

JOINT REGIONAL PLANNING PANEL (East)

JRPP No	2014SYE149
DA Number	443/14
Local Government Area	North Sydney Council
Proposed Development	Reconfiguration of podium levels and new hotel tower: Alterations and additions to podium to include supermarket, retail and food premises with new hotel
Street Address	100 Miller Street North Sydney
Applicant/Owner	Cromwell Seven Hills Pty Ltd
Number of Submissions	Four (4)
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value > \$20M
List of All Relevant s79C(1)(a) Matters	North Sydney LEP 2013 - Zoning – B3 Commercial Core North Sydney DCP 2013 S94 Contribution Railway Infrastructure Contribution SEPP 55 - Contaminated Lands SREP (2005)
List all documents submitted with this report for the panel's consideration	Conditions Plans
Recommendation	Approval
Report by	Geoff Mossemeneer, Executive Planner, North Sydney Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

The application seeks approval for demolition of part of the existing podium; reconfiguration of Level 6 Basement, including provision of new end of trip facilities, storage areas, loading facilities and amenities to service the proposed retail, hotel and commercial uses; redevelopment of podium to include a supermarket, approximately 15 specialty retail premises, 13 food and drink premises, and the commercial tower lobby; conversion of two levels of the tower and construction and use of a new 10 storey hotel consisting of 194 rooms, conference facilities and a gym; and extension/augmentation of physical infrastructure/utilities as required, including relocation of an existing substation.

The Council's notification of the proposal has attracted 4 submissions raising particular concerns about traffic, parking, construction issues, design and need for additional supermarket. Council's Design Excellence Panel did not support the proposal as there were concerns with the treatment of the corner, the lack of continuous street awnings and the lack of setback above podium for the hotel on the Highway frontage. The applicant responded to the DEP suggestions and other issues raised by Council only with amended plans relating to treatment of the facade to the hotel. The assessment of the proposal has considered these concerns as well as the performance of the application against Council's planning requirements.

Following assessment of the plans, the development application is recommended for **approval** subject to conditions.

DESCRIPTION OF PROPOSAL

The application seeks approval for:

- demolition of part of the existing podium;
- reconfiguration of Level 6 Basement, including provision of new end of trip facilities, storage areas, loading facilities and amenities to service the proposed retail, hotel and commercial uses;
- redevelopment of podium to include a supermarket, approximately 15 specialty retail premises, 13 food and drink premises, and the commercial tower lobby;
- conversion of two levels of the tower and construction and use of a new 10 storey hotel consisting of 194 rooms, conference facilities and a gym; and
- extension/augmentation of physical infrastructure/utilities as required, including relocation of an existing substation.

Demolition

In order to accommodate the proposed development the majority of the existing podium structure will be demolished. The works include removal of the existing façade around the perimeter of the site. The tower and its core, along with the loading dock and basement parking on levels B1 -6 will remain. Minor internal demolition will occur within levels 9 and 10 to accommodate the conversion to hotel rooms and amenity including gym and conference facilities.

Level 6 Basement Reconfiguration

The Level 6 Basement will be reconfigured to remove 13 car spaces and provide new end of trip facilities, including shower and change rooms, approximately 71 bicycle spaces and 168 lockers; bin rooms for the supermarket, retail, hotel and commercial uses; storage areas for the supermarket, retail and hotel uses, additional loading spaces and facilities, including goods lifts to connect the storage and bin areas with loading docks and uses above.

Redevelopment of the Podium

The proposed development seeks to redevelop the podium levels to provide a new supermarket, approximately 15 specialty retail premises, 13 food and drink premises, and the commercial tower lobby.

At the Miller Street Level (Level 7) will be a new 1,683m² supermarket and 15 specialty retail tenancies set around a new enclosed retail plaza. Access to the plaza and associated retail will be via a new pedestrian entry at the corner of the Pacific Highway and Miller Street and via a further entry off Miller Street. The specialty retail tenancies on the Miller Street frontage will either have sole access from Miller Street or dual frontages to the plaza and street.

A new through-site link is proposed on Level 8, providing a direct and visible route from the Pacific Highway down to Miller Street. The link have eight new food and drink tenancies to form an active "eat-street". A skylight will be installed over the path to provide natural lighting of the space.

On the Pacific Highway Level (Level 8) there are three larger food and drink tenancies at the southern tip of the podium, surrounding the void overlooking Level 7 and the street below. The existing layout of the commercial lobby around the podium remains the same but will be refurbished and integrated with the other uses. The food and drink tenancies and commercial lobby will be accessed off a second through site link off Pacific Highway which is also connected to the plaza below and through to Miller Street.

Level 9 of the podium will consist of restaurant space, surrounding the southern void. Above the restaurant, on level 10, a rooftop bar is proposed.

Hotel

A new hotel is proposed within the first two levels of the existing commercial tower and a new ten storey addition is proposed at the northern end of the site. The hotel will comprise 194 rooms, lobby/concierge, a gym, landscaped podium terrace and conference/function facilities. The hotel will be accessed via the Pacific Highway Level I entrance. A staircase and three new lifts will provide access to the reception and concierge on Level 9.

The hotel tower and existing commercial tower are separated at Level 9 and a bridge over the "eat-street" skylight connects the hotel reception to the conference and gym facilities located in the centre section of the podium and the restaurant at the northern end of the podium.

Levels 10 hotel rooms are also connected between the new hotel structure and commercial tower by a second bridge directly above that which services Level 9. Hotel accommodation continues on Levels 11 to 17 with a progressive setback from Miller Street which commences at Level 12 and the new structure finishes with a Level 18 rooftop plant area.

Vehicular Access, Loading Docks and Parking

Vehicular Access

The site is accessed by both Miller Street and the Pacific Highway. The Pacific Highway provides an entry to the upper loading areas and an exit from the basement levels, while Miller Street provides entry to the basement and exit from the upper loading areas. These arrangements will not be changed.

Loading Docks

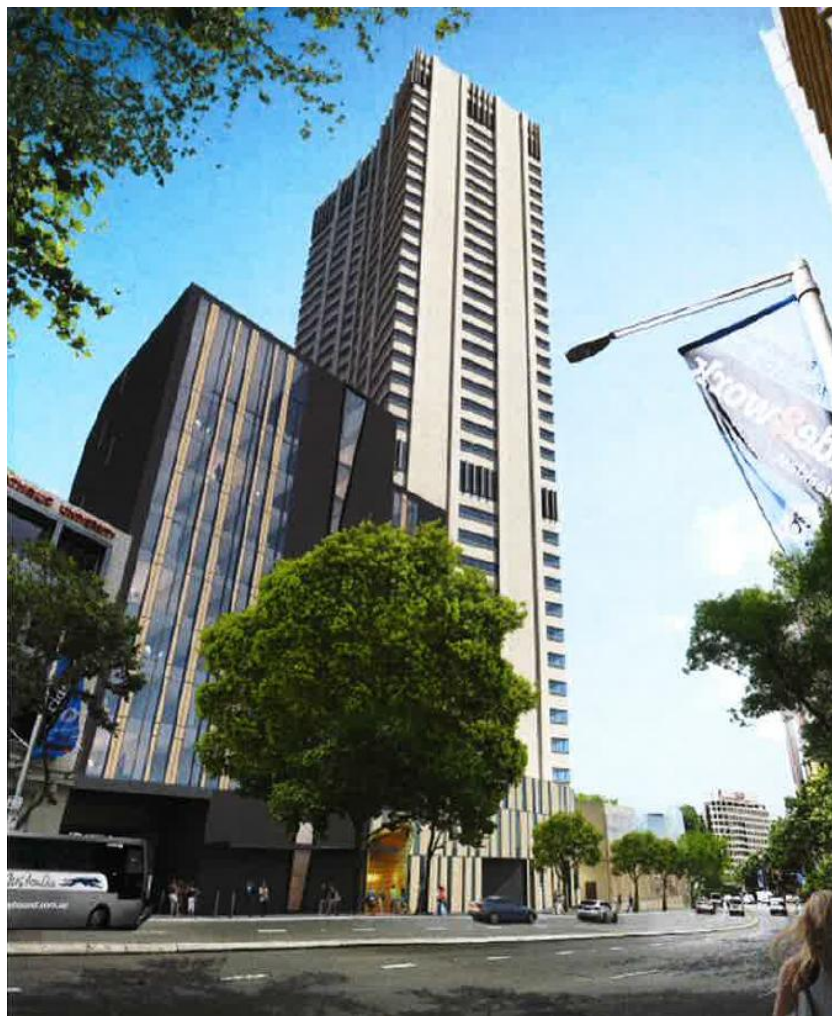
Level 8 of the Northpoint development contains three loading docks, a garbage bay and private right-of-way behind the main building. The right-of-way provides access to neighbouring developments as well as Northpoint. The maximum sized vehicle that may fit within this is a 9.9m garbage vehicle. Level 6 is accessed from Miller Street via a vehicle ramp which serves the basement car park. The proposed arrangement of the Level 6 basement provides four separate loading areas for the hotel, supermarket, restaurant and a small courier bay.

