



ANGEL PLACE
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12th December 2019

The Secretary
Department of Planning, Industry & Environment
320 Pitt Street
Sydney NSW 2000

Dear Sir,

RE: 100 MOUNT STREET, NORTH SYDNEY - PROPOSED S4.55(1A) MODIFICATION TO MAJOR PROJECT 08_0241 – MOD 10

1. INTRODUCTION

On behalf of Laing O'Rourke Mount Street Pty Ltd, we seek to modify Major Project 08_0241 pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act). Specifically, this modification application seeks to modify the approved signage zones on the north and south elevations of the building.

This modification responds to modification approvals MP 08_0241 MOD 4 and 6, which increased the overall height and Gross Floor Area (GFA) of the building. The approved signage zones are therefore required to be shifted to accommodate those changes within the building.

This report provides a description of the site, its context and of the approved project and subsequent modifications, together with a description of the proposed modifications and an Environmental assessment of the proposed modification. This application is supported by the following:

- An amended set of Architectural Drawings, prepared by Architectus (Attachment A);
- Owners consent (Attachment B).

2. BACKGROUND

On the 25 May 2010 the Minister for Planning approved Major Project, MP08_0241, for a Concept Plan pertaining to 86-96 Mount Street and 100 Mount Street North Sydney.

The development approved under MP 08_0241 is summarised as follows:

- *"Demolition of the existing buildings on both sites.*
- *Excavation for 5 levels of basement.*
- *Construction and use of a 38-storey commercial and retail building together with 5 levels of basement car parking with vehicular access via Spring Street; and*

- *Construction of through-site pedestrian link and on-site streetscape, footpath reconstruction and infrastructure works in Mount Street, Walker Street and Spring Street together with public art works.”*

Since this time, nine subsequent modification applications have been sought with the Department of Planning and Environment (the Department) for various changes to the consent. Table 1 below provides a summary of the past modifications sought to MP08_0241.

Table 1 – Modification Applications

Modification	Consent Date	Summary of Modification
MP 08-0241 MOD 1	16 February 2012	• Internal amendments to commercial floor space configuration and ESD performance of the building.
MP 08-0241 MOD 2	10 October 2014	• Façade amendments; • Relocation of plant levels; • Reconfiguration of ground and lower ground levels; • Increase to retail space fronting Walker Street • Addition of 472m² of GFA; and • Amend Conditions A2, B5, B6, B8, B43, E1, E6 and E23.
MP 08-0241 MOD 3	21 January 2015	• Extension of lapsing date by a period of 5 years from the date of determination.
MP 08-0241 MOD 4	23 March 2016	• Increase building height; • Relocation of end-of-trip facilities to basement; • Raise floor level of ground floor restaurant to accommodate lower ground floor mezzanine; • Enclosure of rooftop terrace on L34 and increase office tenancy. • Increase signage zone at top of building (N & S elevations); and

Modification	Consent Date	Summary of Modification
		Amend Conditions A2, B5, B6 and E8 reflecting changes.
MP 08-0241 MOD 5	10 June 2016	- Extend ground floor restaurant and outdoor seating area to southern boundary; - Replace southern lobby entry door - Reconfigure basement levels to consolidate bicycle parking; - Relocation and reconfiguration and relocation of plant room; - Extend construction hours; and - Amend conditions to be flexible with Councils public domain strategy and rectify conflicts and minor errors.
MP 08-0241 MOD 6	4 May 2017	- Increase building height to relocate services level; - Provide outdoor terrace on level 35 with amenities; - Reorganise visitor bicycle parking; and - Amend Conditions A2, B5, B6 and B40 reflecting changes.
MP 08-0241 MOD 7	27 June 2018	- An increase in gross floor area (GFA) of 8.83m² (from 47,450m² to 47,458.83m²) for food and beverage uses (takeaway coffee shop) and associated internal and external design alterations - Changes to the timing for the installation of public art (Condition E8).
MP08-0241 MOD 8	27 Nov. 2018	Extension of the hours of construction to permit the installation of internal lifts outside of standard hours.

