppermost parking level to provide for service vehicles, waste management and courier spaces.

This Section 75W application seeks to remove the public car park for 42 cars from the approved development and introduces 10 car share spaces located within the uppermost level of the basement car park.

Consultation

The Modification Request and accompanying documents may be viewed on the Department's website (www.planning.nsw.gov.au) and inspected from **Friday 18 November 2016** until **Monday 19 December 2016**.

Council was notified of the above modifications and the notification period on 17 November 2016. The plans and documents have to be assessed and commented on before 19 December 2016. The purpose of this report is to ascertain if Council has any concerns or issues with the proposed modifications. The main issues identified by Council staff that warrant comment are discussed below.

Issues

Increased height and floor space

The proposed modification will result in a total GFA of 66,706m², an increase of 13,470m² above that approved under MP08_0238. The proposed modification seeks to increase the height of the approved development to RL210.65, an increase of 32.65m (7 storeys).

The modification will exceed the maximum permitted height of buildings under the NSLEP, which permits development of between RL155-170 on the subject site. The North Sydney Centre Capacity and Land Use Study, currently on public exhibition (until 15 December 2016), proposes a strategy, which, if adopted, would increase the height control on the site to RL 238, which is well in excess of the proposed height of RL210.65. Under the proposed strategy, the subject site has the capacity to accommodate a substantially taller tower than is presently proposed.

In addition to this, the commercial building holds a central position within the street block of Walker, Mount, Miller and Berry Streets. Accordingly, the building is not readily perceived in its entirety. The lower elements of the building will be seen from the ground plane, while from a distance in a CBD context, only the top of the building will be visible because of the curtain of buildings surrounding the site. It is noted that 100 Mount Street, under construction to the south, has a maximum height of RL 199.7. The proposal thereby will continue to integrate with and contribute to the skyline of the North Sydney CBD.

The future Victoria Cross Metro Station, directly to the west of the site, offering improved public transport access, represents an opportunity to consider additional development on the site. This modification also represents the opportunity to capitalise on public infrastructure investment and maximise the location of jobs in highly accessible locations.

The proposed development has been designed to complement and reinforce existing building lines, with the modification remaining generally consistent with the approved scheme. The only notable change to the adopted setbacks is the tapering of the northern façade with greater setbacks from the adjacent residential tower as it increases with height.

Impacts on adjoining properties

Bates Smart have undertaken overshadowing modelling for the modified building. Beau Monde tower is to the north, which will not be impacted by overshadowing.

The NSLEP identifies certain areas as 'Special Areas' with regard to overshadowing, which are areas that cannot be overshadowed between the hours of 12pm (midday) to 2pm. The eastern frontage of Miller Street and the Tower Square Special Areas are directly west of the site and as such cannot be overshadowed during this period. Accordingly, only the Elizabeth Plaza and Blue Street Plaza may potentially be impacted by the development. Bates Smart have confirmed that there is no additional overshadowing to these areas between 12pm and 2pm.

The draft North Sydney Centre Capacity and Land Use Study proposes that overshadowing be controlled by a restriction on additional overshadowing to residential land outside the North Sydney centre between 10 am and 2pm, as opposed to 3pm, which is the standard in the NSLEP.

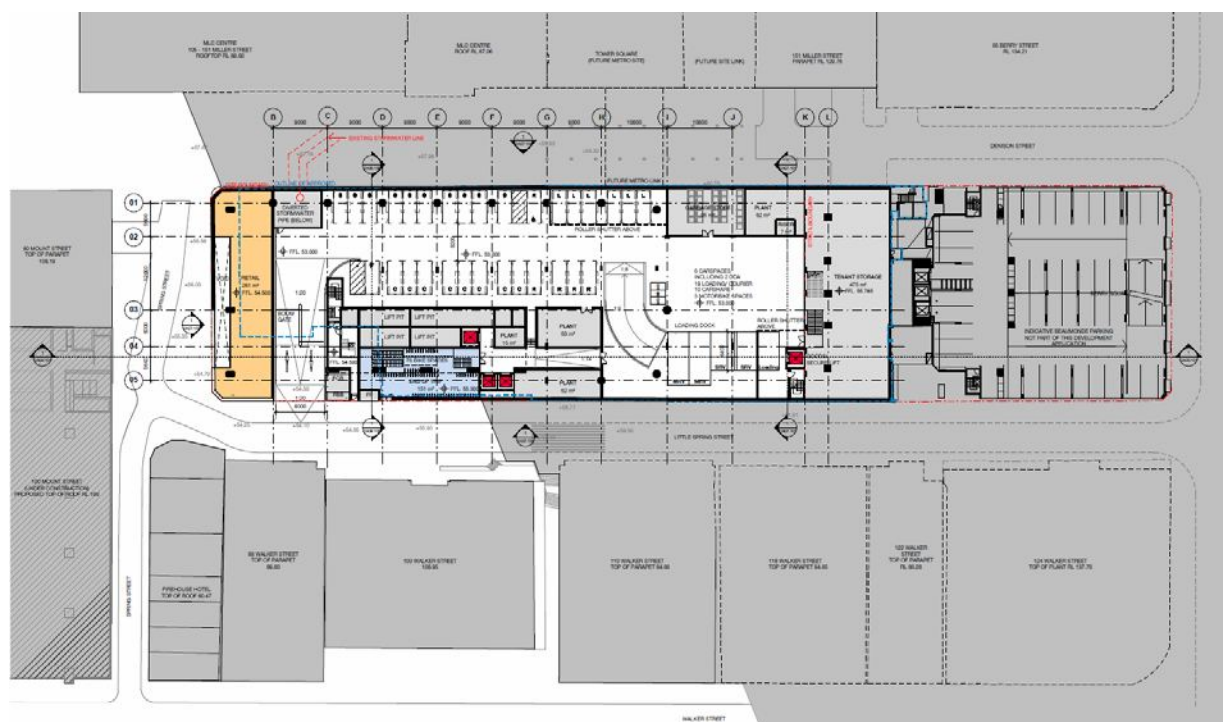
The modelling confirms there will be no additional overshadowing on the Neutral Bay or Kirribilli residential areas to the south of the subject site prior to 2pm. There will be some additional shadow that occurs on the residential dwellings at Whaling Road, Neutral Bay from 2:45pm onwards.