Parking

The car park currently provides parking for 350 vehicles. The redevelopment requires the removal of 13 parking spaces at Level 6 to create additional storage, loading and areas.



Photomontage of the proposed development facing north from Pacific Highway and Miller Street intersection. Source: HDR



Photomontage of the original facade design of hotel facing south from Pacific highway Source: HDR

STATUTORY CONTROLS

North Sydney LEP 2013 - Zoning – B3 Commercial Core
S94 Contribution
Environmental Planning & Assessment Act 1979
SEPP 1 Objection
SEPP 55 - Contaminated Lands
SREP (2005)

POLICY CONTROLS

North Sydney DCP 2013

CONSENT AUTHORITY

As this proposal has a Capital Investment Value (CIV) of greater than \$20 million the consent authority for the development application is the Joint Regional Planning Panel, Sydney East Region (JRPP).

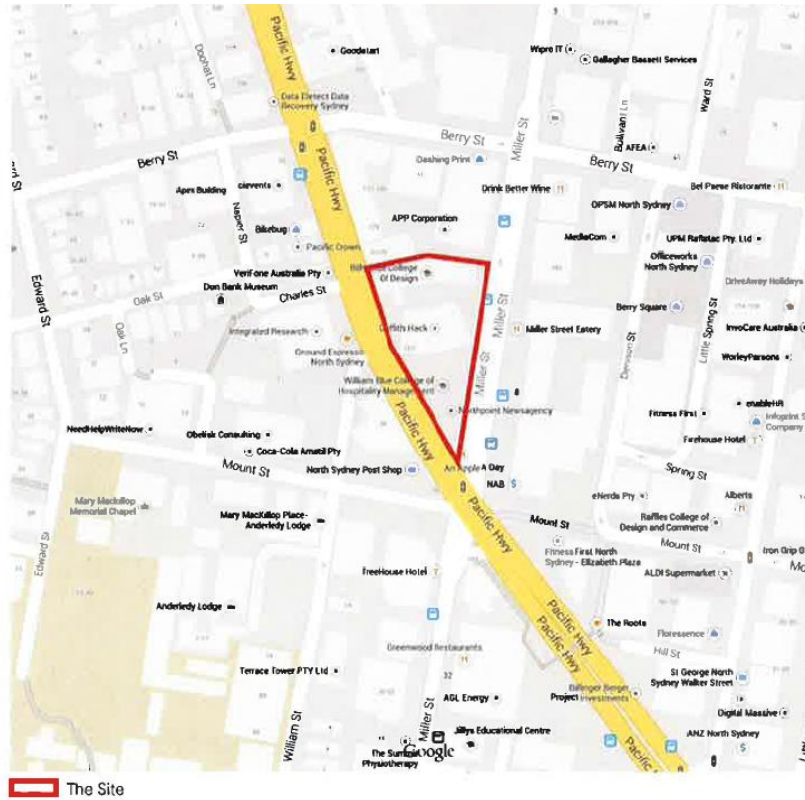
DESCRIPTION OF LOCALITY

The site is located at 100 Miller Street positioned at the northern corner of the Miller Street and Pacific Highway intersection

The site is legally described as Lot 11 of DP583735 and is owned by Cromwell Northpoint Trust.

The site is a 5,000m² triangular-shaped lot containing a commercial office tower commonly known as 'Northpoint'. Northpoint was originally completed in 1977 and was last refurbished in 1997. The building contains 34 office levels, consisting of three rises, built above a three storey retail podium with a net lettable area of 35,145m², of which 3,473m² is retail accommodation.

Vehicle access to the site is gained via a private access lane on the northern border of the site which runs from the Pacific Highway through to Miller Street. The lane, which is part of the site has right of way that benefits 116 Miller Street to the north. Six levels of basement car parking are provided for up to 350 vehicles. The car park operates as a public car park and commercial tenant car park.



Adjoining the north-west corner of the site is 173 Pacific Highway, a four storey commercial building occupied by the Australian Catholic University.



Further to the north is the thirty one storey Leighton's development (currently under construction) at 177-199 Pacific Highway.



Source: Bates Smart

116 Miller Street borders the north-eastern corner of the lot and comprises a seven storey commercial development.



Opposite the site, on the eastern side of Miller Street, is the heritage listed MLC Building. The building was constructed in the 1950s and consists of fourteen levels of commercial tenancies.



The North Sydney Post Office is located west of the site, across the Pacific Highway. Constructed in 1889, the heritage listed building is aesthetically significant and makes a substantial contribution to the streetscape of the prominent intersection.



The southern boundary of the site forms the intersection of Miller Street and the Pacific Highway. Greenwood Plaza is located directly opposite and provides a through-link to North Sydney Station located further to the south.

BACKGROUND

Pre lodgement plans were before the Design Excellence Panel meetings held on 7 October and 4 November 2014.

The development application was lodged on 12 December 2014 and was referred to the DEP on 24 February 2015. The DEP did not support the proposal as there were concerns with the treatment of the corner, the lack of continuous street awnings and the lack of setback above podium for the hotel on the Highway frontage. The applicant responded to the DEP suggestions and other issues raised by Council with amended plans only in relation to the treatment of the hotel facade. These plans form the basis of this assessment. Details of the applicant's response are summarised below under Design Excellence Panel referral.

REFERRALS

Building

The application has not been assessed specifically in terms of compliance with the Building Code of Australia (BCA). It is intended that if approved, Council's standard condition relating to compliance with the BCA be imposed and should amendments be necessary to any approved plans to ensure compliance with the BCA, then a Section 96 application to modify the consent may be required.

Engineering/Stormwater Drainage/Geotechnical

Council's Development Engineer (Z Cvetkovic) has assessed the proposed development and advised standard and site specific conditions relating to damage bonds, excavation, dilapidation reports of adjoining properties, construction management plan, vehicular crossing requirements and stormwater management.

Heritage

Council's Conservation Planner (L Trueman) has provided the following comments:

The subject property, 'Northpoint' is not listed as a heritage item, and is not located within a conservation area. However, it is located within the vicinity of a number of heritage items, being the North Sydney Port Office and Court House (directly across Pacific Highway) and the MLC building (directly across Miller Street), and numerous other heritage items located within the surrounding area.

The property contains a 1970s era high-rise commercial building with retail podium, located in a very prominent location at the corner of Pacific Highway and Miller Street. The proposal is for the replacement of the 1990s retail podium with a contemporary glazed facade, and to construct a new 10 storey hotel building to the north of the existing office tower.

No objections are raised to the new northern hotel tower, which will not impact on the significance or curtilage of the nearby heritage items, and is consistent in scale and character with other approved development in the area.

The proposal to replace the existing podium facade with a new, glazed facade, will impact on the setting and visual curtilage of the North Sydney Post Office and MLC building. Whilst there are no in-principle objections to the replacement of the existing podium with a glazed and clearly contemporary element, the form of the proposed podium, particularly the open corner treatment, is considered to have a detrimental impact on the Post Office's visual curtilage, by introducing a very strong and angular element that visually competes with the highly significant Post Office building.

Accordingly, it is recommended that the form of the podium at the corner of Pacific Highway and Miller Street should be amended to have a more neutral impact on the Post Office, by increasing the setback from the corner and softening the angular elements and relocating the openings.

Landscaping

Council's Landscape Development Officer (B Smith) has advised as follows:

It is advised that I have inspected the subject property in relation to its proposed re-development and the following observations were made and recommendations provided.

- There are 9 London Plane Trees growing outside the Pacific Hwy frontage of the property and 9 London Plane Trees growing outside the Miller Street frontage of the property. All trees vary in size and form and condition from fair to very good.*
- The majority of proposed works do not pose a threat to the existing street trees growing outside the property, however the proposed removal of the existing awning and its replacement awning will require some branch pruning and may pose albeit relatively minor threat to their health and condition.*
- All trees have been shown as retained.*

In conclusion it is my opinion that the proposed works should not impact the existing street trees other than ensuring that appropriate protective conditions are provided by an Arborist with level 5 qualifications a submitted to Council prior to the release of the C.C.