Modification	Consent Date	Summary of Modification
MP08-0241 MOD 9	26 Feb. 2019	• Changes to a ground level retail/café tenancy; and • Changes to conditions of consent associated with pre-occupation requirements.

3. THE SITE AND CONTEXT

3.1. THE SITE

The site comprises two allotments, being 86-96 and 100 Mount Street (Lot 1 DP 702144 and SP76561 respectively). The subject site is located on the corner of Mount Street, Walker Street and Spring Street within North Sydney CBD (Figure 1). The site has the following characteristics:

- A total site area of 1,757m².
- A southern frontage to Mount Street, eastern frontage to Walker Street, northern frontage to Spring Street, and western frontage to 80 Mount Street (existing commercial building).

Figure 1 – Aerial Image of Subject Site



Source: Google Maps

3.2. LOCAL CONTEXT

The site is located within the heart of the North Sydney CBD. Land uses surrounding the site are predominantly commercial office space in tall buildings, with ground and lower level retail shops and hotels. Buildings within the CBD step down from the centralised taller forms to the lower scale commercial and mixed-use buildings on the fringe of the CBD. Residential development and open space are located on the fringe of the centre.

Streets within the vicinity of the site are characterised by high traffic volumes due to the proximity of on and off ramps from the Warringah Expressway. Streets and laneways surrounding the site have a strong pedestrian focus, including Mount Street, Denison Street and Elizabeth Plaza. Buildings surrounding the site range in height from 2 storeys across Spring Street (the heritage listed Firehouse Hotel), to taller buildings up to 40 storeys.

4. PROPOSED MODIFICATION

4.1. SUMMARY

Details of the proposed modification are shown in the plans prepared by Architectus attached at Attachment A. The plans are coloured and annotated to identify the proposed development as modified. These are highlighted at Figure 1, below.

The modification works sought relate to the approved signage zones on the northern and southern facades of the building. The modification of these zones is proposed pursuant to modification approvals MP 08_0241 MOD 4 and 6, which increased the overall height and GFA of the building.

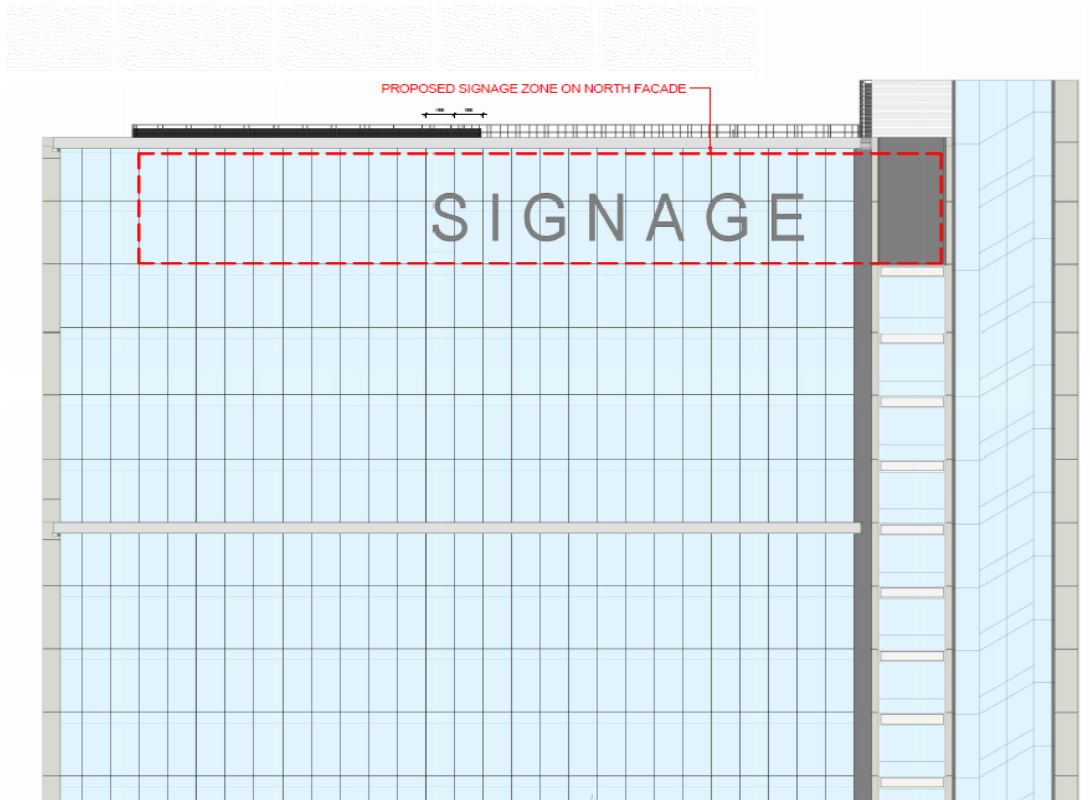
The approved signage zones are therefore required to be shifted to the west to accommodate those changes within the building.