The proposed modification has adopted a tapered setback to the north, with the tower becoming more slender and with greater setbacks from the adjacent residential tower as it increases in height. Whilst a portion of the northern setback between Levels 25 to 30 of the building will marginally exceed the approved stepped building envelope, on balance, the northern setback between Levels 14 to 24 exceeds the approved setback. Whilst the modified building envelope proposes an uplift in height, the upper level setbacks of the proposal are generally greater than those established by the approved scheme and as such will not adversely impact the privacy of existing dwellings to the north of the site. In addition, on the critical north façade the glass will incorporate a linear ceramic frit pattern. The frit starts at floor level and rises to a height of 2.4m above floor to provide a privacy screen between the two buildings. The frit consists of horizontal bands that are densest between 900-1800mm above floor level where there is direct visibility. The modification remains generally consistent with or enhances the approved building lines to safeguard the privacy of adjoining residential development.

Views impacted by the proposed development is generally restricted to the mixed use Beau Monde tower directly to the north of the subject site. This development comprises of seven floors (above-ground) of commercial uses with residential apartments above. The approved development will completely block these views across the site. It is noted that 100 Mount Street, which is currently under construction to the south will also block the views of the harbour.

Views are presently available above the commercial podium of the Beau Monde Tower, facing south. These views are typically experienced from the three apartments on the southern face of the building. The Visual Impact Assessment prepared by Virtual Ideas demonstrates that the Modification will generally improve view sharing through the subject site from the Beau Monde Tower. The Modification proposes a tapered built form, with the tower becoming more slender with greater setbacks from the adjacent residential tower with height. The tapered setbacks have ensured there is a greater extent of views compared to the approved scheme from these southern facing apartments. Whilst the proposal has increased in height, no views were previously available over the commercial tower as approved, and as such the proposed increase in height will not result in any additional loss of views to the City, Harbour or surrounding North Sydney CBD. The Modification represents a positive change in reducing view loss.

In addition to the 166 tenant parking spaces, there are 10 car share spaces and 19 loading/courier spaces that are located on the first parking level. It is considered that the 40 public parking spaces equivalent to that being lost should be provided even if this requires further excavation.



The public parking would of course be available to visitors to the new commercial building as well as the general public. It may also be possible for the next parking level to be available after hours and on the weekends for public parking and part of the area to be managed by Council.

Traffic and Parking

The proposed quantity of car parking and motorbike parking is compliant with the relevant rates under the DCP.

The proposed quantity of bicycle parking is less than half the minimum required under Council's DCP. The rates set in the DCP were a deliberate policy decision by Council to encourage the use of bicycles as an environmentally beneficial form of transport and an alternative to the use of private motor vehicles. The under-provision of bicycle parking by 60%, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of the DCP and Council's transport policies.

The proposed quantity of loading spaces seems to be excessive and appears to be accommodating for the major anchor tenant. The 6 broadcast loading spaces which are designed for use by a specific tenant should therefore be allocated from the 166 tenant space provision.

Vehicle access and movement

The Traffic and Parking Assessment Report appears to assume that traffic flow on Little Spring Street will remain as per the existing southbound direction. However the Landscape Plans and swept path diagram suggest that an option to reverse the direction has been considered.

The traffic report is limited in detail but suggests a large number of vehicles circulate around the one-way system to avoid the main roads. It is not entirely clear what is meant by this as it would not save motorists any time but it is possible that the circulating vehicles are looking for parking. If the public parking is provided within the off-street carpark then it is possible that electronic signage could be provided on Berry Street to inform motorists of parking availability which would prevent unnecessary circulation.

The Traffic and Parking Assessment Report has only considered traffic flows during the AM peak and not the PM when peak traffic volumes are higher, in the order of 450 vehicles per hour. The Report also doesn't assess the interactions at the intersection of Denison Street and Berry Street with two-way traffic on Denison Street.