The street trees may need some pruning as described above, however I have recommended that a financial bond be placed on the trees, and I have also provided conditions requiring that protective measures from an Arborist qualified to level 5 submitted to Council prior to the release of the C.C. In relation to pruning works I have also provided a condition that requires that the works be carried out by a qualified Arborist in consultation with Councils Landscape Development Officer.

It should be noted that it is my opinion that whilst the existing awning may be old its design is far more effective in actually giving pedestrians a bit of cover when it rains. The new proposed awning is essentially very limited in benefits provided in term of giving pedestrians cover from rain.

Therefore I recommended that if it is proposed to replace the existing awning the design should be essentially the same as the existing in terms of setbacks from the kerb and cut-outs for trees.....

Traffic/Parking

Council's Traffic Manager has provided the following comments:

Council has expressed a desire to pedestrianise Miller Street, between Pacific Highway and Berry Street. In this regard, it is recommended that the development incorporate a plan to remove vehicular access to the site and surrounding sites from Miller Street and allow vehicular access and egress to the site and surrounding sites from the Pacific Highway.

As the proposed parking provision (no additional parking/ more efficient use of existing spaces) is compliant with the North Sydney Development Control Plan 2013 (NSDCP), Council's Traffic Section raises no objections, in principle.

The NSDCP outlines the minimum requirements for bicycle facilities. Given the scale of the redevelopment and its proximity to the North Sydney Train Station and CBD, it is recommended that a high quality publicly accessible bicycle facility, in the form of a bike hub, be provided on site within the car park.

The proposed hotel patron drop-off and pick up zone on the Pacific Highway and Miller Street is not supported. Parking in the North Sydney CBD, particularly the existing loading zones, is in extremely high demand during peak periods. Hotel drop off and pick up parking arrangements should be made off-site and not on the street.

Comment:

The proposal does not involve rebuilding the carpark and loading areas and the existing access and egress points in Miller Street are to remain. It would not be practical to redesign the loading facilities and it is unlikely that the RMS would agree to additional traffic entering and leaving on the Highway.

The applicant has responded with regard to the bicycle hub as follows:

.....Council has also raised a query in relation to the bicycle facilities on site and who these will be available to along with the quantity to be provided. In conjunction with this, Council is also requesting that a bike hub be provided for public access.

As discussed and demonstrated at our meeting last week, the bicycle parking is intended for the tenants of the commercial tower above, which currently have no access to end of trip facilities. The proposed development provides 71 bicycle parking spaces and 168 lockers in the Level 6 basement car park (note: the additional lockers are provided for office workers who may run or walk to the site or wish to exercise at other times). As the proposal is retrofitting the existing commercial building and is constrained by the current space available within the basement, full compliance with the NSDCP is not possible, however the provision of the additional spaces and facilities is considered strongly aligned with the objective of the DCP to encourage bicycle usage.

The access and exit from this bike / end of trip facility for tenants will be via the use of on site existing Goods Lift which is to be controlled by electronic swipe access to maintain control and security of the premises and therefore is not able to be made available to the general public mainly due to the security implications that this presents.

For the same reasons additional spaces cannot be provided for the commercial building it is not possible to accommodate a bike hub within the basement. It is also noted that this would not be appropriate in terms of the access requirements a facility of this nature would require.....

The RMS does not support the hotel drop off zone on the Highway. This is a matter to be considered by the Local Traffic Committee at a later date. The applicant is aware that Council and the RMS do not support the zone.

HEALTH

Council's Team Leader Environmental Health (F Mulcahy) has provided the following comments:

I have read the Wood & Grieve Engineers Acoustic report and have the following comments:-

Various pieces of mechanical plant are proposed for the development including kitchen exhaust, chilled water A/C units, bathroom exhausts, garbage room exhaust fans, condenser units, etc. The report advises that the following mitigation measures will be required to achieve required noise goals:

- A 2.7m high acoustic louvre adjacent to the proposed new plant. A drawing on page 24 of the acoustic report (figure 4) demonstrates the location of the said louvre.*
- A minimum 2.7m high acoustic barrier over the substation (figure 5 of the acoustic report)*

The following conditions will apply and will be required to be validated, prior to OC, with all plant and equipment operating to maximum capacity to represent a worst case scenario.....

The conditions are included in the consent conditions attached to this report.

DESIGN EXCELLENCE PANEL

The proposal was initially presented to the North Sydney Design Excellence Panel on 7 October and 4 November 2014. The development application was before the Panel on 24 February 2015 and the minutes of the meeting are reproduced as follows:

Background

The proposal relates to North Point in the North Sydney CBD. The site is located on the corner of Miller Street and Pacific Highway.

The proposal involves an increase in retail and hospitality in the form of supermarket; specialty retail; commercial; restaurants; cafes; conference facilities; hotel and roof top bar.

The concept is to open up at the corner of Miller Street and the Highway forming two 'shards' towards Greenwood with extensive glazing so that the activity on all levels is highly visible to the street. It is also proposed to provide visible links between the two roads in the form of an "eat street" linking the hotel lobby on the Highway through to Miller Street.

Pre lodgement plans were before the Panel at its meeting of 7 October 2014 and 4 November 2014. The Panel and Council staff inspected the site prior to the first meeting. The architect gave an outline of the proposal and was available for questions from the Panel.

At the first meeting, the Panel considered the site to be extremely important to the CBD and supported the increased retail space and through site links, but had strong reservations about some aspects of the proposal. The Panel had concern regarding the absence of any basic documentation of the somewhat complex contextual issues affecting the site. The Panel invited the proponents to provide the additional information for a further meeting with the Panel.

The applicants provided the further information sought previously by the Panel as well as models

of the proposal and the surrounding area. The Panel still had concerns that the proposed opening of the corner would detract from the public domain and would potentially provide inadequate visual reinforcement of this critical corner.

The Panel felt that a continuous street awning for the whole frontage was essential for the development to provide amenity for pedestrians in relation to wind and rain, as well as a comfortable scale. The Panel was not convinced about the open shard design to the corner and noted that the building was not in fact open for the full height due to a glass covering over the lifts and a bridge link. The 'split shard' configuration continued to lack justification, since the outlook from the space between would be unremarkable: although the architect argued that the view would be towards 'the city' rather than only the buildings opposite, this view is in reality very limited.

It was suggested that the space between the shards could be enclosed as an atrium space similar to the Foster proposal for the BBC in London. In this way the zone between the shards can become a place in its own right and not rely solely on the outlook for its character. As the space would still have the general open space outlook towards the city.

The Panel considered that there definitely should be some additional widening at ground level on the actual corner to accommodate pedestrian movement, those waiting at the crossing, the actual increase in density within North Sydney and along the Pacific Highway to the north. The street awning could lead into the site to a two level opening with glass above. This would allow the restaurants and bars on the second and third floors to expand across the opening if required. The corner could still be glazed and be highly visible.

The applicant needs to demonstrate how the proposal enhances the public domain. The Panel was concerned about the hotel amenity and separation distance to the office tower and the architect advised that the drawings before the Panel had been revised and the separation distances had been increased and hotel rooms repositioned to increase amenity. The relationship between the form of the hotel and adjoining buildings in both Miller Street and Pacific Highway also appeared unresolved. The Panel queried whether consideration had been given to using part of the Office tower as a hotel and using some of the floor area now proposed as hotel as extensions of the office area.

A development application has been submitted for:

- demolition of part of the existing podium;*
- reconfiguration of Level 6 Basement, including provision of new end of trip facilities, storage areas, loading facilities and amenities to service the proposed retail, hotel and commercial uses;*
- redevelopment of podium to include a supermarket, approximately 15 specialty retail premises, 13 food and drink premises, and the commercial tower lobby;*
- conversion of two levels of the tower and construction and use of a new 10 storey hotel consisting of 194 rooms, conference facilities and a gym; and*
- extension/augmentation of physical infrastructure/utilities as required, including relocation of an existing substation.*

The application is to be determined by the Joint Regional Planning Panel

Panel Comments:

The architect provided a brief overview of the proposal and a response to the concerns

previously raised by the Panel.

The Panel commented that the hotel works better with the courtyard, setbacks to the office tower and stepping down to Miller Street. The green roof is supported subject to suitable plants and adequate soil depth being provided.