The signage zone on north elevation will be shifted west over the plant room zone (refer Figure 2 below).

The signage zone on the south elevation will be shortened and shifted further west (refer to Figure 3). This signage zone will be located to the east of the vertical architectural feature (fire stair and lift core) and is designed to fit within the vertical window millions of the southern façade. The sign location will also assist in screening roof top telecommunication devices.

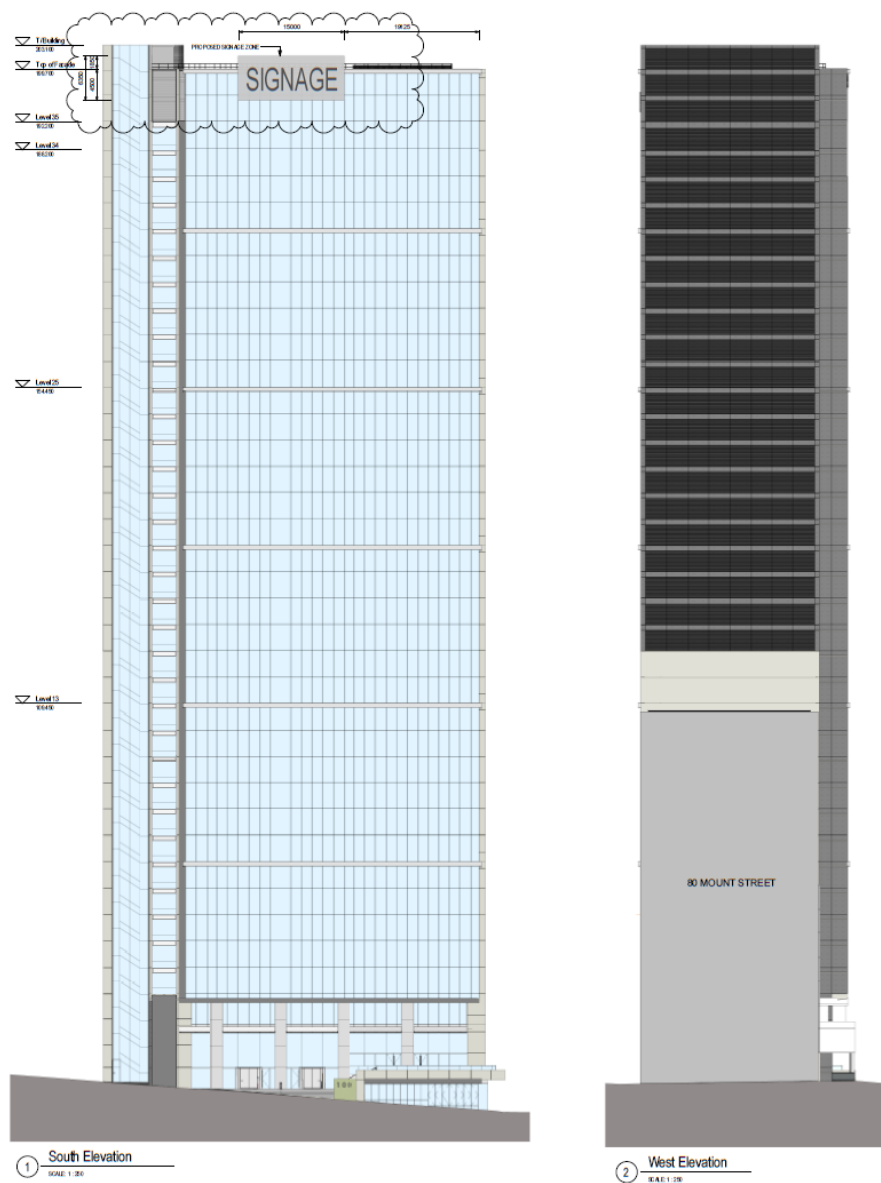
This modification is limited to the approved signage zones only. Future signage within these zones will be subject to separate development approval from North Sydney Council, which will appropriately consider the design and content of these future signs.