Swept path diagrams have been provided for the MRV to access the driveway and loading docks. The swept path diagrams show two scenarios – one as per the current traffic flows on Spring Street and one with the traffic flow reversed. The reversed traffic flow requires the truck to occupy much more of the roadway and encroachment onto the footpath area due to the tight geometry of the road near the intersection of Spring Street and Little Spring Street. This could create safety issues for pedestrians walking in this vicinity.

In any case any road closure or change in traffic directions will require a detailed Traffic Management Plan which assesses the impacts on the surrounding road network to be prepared and submitted to the Traffic Committee and the RMS for approval. Consultation with the affected property owners and occupiers is required to be undertaken as part of the approval process. Ideally a condition should be imposed requiring this to be completed prior to issue of a construction certificate.

Pedestrian movement

The proposal will continue to provide a public mid-block through site link with an indented void above, which has been designed to align with the southern edge of the existing link between Little Spring Street and Walker Street, consistent with the approved scheme. The link angles out to the north-west creating an opening to the Sydney Metro site, while reducing the perceived length of the link, and providing increased solar access to the ground plane.

The new public domain in Denison Street, south of the through site link, accompanied by the retail tenancies, will provide an 'eat-street' and urban plaza that places a strong emphasis on the outdoors, recreation, and social engagement, and will further integrate the development with new station that will see an influx of commuters.

The proposed inclusion of a media production uses on the ground floor will further activate the area and create a landmark destination, which will draw both local and international visitors to the site in a similar style to that enjoyed by Channel 7 and their Martin Place studios

The Modification also introduces upgrading the public domain within Berry Square that did not form part of the original Approval. The upgrade of Barry Square, one of Council's identified 'Special Areas' to enhance the quality of the public spaces and bring it in line with the public domain palate of North Sydney provides a significant additional public benefit.

Stormwater

The existing stormwater culvert traversing the site is owned and managed by Sydney Water. Runoff from surrounding streets currently drains to Council's pits and discharges into the Sydney Water culvert system. The Project Approval retains the structure in its present location. The modification seeks to replace and augment the infrastructure in a similar location but independent of all building structures.

The applicant's consultants have completed a review of the proposed modifications in relation to the Drainage and Flooding Assessment prepared by Aurecon (Connell Wagner) dated 20 March 2009 and submitted with the original project approval, and the relevant conditions of consent. Under this original assessment, the proponent was required to maintain a functional stormwater drainage asset in the vicinity of the site capable of accommodating the proposed development.

The 2009 Aurecon report indicated that an estimated 100 year culvert flow of 11.3m³/s was required to be addressed. Additional information has since been obtained from Sydney Water including a flow capacity assessment dated from August 2002 that indicates the existing culvert to be utilised by the development is able to convey an estimated 13.4m³/s, which is adequate for 100 year storm runoff or greater. Accordingly, the anticipated capacity of 13.4m³/s exceeds the estimated 100 year flow of 11.3m³/s, and as such the Sydney Water flow capacity assessment appears to be consistent with the preliminary Aurecon flow assessment and the Aurecon report is still considered to be relevant to the development proposal. Therefore, the Modification will not adversely impact on stormwater or flooding as approved.

Conclusion

Since the Project Application was first proposed in 2008, a number of significant changes to the strategic context of the subject site and the public domain have occurred. Council is currently considering ways of encouraging increased commercial capacity in the CBD. The modifications involving increased floor space and height are consistent with the height that could be acceptable.

The future Victoria Cross Metro Station, directly to the west of the site, offering improved public transport access, represents an opportunity to reconsider additional development on the site. This modification also represents the opportunity to capitalise on public infrastructure investment and maximise the location of jobs in highly accessible locations.

The proposed development has been designed to complement and reinforce existing building lines, with the modification remaining generally consistent with the approved scheme. The only notable change to the adopted setbacks is the tapering of the northern façade with greater setbacks from the adjacent residential tower as it increases with height.

These modifications are to be determined by the Department of Planning and Environment. Council has been requested to provide comment on the modifications and the changes to the existing consent conditions. The conditions can be addressed as technical matters by staff that will require new calculations for Section 94 contributions and the Railway Infrastructure Contribution.

With regard to the issues identified above, the main concern is with the deletion of the public carpark being replaced with 10 car share spaces. The provision of car share spaces does not compensate for the loss of the public metered parking. The proposal to delete the public car park is not supported. The 40 public on street parking spaces that will be lost through this development needs to be replaced so that parking is still available for short term visitors and Council does not suffer lost revenue. The revised proposal should maintain at least 40 casual parking spaces even if this means undertaking additional excavation.

The proposed quantity of bicycle parking is less than half the minimum required under Council's DCP. The rates set in the DCP were a deliberate policy decision by Council to encourage the use of bicycles as an environmentally beneficial form of transport and an alternative to the use of private motor vehicles. The under-provision of bicycle parking by 60%, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of the DCP and Council's transport policies.