The Panel recommended additional street trees along the Highway to reinforce the present broken row of planes, and was advised that this would be considered by Council's landscape Officer and could be conditioned on any consent.

The extensive glazing of retail/restaurant space to the Highway over multi levels without any direct access to the street or shop fronts raises the concern of how the open activation of the building will be protected. How will back of house activities be screened and how will retail signage on the Highway be controlled? These details need to be provided and conditioned by plans of management.

The Panel considers that the planning of the hotel and new courtyard as now proposed could result in an attractive outcome for this component of the scheme, but in other respects there are serious reservations and cannot support the proposal as submitted.

There are three main concerns that need to be addressed:-

1. The open 'shard' design to the corner.

The proposal does not contribute a welcoming space to the public domain. Cafes on the corner may be active but not public, and their acute internal corner spaces would be unusable. It would be exposed to the strong winds and rain, whereas the existing building does provide some shelter. It would focus views from the opposite side of the intersection towards the existing unprepossessing tower. The comments previously provided by the Panel at the last meeting are still relevant.

The Panel notes that steps are proposed for half the opening to the retail space at the corner. Further detail is required of these corner steps and how they are to be treated with balustrades and ramping. It would seem that this area where the levels are so difficult should be enclosed within the site. This would also allow for the corner to be strengthened and the narrower opening to be secured after hours. Enclosure of the corner for at least two levels would be a preferred solution.

This critical corner component should be firmly expressed rather than eroded by an open space, with a building form which screens the direct view of the existing tower, and has a welcoming covered entrance at street level, rather than a potentially bleak and uninviting gap that will be lined by things for sale and a pair of lift doors. A stronger definition of an elegant structure than is at present proposed could increase the clarity of the entrance and of the internal space throughout, without reducing the intended "glassiness".

A realistic view of the entrance as seen from the footpath just outside the entrance should be submitted.

It is recommended that a more detailed investigation of the corner be undertaken with further study of the relationship to the surrounding public domain including the changes to the pedestrian island for which Council is considering options. This is a key public domain marker that should celebrate the transition from public to private open space with place making that is

more than channelling of pedestrians past a maximised retail frontage.

An alternative resolution of the corner might also address the manner in which late night access to lifts and stairs servicing the upper level restaurants and bars compromise a potentially more elegant and accessible design for movement paths, and overcome the unfortunate negative space presently proposed that could have CPTED issues.

- 2. A continuous street awning for the whole frontage is essential for the development to provide amenity for pedestrians in relation to wind and rain, as well as a comfortable scale. As proposed there is no continuity, no awning along the Pacific Highway, and the canopy over the entrance to the space termed 'New Void' on the plans is too high to give adequate shelter.*
- 3. The design of the proposed hotel's Highway frontage needs to complement the podium to its north, as well as the podium of the subject development to its south, so that a consistent and continuous human scale street is created for the full length of the proposal's frontage.*

The character statement under Council's DCP recommends a 5m setback above the podium with the height of the podium to be 5 storeys or in line with adjacent development. This is the preferred treatment for the hotel where it fronts the Highway. The architect advises that the lifts must be located on the street due to internal constraints with the basement etc.. The architect needs to address this concern. If the lifts cannot be moved for good reason then the hotel rooms on either side of the lift core could be setback at the level of the podium to the north and on the southern side to the podium height for the proposed development. Not responding to the setback provisions so some hotel rooms can improve the view/outlook is not acceptable.

It is noted by the Panel that modifications to address the above concerns need not result in major changes to the overall concept or the amount of floor area proposed.

Conclusion:

The Panel does not support the proposal until the above concerns are satisfactorily addressed.

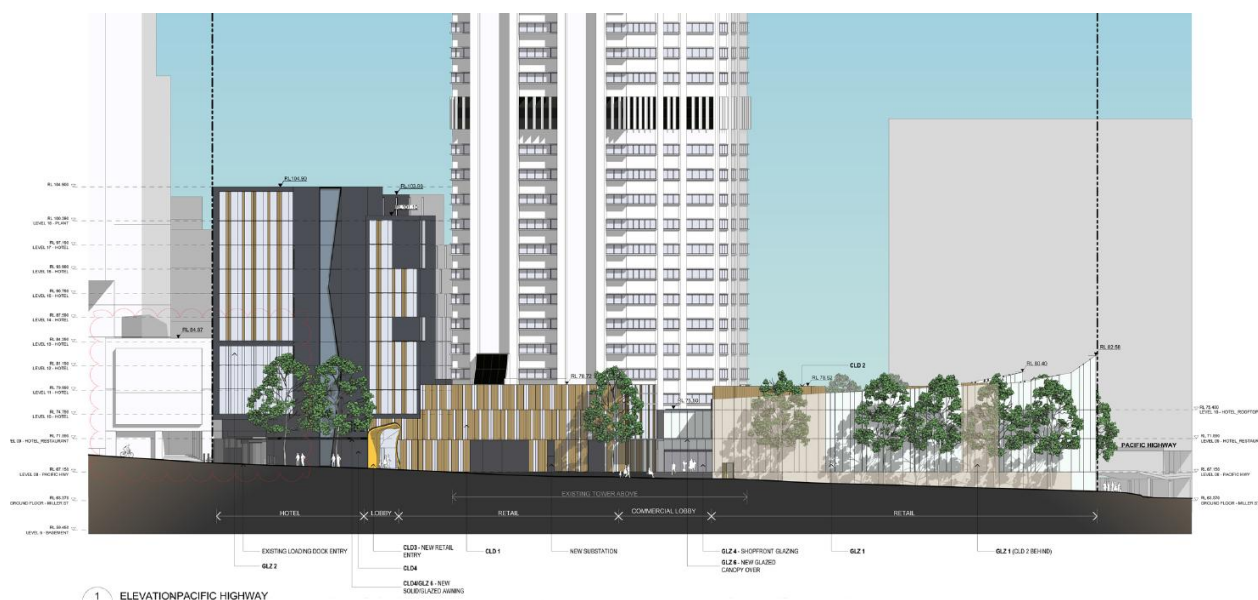
The applicant was requested to respond to the concerns raised by DEP. The applicant submitted their response on 27 March 2015 in the following terms:

....in response to the above three items, we maintain the following position:

- 1. The shard is to remain unchanged from the currently documented DA submission drawings (DA1-14, DA-15, DA-16, DA-17 & DA-18) for the following reasons:*
 - a. Architecturally the corner reinforcement responds to the surrounding buildings and context. The design makes a positive contribution to the public domain by giving back area to the public, thereby allowing spatial relief to this over-populated street corner.*
 - b. In collaboration with the extension of the kerb and enlargement of the traffic island, pedestrian amenity and safety is vastly improved. This opening up of the corner also provides future opportunity for further connection to the underground links to Greenwood Plaza and North Sydney Train Station.*

Council did not require the through site links or indicate that street awnings were not required. The through site links were already in the initial concept presented to Council and the DEP. The requirement for street awnings is a clear requirement in the character statement for all commercial buildings.

Amended plans have been submitted with regard to the hotel facade treatment that delineates a podium level through the introduction of different materials and banding as shown below:



The above treatment is considered satisfactory having regard to the reasons provided by the applicant above.

The concerns of the Design Excellence Panel with regard to the treatment of the corner and the need for a continuous street awning are fully supported, have not be adequately addressed and are discussed further within this assessment.

EXTERNAL REFERRALS

Roads and Maritime has reviewed the application and raise the following issues:

The submitted Traffic Report does not provide adequate information regarding the likely daily and peak traffic movements generated by the development and the cumulative traffic impact of the proposed development on surrounding major roads and intersections. It is not clear how car parking and traffic generation rates and impacts were determined within the Traffic Report.

Parking restrictions apply to the Pacific Highway along the frontage of the subject property. The removal of on-street parking for a designated drop-off point for the proposed hotel is not likely to be supported by Roads and Maritime, and consideration should be given to the provision of hotel drop off/pick up points within the site.

The proposed development provides on-site loading zones for the various land uses. Consideration should be given to the removal of the existing on-street loading zone on Miller Street to improve road network safety and efficiency. It is also not clear whether the proposed

onsite loading zone for the proposed supermarket will be adequate.

The North Sydney Public Domain Strategy may affect the design of the existing footpaths and Miller Street and the Pacific Highway along the frontage of the subject property. It is not clear whether this Strategy was considered by the applicant and how it may affect the existing entry and exit points.

The driveway survey results indicate that the existing 350 car spaces are likely to be underutilised. It is not clear how the existing car spaces are used and how the car spaces will be managed for the various land uses. Further information is requested regarding the allocation of the on-site car spaces.