Figure 2 – Approved Signage Zone – Northern Elevation



Source: Architectus

Figure 3 – Proposed Signage Zone – Southern Elevation



Source: Architectus

4.2. MODIFICATION OF CONSENT 08_0241 MOD 8

4.2.1. Condition A2

It is proposed to modify the development consent conditions to replace the architectural drawings called up in Schedule 2 Condition A2.

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP 08_0241 and the Environmental Assessment dated July 2009 prepared by Urbis, except where amended by the Preferred Project Report dated December 2009 prepared by Urbis and as amended by:

- (a) MP08_0241 MOD 1, the Section 75W Modification prepared by Urbis dated September 2011 (as amended by correspondence dated 21 November 2011 and the drawings prepared by Architectus);
- (b) MP08_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013;
- (c) MP08_0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015, and Response to Submissions dated 25 February 2016;
- (d) MP08_0241 MOD 5, the Section 75W Modification prepared by Urbis dated June 2016, and Response to Submissions dated 22 August 2016;
- (e) MP08_0241 MOD 6 the Section 75W Modification prepared by Urbis dated December 2016 and Response to Submissions dated 20 March 2017;
- (f) MP08_0241 MOD 7 the Section 4.55(1A) Modification prepared by Urbis dated March 2018;
- (g) MP08_0241 MOD 8 the Section 4.55(1A) Modification prepared by Urbis dated September 2018;
- (h) MP08_0241 MOD 9 the Section 4.55(1A) Modification prepared by Urbis dated February 2019; and

(i) MP08_0241 MOD 10 the Section 4.55(1A) Modification prepared by Urbis dated June 2019.

The following drawings will need to be modified prior to determination of the modification application:

- DA 130 F - North + East Elevations (08.12.16)
- DA 130-1 F - Contextual Elevation – North (08.12.16)
- DA 131 F - South + West Elevations (08.12.16)
- DA 131-1 F - Contextual Elevation – South (08.12.16)

5. SECTION 4.55(1A) ASSESSMET

5.1. POTENTIAL ENVIRONMENTAL IMPACT

The proposed modification is for minor changes to MP 08_0241, which do not alter the context, scale, or built form of the approved development. The works relate to a signage zones at the top of the building, immediately west of the existing signage zones and will not have any built form impacts.

The proposed modification will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application and subsequent modifications.

5.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed development, as modified, will be substantially the same development as that originally approved in MP08_0241 as there are no changes to:

- Approved use or operational parameters of the building;
- Staff numbers, opening hours or other management processes proposed;
- Approved site layout or building envelope
- Parking numbers remain unchanged; or
- The level of environmental impact is minimal and substantially the same as the impacts of the approved development.

5.3. PUBLIC NOTIFICATION AND SUBMISSIONS

The Department is required to make the modification request publicly available.

Given the minor nature of the proposed changes, and similarly to previous modifications, it is considered that having the application made available on the Department's website, with a referral being made to North Sydney Council, would be sufficient to satisfy notification requirements.

6. SECTION 4.15 ASSESSMENT

The matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* also need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal is assessed below:

Table 2 – Section 4.15 Compliance

Section 4.15 relevant extract	Summary of Compliance
<i>(a)(i) any environmental planning instrument</i>	The proposed modification has been assessed in accordance with the relevant planning controls. The application has been submitted in accordance with the requirements of Section 4.55 (1A) of the <i>Environmental Planning and Assessment Act 1979</i>. The proposed amendment does not impact on compliance of the development with any other provisions of the state, regional and local planning controls. Refer to the Section 6 below.
<i>(a)(ii) any proposed instrument that is or has been the subject of public consultation</i>	There are none relevant to the proposal.
<i>(a)(iii) any development control plan</i>	The <i>North Sydney Development Control Plan 2002</i> (NSDCP 2002) applied to the scheme approval. It is noted that <i>North Sydney Development Control Plan 2013</i> (NSDCP 2013) has subsequently come into effect. The proposed modifications remain compliant with the NSDCP 2013 from the approved scheme, MP08_0241 MOD 8.
<i>(a)(iiia) any planning agreement or any draft planning agreement</i>	There are none relevant to the proposal.
<i>(a)(iv) the regulations</i>	There are none relevant to the proposal.
<i>(a)(v) any coastal zone management plan</i>	There are none relevant to the proposal.
<i>(b) the likely environmental, social and economic impacts</i>	The proposed minor amendment will not result in any significant environmental, social or economic impacts. A summary is provided below in Section 6.4 .
<i>(c) the suitability of the site</i>	The proposed modification will not result in any changes that would affect the suitability of the site to accommodate the approved development.
<i>(d) any submissions</i>	It is acknowledged that any submissions arising from the public notification of the Section 4.55 (1A) application will need to be assessed.
<i>(e) the public interest</i>	It is considered that the proposed modification does not contravene the public interest.

6.1. STATUTORY PLANNING ASSESSMENT

6.1.1. State Environmental Planning Policy (State and Regional Development) 2011

The original Part 3A approval had regard to the Director General's Environmental Assessment Requirements (DGRs) issued 30 April 2009, with the subsequent eight modification applications also having regard. In this respect, there are no material or substantial changes sought which would warrant DGRs being re-issued for this Modification Application as the works are relatively minor in nature.

6.1.2. State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy No. 64 (SEPP 64) aims to ensure that advertising and signage is compatible with the desired amenity and visual character of an area and provides effective communication in suitable locations and is of high-quality design and finish. It does not regulate the content of signs and advertisements.

Clause 8 and Clause 13 of SEPP 64 prevents development consent from being granted to signage unless the consent authority is satisfied that it is consistent with the objectives of the SEPP and has satisfied the assessment criteria specified in Schedule 1.

An assessment of the previously approved signage zone against Schedule 1 of SEPP 64 is included in Table 3 below.

Table 3 – SEPP 64 Compliance Assessment

Provision	Comment	Compliance
1 Character of the area		
Is the proposal compatible with the character of the area or locality in which it is proposed to be located?	The proposed modification is compatible with the surrounding area, which includes several examples of rooftop signage zones of the kind previously approved on the site.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed modification seeks to amend the approved signage zone only. Future signage within these zones will be subject to separate development approval.	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas,	The signage proposed in no way detracts from the visual quality of surrounding areas.	Y

Provision	Comment	Compliance
heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas?		
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed modification will protect against view loss, given the potential impact on the amenity of the future office tenants, following on from the approval of MP 08_0241 MOD 4 and 6.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The approved signage zone is integrated within the façade of the existing building and does not dominate the skyline or protrude above the parapet.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed modification seeks to amend the approved signage zone only. Future signage within these zones will be subject to separate development approval. The modified signage zone will not compromise the viewing rights of other advertisers.	Y
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The current scale of the signage zone was previously approved under MP 08_0241 MOD 4.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	When leased, the modified signage zone will contribute to the visual interest of the surrounding streetscapes, by identifying services and providing varied signage typologies employing different hues, lines and textures.	Y