Comment:

The car park currently provides parking for 350 vehicles. It is open to the public as well as utilised by tenants of the commercial tower. As a result of the works, the redevelopment is removing approximately 20 parking spaces at Level 6 to create the storage areas. North Sydney DCP 2013 provides a maximum parking rate for all uses in the B3 – Commercial Core North Sydney Centre of 1 space / 400m² GFA. Applying the DCP requirement to the current GFA would result in a maximum parking provision of 75 spaces. The new development increases the GFA by 7,120m² which permits an additional 18 spaces. Given that the existing building has 350 car parking spaces, the loss of car spaces and the additional uses will not have any unacceptable parking impacts. The hotel will create a slightly different pattern of car park use. As a 4 star hotel in the heart of the North Sydney CBD, it is likely that the majority of customers will utilise public transport and taxi for access during the week or business travel. Some guests may choose to park overnight. Some additional public use of the car park could occur for the supermarket and at the weekends and in the evenings the redeveloped food and beverage offerings may generate some parking activity. No additional parking is proposed on the site. Instead, the existing spaces will be better managed to create an efficiency of use between commercial all day parkers and evening and weekend short term visitors associated with the retail and hotel users.

Council does not support the hotel drop off zone on the Highway. This is a matter to be considered by the Local Traffic Committee at a later date. The applicant is aware that Council and the RMS do not support the zone.

Ausgrid notes that the proposed development is within the building that encloses electricity substation S3915 and associated underground high voltage and low voltage assets. The proponent must ensure that Ausgrid's assets in proximity to the work are formally identified and any work required on or near such assets is done in accordance with Ausgrid's Network Standards, associated laws, codes and regulations. Care needs to be taken to minimise demolition and construction vibration and absolutely prevent any water ingress into the substation during demolition works. Ausgrid will also require 24 hour access to its assets during the course of the development work.

Sydney Water has reviewed the application and provides the following comments:

For the proposed development the drinking water main available for connection is the 250mm main on the eastern side of Pacific Highway. Detailed requirements will be provided at the section 73 application phase.

The proposed development the wastewater main available for connection is the 225mm main located within the northern boundary of the subject site. Detailed requirements will be provided at the section 73 application phase.

This can be conditioned.

SUBMISSIONS

The application was notified to the Edward, CBD and Union precincts and surrounding owners and residents in accordance with Council policy. A total of 4 submissions were received with the main issues being summarised as follows:-

Neutral Precinct

Members expressed concern as to whether North Sydney needed a third supermarket, and about the potential increase in traffic this could facilitate.

Stanton Precinct

Felt that this development will be an asset for local residents – new residential hotel, supermarket, "eat street". However, expressed concern about the duration of the construction of this site, considering the very difficult situation residents have at present with truck traffic for the present developments on Pacific Highway.

Edward Precinct

The main issue is with how inappropriate this building is in this setting. It's like sticking a gauche teenybopper between two classically attired icons. The post office and MLC building are both recognised classic pieces of architecture and this is another misshapen oddball from Rice Daubney. The Ark building is also an oddly shaped building. Fortunately the UDEP got them to tone down the eastern face so that it made a more sympathetic backdrop to the classic lines of the post office. The same issue needs to be addressed here. Perhaps you can use that as an example. The odd view from the SE side as you come up the highway and to the big junction is the main issue. It is also very unsympathetic to the current "brutalist" designed building on site. The height of the hotel is of concern as it will increase and intensify the shadow over the Miller St protected area.

From memory there were no setbacks from the road. These should be allowed for as this site already has a large footprint which should be taken into account when suggesting new developments on it, see the Tower itself.

A bus stop along the Pacific Highway side for buses coming south would fit in with the current NSC Traffic Study and could be a form of community benefit.

The parking study is poor as it doesn't differentiate weekday as opposed to weekend limits. Parking is largely unlimited at weekends and we think weekend stayers are likely to use the on street parking in Edward Precinct. Saturday parking is already at a max at times due to ACU, Shore school sport, and Mackillop activities.

There seems to be a deal of concrete cancer on the main building on this site. Can this be conditioned as a required upgrade as part of the current DA?

North Sydney Pty Ltd

The lane way is an absolute eye-sore and a potential security risk! From a presentation and appearance point of view, all walls and ceilings should be uniformly painted in a light colour and

the floor resurfaced with a hardened and uniform to cater for the increased traffic e.g. trucks servicing the supermarket. From a security point of view, the lighting should be improved. What requirement will be placed on the developer to improve this interface?

A copy of the Construction Management Plan is requested to fully understand construction impacts, particularly truck movements in and out of the site and the impact on the laneway.

Are the proposed suspended fire stairs on the northern elevation being built over the easement?

CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

The application has been assessed against the relevant numeric controls in NSLEP 2013 and DCP 2013 as indicated in the following compliance tables. More detailed comments with regard to the major issues are provided later in this report.

Compliance Table

North Sydney Centre	Proposed	Control	Complies
Height (Cl. 4.3)	RL106.7AHD (Hotel)	RL 200m AHD	YES
Overshadowing of dwellings (Cl.6.3 (1) (c))	Additional overshadowing is limited to the adjacent commercial properties and surrounding roads.	Variation permitted	YES
Overshadowing of land (Cl.6.3 (2) (a) and (b))	The diagrams demonstrate that the proposed modifications to the podium and development of the hotel tower will have no net increase in overshadowing between 12 pm and 2 pm on the land marked 'Special Area' on the North Sydney Centre Map. It is noted that existing building does overshadow the special areas, however there will be no net increase in shadows. The proposal will not overshadow Don Bank Museum.	Variation permitted	YES
Minimum lot size (Cl.6.3 (2) (c))	5,000m ²	1000m ² min.	YES

DCP 2013 Compliance Table

DEVELOPMENT CONTROL PLAN 2013		
	<i>complies</i>	<i>Comments</i>
Environmental Criteria		
Wind Speed	Yes	Wind Impact report submitted and satisfactory
Reflected light	Yes	Solar reflectivity report submitted and can be conditioned

Artificial light	Yes	Roof top signage and illumination to be curfewed at 1am by condition. Appropriate lighting will be provided to identify the building entrance at street level.
Awnings	NO	Continuous awning is required to be provided to both street frontages in response to DEP comments. This can be conditioned.
Solar access	Yes	Satisfactory Complies with the height and overshadowing requirements contained within cl.4.3 As indicated in the submitted shadow diagrams, the majority of the shadows cast by the building fall onto existing commercial sites or surrounding roads. No additional overshadowing of public open space areas will result.
Quality built form		
Context	Yes	Site analysis undertaken, scale of building in context with desired character for area. There is concern about the treatment of the corner of the site. Refer to separate discussion with regard to area character statement.
Setbacks	NO	See discussion with regard to area character statement
Building design	NO	Concern raised by DEP with regard to corner and need for continuous awning along street and at entrances.
Skyline	Yes	Does not impact on skyline
Streetscape	NO	Concern raised by DEP with regard to corner and need for continuous awning along street and at entrances.
Entrances and exits	Yes	Visible from Highway and Street
Street frontage podium	NO	Not provided with regard to hotel element to Highway. See discussion with regard to area character statement.
Nighttime appearance	Yes	Full height glazing is proposed at both street frontages at corner. Not likely to impact on residential amenity in area.
Public spaces and facilities	Yes	Two through site links provided

Quality urban environment		
Accessibility	Yes	Accessibility report submitted
Safety and security	Yes	Satisfactory. Building entrance points are clearly visible from each street frontage. Some concern with treatment of levels at corner of site
Vehicular access	Yes	Existing retained as loading and parking facilities remain largely in tact.
Garbage Storage	Yes	Satisfactory. Garbage storage and collection is proposed with direct access from loading facilities. The garbage storage room is enclosed and is not visible from the street.
Efficient use and management of resources		
Energy efficiency	Yes	Energy Efficiency report submitted
Waste management	Yes	Waste Management Plan submitted.
Storm management	Yes	Can be conditioned
Building Materials	Yes	Sustainable building materials will be incorporated into the construction where possible.

Public Domain		
Paving	Yes	All footpath paving along property frontages must be provided in accordance with Council's specifications. To be conditioned.
Signage		
Building identification/roof signs	Subject to condition	Requires separate DA for signage master plan for site
Parking		
Car parking	Yes	See comments
Bicycle storage	Yes	See comments

NORTH SYDNEY LEP 2013

Permissibility within the zone

The site is zoned B3 Commercial Core. The proposed retail, office and hotel uses are permissible with development consent in the B3 zone.

Zone B3 Commercial Core

Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To prohibit further residential development in the core of the North Sydney Centre.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.*

The site is surrounded by a variety of uses which predominantly comprise of commercial and retail uses. The proposal is for a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

The proposal is compliant with the maximum permitted envelope and building height standards of the LEP and will therefore be a form of development that is reasonably anticipated on the site. The proposal is consistent with the objectives of the B3 zone.

Clause 4.3 Height of buildings

The height of a building on the subject land is not to exceed RL200 AHD and the proposed development is well under the maximum permitted.

Clause 6.1 Objectives of Division (North Sydney Centre)

Objective	Comment
(a) to maintain the status of the North Sydney Centre as a major commercial centre	Proposal consistent
(b) to require arrangements for railway	The applicant has entered into a Railway

infrastructure to be in place before any additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre	Infrastructure Commitment Deed to contribute on the basis of additional floor area created (7,175.92m ²)
(c) to permit an additional 250,000 square metres of non-residential gross floor area in addition to the estimated existing (as at 28 February 2003) 700,000 square metres of non-residential gross floor area	The additional non residential gross floor area is within the 250,000m ² limit.
(d) to ensure that transport infrastructure, and in particular North Sydney station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and: (i) be convenient and accessible, and (ii) ensure that additional car parking is not required in the North Sydney Centre, and (iii) have the capacity to service the demands generated by development in the North Sydney Centre	Council has instigated measures with State Rail to ensure that North Sydney Railway Station is upgraded to improve patronage. The proposal does not provide for additional car parking on site.
(e) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres	The proposal retains the office tower.
(f) to protect the privacy of residents, and the amenity of residential and open space areas, within and around the North Sydney Centre	No impact.
(g) to prevent any net increase in overshadowing of any land in Zone RE1 Public Recreation (other than Mount Street Plaza) or any land identified as "Special Area" on the <u>North Sydney Centre Map</u>	The proposed development will result in no additional overshadowing.
(h) to prevent any increase in overshadowing that would adversely impact on any land within a residential zone	No impacts
(i) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas	No applicable to site

6.3 Building heights and massing

(1) The objectives of this clause are as follows:

(a) to achieve a transition of building heights generally from 100 Miller Street and 79–81 Berry Street to the boundaries of the North Sydney Centre,

The proposal has compliant height and the office tower remains that is basically the tallest building in the North Sydney Centre.

(b) to promote a height and massing that has no adverse impact on land in Zone RE1 Public Recreation or land identified as "Special Area" on the North Sydney Centre Map or on the land known as the Don Bank Museum at 6 Napier Street, North Sydney,

The proposal will not overshadow any RE1 zoned land, any of the Special Areas as mapped by the LEP or the Don Bank Museum.

- (c) to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or land identified as "Special Area" on the North Sydney Centre Map,*

No overshadowing.

- (d) to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance,*

Street awning has only been proposed on Miller Street and entry point to commercial tower and hotel on Highway. Weather protection at corner of site and along Highway is unacceptable but can be conditioned.

- (e) to encourage the consolidation of sites for the provision of high grade commercial space.*

Both adjoining sites already have commercial floor plates and are not available for redevelopment so further consolidation is not practical. The site is already quite large compared to neighbouring sites.

- (2) Development consent must not be granted for the erection of a building on land to which this Division applies if:*

- (a) the development would result in a net increase in overshadowing between 12 pm and 2 pm on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as "Special Area" on the North Sydney Centre Map, or*

As indicated on the submitted shadow diagrams, the proposal does not result in any additional overshadowing of the RE1 zoned land or mapped Special Areas between 9am and 3pm.

- (b) the development would result in a net increase in overshadowing between 10 am and 2 pm of the Don Bank Museum, or*

The proposal does not overshadow Don Bank.

- (c) the site area of the development is less than 1,000 square metres.*

Site area of 5,000m².

- (3) Development consent for development on land to which this Division applies may be granted for development that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm is not likely*

to reduce the amenity of any dwelling located on land to which this Division does not apply.....

Compliant building height is proposed.

- (5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following:*
- (a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining North Sydney Centre,*

The application is acceptable with regard to its scale within the context of the locality.

- (b) whether the proposed development preserves significant view lines and vistas,*

There are no view lines or vistas affected by the proposal.

- (c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.*

The proposed development will enhance the streetscape with its materials and external treatments and provides variety and interest. Treatment at the corner has not been satisfactorily resolved and could be conditioned.

6.5 Railway infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of railway infrastructure to satisfy needs that arise from development in North Sydney Centre.*
- (2) Development consent must not be granted for development on land to which this Division applies if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out, unless:*
- (a) the Director-General has certified, in writing to the consent authority, that satisfactory arrangements have been made for railway infrastructure that will provide for the increased demand for railway infrastructure generated by the development, and*
- (b) the consent authority is satisfied that the increase in non-residential gross floor area authorised under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted since 28 February 2003 in relation to land in the North Sydney Centre would not exceed 250,000 square metres.*
- (3) In determining whether to certify arrangements in accordance with subclause (2) (a), the Director-General must consider the views of:*
- (a) Transport for NSW, and*
- (b) any other public authority the Director-General considers relevant.*
- (4) The Council is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for*

securing those objectives. The review is to be undertaken as soon as practicable after development consent has been granted that would result in the sum of increases (reduced by any decreases) in the non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since 28 February 2003 exceeding 200,000 square metres.

(5) *For the purposes of this clause:*

- (a) an increase in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted exceeds the non-residential gross floor area authorised on the land immediately before the development consent was granted, and*
- (b) a decrease in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted is less than the non-residential gross floor area authorised on the land immediately before the development consent was granted, and*
- (c) a development consent does not include a development consent that has lapsed or been surrendered.*

(6) *In this clause, **non-residential gross floor area** means that part of the gross floor area of a building that is used for the purposes of business premises (excluding funeral homes), hotel or motel accommodation, office premises, retail premises (excluding pubs), serviced apartments or recreation facilities (indoor) (but only where those facilities are used for the purpose of gain).*

The existing buildings on the site have a total non-residential gross floor area of approximately 38,111.70m² and the proposal has a non residential floor area of 45,287.62m² resulting in an increase of 7,175.92m².

Pursuant to Clause 6.5(2) of NSLEP 2013, Council must not grant consent for development within the North Sydney Centre which exceeds the non-residential gross floor area of the building that lawfully existed on the site before the development is carried out. The proposed development will substantially increase the existing level of non-residential gross floor area currently in existence on the site. The increased gross floor area for the site has been certified at 7,175.92m².

Subclause (2) of the clause allows for an increase in non-residential gross floor area to occur only if the Secretary (Director-General) has first certified, in writing, to the consent authority, that satisfactory arrangements have been made for the increased demand for railway infrastructure generated by the development. The normal 'satisfactory arrangement' is a Developer Commitment Deed to pay a contribution for railway infrastructure.

The JRPP is unable to approve the proposal without the certification of the Secretary that satisfactory arrangements have been made. Should the Panel favour the application a commitment deed will need to be certified by the Secretary before consent can be granted. The applicant submitted the developer commitment deed with a bank guarantee and the Director General's certification was sought on 8 April 2015.

SEPP 55 and Contaminated Land Management Issues

The subject site has been considered in light of the Contaminated Lands Management

Act and it is considered that as the site has been used for commercial purposes, contamination is unlikely.

SREP (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The site, however, is not located close to the foreshore and will not be readily visible from any part of the harbour and the application is considered acceptable with regard to the aims and objectives of the SREP.

Traffic and parking

A Traffic Statement has been prepared by Arup:

North Sydney DCP 2013 requires loading facilities to be provided off-street, with the number and size of loading bays will be determined by Council having regard to the:

- (a) Intended use of the premises;*
- (b) Frequency of deliveries / collections;*
- (c) Size and bulk of goods to be delivered / collected;*
- (d) Size of vehicles to be used;*
- (e) Practicality of accommodating delivery and service vehicles on site; and*
- (f) Likely impacts on traffic safety and efficiency on adjoining roads*

The existing loading dock located at Level 8 of Northpoint will be retained and enhanced for truck deliveries and garbage collection. Level 8 is a ground level loading area, accessed from Pacific Highway and accommodates the existing level of activity. Additional loading facilities are being installed at the Level 6 basement level with access by the vehicle ramp from Miller Street to assist with expanded activity associated with the proposed development.