Provision	Comment	Compliance
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The current signage zone was previously approved under MP 08_0241 MOD 4. The proposed modification maintains similar scale to what was previously approved.	Y
Does the proposal screen unsightliness?	No.	-
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage zone will not protrude above the highest point of the building (lift overrun) as approved under MP 08_0241 MOD 4.	Y
Does the proposal require ongoing vegetation management?	The proposed modification does not require ongoing vegetation management.	-
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The modified signage zone remains compatible with the scale of the approved building.	Y
Does the proposal respect important features of the site or building, or both?	The modification will not detract from the important features of the building. The signage zone is located to the east of the vertical architectural feature.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	N/A	-
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed	This modification is limited to the approved signage zones only. Future signage within	Y

Provision	Comment	Compliance
as an integral part of the signage or structure on which it is to be displayed?	these zones will be subject to separate development approval.	
7 Illumination		
Would illumination result in unacceptable glare?	Refer above.	Y
Would illumination affect safety for pedestrians, vehicles or aircraft?	Refer above.	Y
Would illumination detract from the amenity of any residence or other form of accommodation?	Refer above.	Y
Can the intensity of the illumination be adjusted, if necessary?	Refer above.	Y
Is the illumination subject to a curfew?	N/A	-
8 Safety		
Would the proposal reduce the safety for any public road?	N/A	-
Would the proposal reduce the safety for pedestrians or bicyclists?	N/A	-
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The modified signage zone will not be visible to pedestrians. This modification is limited to approved signage zones only. Future signage within these zones will be subject to separate development approval.	Y

6.2. NORTH SYDNEY ENVIRONMENTAL PLANS 2001 AND 2013

The *North Sydney Local Environmental Plan 2001* (NLEP 2001) was the principal Local Environmental Planning Instrument under which the original project approval was determined, governing development of the site. It is noted that the *North Sydney Local Environmental Plan 2013* (NLEP 2013) has since come into effect which amends provisions of LEP 2001 with respect to development within the City Centre.

The proposed modifications do not alter the level of compliance with the NLEP 2001 objectives from the approved original scheme because there are no changes to the built form, height or level of external impact.

The *North Sydney Local Environmental Plan 2001* has been superseded by the *North Sydney Local Environmental Plan 2013* (NLEP 2013). The proposal remains consistent with the objectives of the NLEP 2013.

6.3. NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The *North Sydney Development Control Plan 2002* (NSDCP 2002) applied to the scheme approval. It is noted that *North Sydney Development Control Plan 2013* (NSDCP 2013) has subsequently come into effect.

The proposed modifications remain compliant with Section 9 (Advertising and Signage) of the NSDCP 2013 from the approved scheme, MP08_0241 MOD 8. The plans demonstrates that the modification to the signage zone on the south elevation remains consistent with the architecture of the building.

The proposed modifications will not dominate the skyline or protrude above the highest point of the building (the lift overrun).

6.4. ENVIRONMENTAL IMPACT CONSIDERATIONS

The proposed modifications have the following environmental impacts:

- The proposed modification is minor and will have minimal impact to the overall design of the approved building and surrounding streetscape.
- The building use and functionality would remain unchanged and no changes will be required to the overall building envelope.
- There would be no significant amenity impacts on surrounding properties in terms of view loss, privacy or overshadowing as a result of the modification. The sign location will also assist in screening roof top telecommunication devices.

6.5. THE PUBLIC INTEREST

The modifications are considered to result in an improved outcome to the approved scheme, ensuring that future signage will minimise impacts on view lines for tenants within the upper levels of the building.

7. CONCLUSION

The proposed modification seeks minor changes to the approved signage zones on the existing building at 100 Mount Street, North Sydney.

The modified proposal has been assessed against the relevant planning provisions under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. There are no changes to the existing built form, height, or scale compared to the approved development.

The modifications will result in a development that is substantially the same as the approved development, with minimal environmental impacts and the proposal is recommended for approval.

We trust this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact Murray Donaldson at mdonaldson@urbis.com.au or 8233 9953 or Katie Weaver on 8233 9900 or kweaver@urbis.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Donaldson".

Murray Donaldson
Director