The existing Level 8 loading dock provides an acceptable level of service for the existing building uses with no formal time management of the docks use. Typical truck and van activity in the loading dock is approximately 40 vehicles per day. The majority are smaller trucks and vans. With the addition of the hotel and improved retail facilities including the supermarket, there will be additional vehicles accessing the site. The hotel will generate linen transfer once a day at Level 6 and room supplies a couple of time per week. The supermarket will introduce approximately 8 vehicle movements per day to the Level 8 dock. Daily garbage and recycle collection will occur for each of the four uses: Supermarket, Restaurants/Retail, Hotel and Commercial. This will add 6 truck movements per day.

A Loading Dock Management Plan will be implemented to facilitate appropriate access to the loading on Levels 6 and 8. This will include allocation of truck/van sizes to the appropriate docks and storage areas as well as staged garbage and recycling collection. The Management Plan will also enable truck activity to be reduced during pedestrian peak periods so that it occurs at quieter times.

The car park currently provides parking for 350 vehicles. It is open to the public as well as utilised by tenants of the commercial tower. As a result of the works, the redevelopment is removing approximately 20 parking spaces at Level 6 to create the storage areas. North Sydney DCP 2013, provides a maximum parking rate for all uses in the B3 – Commercial Core North Sydney Centre of 1 space / 400m² GFA. Applying the DCP requirement to the current GFA would result in a maximum parking provision of 75 spaces. The new development increases the GFA by 7,120m² which permits an additional 18 spaces. Given that the existing building has 350 car parking spaces, the loss of car spaces and the additional uses will not have any unacceptable

parking impacts. The hotel will create a slightly different pattern of car park use. As a 4 star hotel in the heart of the North Sydney CBD, it is likely that the majority of customers will utilise public transport and taxi for access during the week or business travel. Some guests may choose to park overnight. Some additional public use of the car park could occur for the supermarket and at the weekends and in the evenings the redeveloped food and beverage offerings may generate some parking activity. No additional parking is proposed on the site. Instead, the existing spaces will be better managed to create an efficiency of use between commercial all day parkers and evening and weekend short term visitors associated with the retail and hotel users.

End of trip facilities will be provided at Basement Level 6, including: 71 bicycle spaces; 84 male and 84 female lockers; Male change room with 4 showers and 2 toilets; Female change room with 4 showers and 2 toilets and Accessible amenities

Wind

A Pedestrian Wind Environment Statement has been prepared by Cundall.

The statement outlines the results of a desktop study that assesses the likely impact of the proposed modifications on the local wind environment within and around the building. The report conclude that the wind conditions resulting from the proposal are acceptable

DEVELOPMENT CONTROL PLAN 2013

NORTH SYDNEY CENTRE PLANNING AREA / CENTRAL BUSINESS DISTRICT

The subject site is within the Central Business District which falls within the North Sydney Centre Planning Area. The proposal is generally consistent with the character statement other than a podium setback at the Highway elevation in relation to the proposed hotel and the provision of continuous street awnings that is required for all commercial buildings.

The character statement recommends a weighted average of 5m as a podium setback. The applicant was requested to provide further details on how the setback requirement has been addressed.

Amended plans have been submitted with regard to the hotel facade treatment that delineates a podium level through the introduction of different materials and banding as shown below:



SECTION 94 CONTRIBUTIONS

Section 94 Contributions in accordance with Council's Section 94 plan are warranted and are based on the total increase in non residential floor space. The contributions are detailed in the attached conditions.

DESIGN & MATERIALS

The proposal seeks to work on a number of key principles: good sight lines, permeability, connectivity with a sense of light and space.

The development is broken up into two areas, a very lightweight glazed box to the front (intersection of Pacific Highway and Miller Street) and a more robust form to the rear of the site which engages with the existing tower.

The proposed development contains a mix of uses with a new mini- supermarket and associated speciality retail accessed from Miller Street (Level 7). There is a proposed commercial entry from the new Miller Street stair and a new entry at the corner of Miller and Pacific Highway.

Level 1 (Level 8) contains a cafe court to the southern tip of the development and a food court/eat street to the northern end. At this point, the food court is entered at grade from Pacific Highway; the commercial lobby is also accessible from this level.

Level 2 (Level 9) sees the introduction of new restaurants to the southern end with a bar above and a 194 key Hotel to the north of the site. To give the Hotel a Pacific Highway address, it is envisaged that its entry/lobby will be at street level with the rest of the hotel commencing at Level 2 (Level 9).

From the corner of Pacific Highway and Miller Street the glass box opens up visually and allows you to read the retail at ground level, the cafes, restaurants and bar at the upper level as well as a clear sight line through to the commercial lobby on the upper ground level. A void which runs up 3 levels in this glass box with the different uses running up either side, in turn allows you to clearly see the activities on each level from within the building.

The Hotel at the northern end of the site hugs the boundary to allow as much breathing space from the commercial tower and to maximise the two street frontages. Hotel rooms face the tower as well as both of the streets addresses of the site. The Miller Street façade steps back to address the existing neighbouring property and the North Sydney Council 'Special Area.'

There are two main through site links proposed, one running through the food court /eat street from Pacific Highway down a flight of steps to Miller Street which is signalled on the street by a gold entry statement. A proposed skylight sits above part of this link allowing daylight into the food court. It is envisaged that this link could work with the future pedestrian crossings that are proposed for Pacific Highway and Miller Street.

The second through site link also runs east west through the commercial lobby, this again allows you to read the commercial tower as it comes to ground through the retention of the existing structure, this one is also signalled on the street by the cladding which is different to the retail connection. Both through site links offer good sight lines from street to street which again, is a key principle of the development

Comment:

As outlined previously, Council's Design Excellence Panel has raised particular concern regarding 3 aspects, the treatment of the corner, the lack of continuous street awnings and the lack of setback above podium for the hotel on the Highway frontage. The applicant responded to the DEP suggestions and other issues raised by Council with amended plans only in relation to the treatment of the hotel facade. The issue of the continuous awning can be addressed by conditioned as outlined above (Central Business District Character Statement). The remaining concern from the DEP is summarised in their minutes as:

The proposal does not contribute a welcoming space to the public domain. Cafes on the corner may be active but not public, and their acute internal corner spaces would be unusable. It would be exposed to the strong winds and rain, whereas the existing building does provide some shelter. It would focus views from the opposite side of the intersection towards the existing unprepossessing tower. The comments previously provided by the Panel at the last meeting are still relevant.

The Panel notes that steps are proposed for half the opening to the retail space at the corner. Further detail is required of these corner steps and how they are to be treated with balustrades and ramping. It would seem that this area where the levels are so difficult should be enclosed within the site. This would also allow for the corner to be strengthened and the narrower opening to be secured after hours. Enclosure of the corner for at least two levels would be a preferred solution.

This critical corner component should be firmly expressed rather than eroded by an open space, with a building form which screens the direct view of the existing tower, and has a welcoming covered entrance at street level, rather than a potentially bleak and uninviting gap that will be lined by things for sale and a pair of lift doors. A stronger definition of an elegant structure than is at present proposed could increase the clarity of the entrance and of the internal space throughout, without reducing the intended "glassiness".

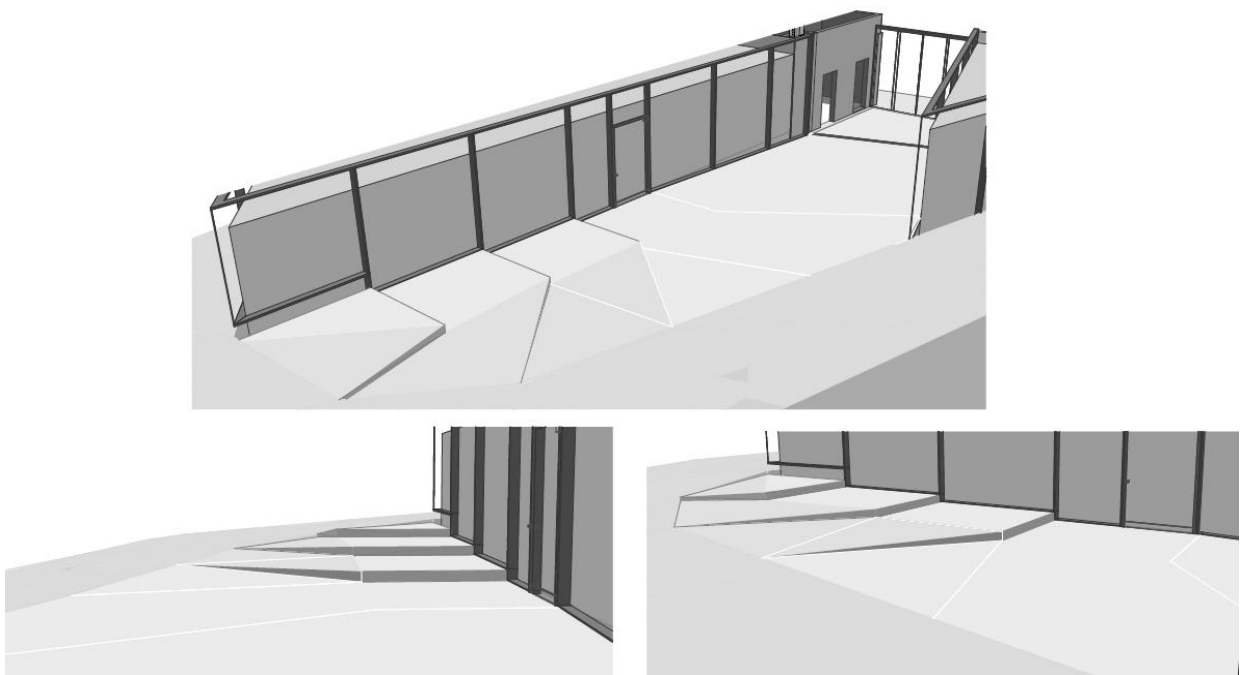
A realistic view of the entrance as seen from the footpath just outside the entrance should be submitted.

To be complete, the applicant's response is reproduced:

The shard is to remain unchanged from the currently documented DA submission drawings (DA1-14, DA-15, DA-16, DA-17 & DA-18) for the following reasons:

- a. Architecturally the corner reinforcement responds to the surrounding buildings and context. The design makes a positive contribution to the public domain by giving back area to the public, thereby allowing spatial relief to this over-populated street corner.*
- b. In collaboration with the extension of the kerb and enlargement of the traffic island, pedestrian amenity and safety is vastly improved. This opening up of the corner also provides future opportunity for further connection to the underground links to Greenwood Plaza and North Sydney Train Station.*
- c. This is a difficult intersection to manage due to the topographical changes between Pacific Highway and Miller St and therefore the current design attempts to address this by bringing the point of the Pacific Highway shard out to the boundary to reduce the impact of the level changes. This in turn provides a gentle stepping down into the main entry of the shards as well as facilitating and maintaining a disabled access entry point which is demonstrated within the attached documentation*

The applicant submitted additional documentation showing the levels at the corner:



The comments of the DEP are supported, there is a real concern over the safety of the steps/ramp right at the corner where pedestrians will cross at the lights. The preference is for this difficult area to be enclosed as part of the corner tenancy. That enclosure could be over two levels to the height of the required awning. If the area is to be left open, it must be identified with rails/balustades and simplified to just steps with small retaining wall or planter to deal with level change. The steps should be inside the site as much as possible with the stairs together rather than spread apart. The applicant has declined to make the changes recommended by the Panel. As a minimum to address some of the concerns, the entrance needs to be redesigned to have a set of stairs over part of the entrance (within the site) with the continuous awning along the full frontage and over the entrance at a lower height than proposed and covering the footpath to the same degree as the street awnings. This can be conditioned.

NORTHPOINT MATERIAL SCHEDULE

CODE	LOCATION	DESCRIPTION
GLZ 1	Retail 'shard' Façade Miller St + Pacific Hwy	Clear glazing curtain wall system. U4.5 – SHGC 0.40 as per JV3 calculations by Cundall
GLZ2	Hotel Façade Miller St + Pacific Hwy	Performance glazing glass façade + CLD2
GLZ3	Hotel Façade Pacific Highway	Decorative glazing to Lobby - Smoke Grey
GLZ4	Retail Shopfronts Miller St + Pacific Hwy	Non-performance clear glazing for tenant shopfronts
GLZ5	Skylights over Retail + Foodcourt	Performance glazing to skylight over retail. U2.5 – SHGC 0.25 as per JV3 calculations by Cundall
GLZ6	Glass Canopy Miller St + Pacific Hwy entries	Clear glazing to match GLZ1 with frit pattern
CLD1	Plant Pacific Hwy	Framed High density laminated timber battens with recessed perforated screen
CLD2	Commercial Entries (through site link) Miller St + Pacific Hwy Feature cladding behind GLZ1 (Southern Retail)	High density laminated timber cladding
CLD3	Retail + Hotel Entries (through site link) Miller St (foodcourt)+ Pacific Hwy	Feature entry wall cladding – gold anodised aluminium
CLD4	Hotel Façade	Light weight cladding - Black

There are no objections to the proposed materials.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|---|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |
| 4. | Landscaping/Open Space Provision | Yes |

5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

Proposed Uses

Hotel

The hotel element of the proposal is located at the northern end of the site, between the existing Northpoint tower and two commercial buildings fronting Miller Street and the Pacific Highway of seven storeys and four storeys respectively.

At Levels 9 and 10, a number of hotel rooms are located on the northern and southern side of the green space and are oriented towards each other. At Levels 11 to 17, the commercial tower retains its office use which will result in hotel rooms on the northern side of the void facing these offices. The minimum separation distance between the two uses is 11m which was increased as a result of discussions with the Design Excellence Panel. A number of rooms have also been reorientated to face the Pacific Highway and Miller Street to help alleviate privacy concerns and to maximise views and general amenity of the rooms.

The hotel rooms are marginally above the maximum room size of 27m² with the majority of room being 28.27m². This is a minor variation to the control and is considered appropriate given that no rooms include a balcony or kitchen and are therefore unlikely to be used for residential purposes.

Hotel facilities are provided on Level 9, including: 3 large conference rooms; Kitchen/re-heat area; Gym and Green space.

A Hotel Operations Plan has been submitted with the application. Consent for operation of the hotel is able to be included with this application other than for signage (can be part of DA for master plan for signage).

Restaurants and Bars

The applicant is seeking operation hours of between 6am and 12 midnight for internal areas and between 7am and 11pm for outdoor areas. The restaurant and fit out details have not been provided. The size and proposed hours do not allow these areas to be considered as complying developments. No Plans of Management have been submitted. Separate DA is required for these areas.

Supermarket

The applicant is seeking operation hours of between 6am and 12 midnight. No details are available for a loading dock management plan, signage, trolley management and plant requirements. A separate application for the fit out and use of the supermarket is required.

Signage

No details have been provided about signage for the site. A separate DA is required providing for a signage master plan for the building. This is essential to control signage with regard to the large glazed facade to the Highway.

Submitters Concerns

The Council's notification of the proposal has attracted 4 submissions raising particular concerns about traffic, parking, construction issues, design and need for additional supermarket. The assessment has considered these concerns.

Conclusion

The application has been assessed against the relevant statutory controls and with regard to the existing and approved developments nearby.

The proposal was referred to Council's Design Excellence Panel for comment before and after lodgement of the application. The DEP did not support the proposal as there were concerns with the treatment of the corner, the lack of continuous street awnings and the lack of setback above podium for the hotel on the Highway frontage. The applicant responded to the DEP suggestions and other issues raised by Council with amended plans to the hotel facade treatment that delineates a podium level through the introduction of different materials and banding. The amended facade treatment is supported. The concerns of the Design Excellence Panel with regard to the treatment of the corner and the need for a continuous street awning are on review fully supported and can be conditioned.

Following assessment of the application, the development application is recommended for **approval** upon receipt of certification of the Secretary of the Department of Planning and Environment.

The JRPP is unable to approve the proposal without the certification of the Secretary that satisfactory arrangements have been made with regard to Railway Infrastructure. The applicant has entered into a commitment deed with Council and certification from the Secretary sought. Should the Panel favour the application a commitment deed will need to be certified by the Secretary as "satisfactory arrangements" before consent can be granted. The finalisation of such a deed is considered reasonably certain and the matter may be dealt with by deferred consent.

RECOMMENDATION

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT upon receipt of certification from the Secretary of the Department of Planning and Environment pursuant to Clause 6.5 (2) of NSLEP 2013, the Joint Regional Planning Panel, as the consent authority, grant consent to 2014SYE149 – North Sydney - Development Application No.443/14 subject to the attached conditions.

Geoff Mossemenear
EXECUTIVE PLANNER

Stephen Beattie
MANAGER DEVELOPMENT SERVICES
