



100 Mount Street North Sydney

Project Approval MP08_0241

Environmental Assessment Report - Modification 4

December 2015

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TABLE OF CONTENTS

1	Introduction.....	1
2	Background.....	2
2.1	Major Project 08_0241	2
2.2	MP 08_0241 – Modification 1	2
2.3	MP 08_0241 – Modification 2	2
2.4	MP 08_0241 – Modification 3	2
3	The Site and Context.....	3
3.1	The Site	3
3.2	Local Context.....	3
3.3	Surrounding Development.....	3
4	Proposed Modifications.....	5
4.1	Summary of Modifications	5
4.2	Detailed Description of Proposed Modifications.....	6
4.2.1	Building Height.....	6
4.2.2	façade Modifications	7
4.2.3	Proposed Modifications by Level.....	10
4.2.4	Land Use and Floor Area	21
4.2.5	Vehicle Access and Parking	21
4.2.6	Modifications to Conditions of Consent	23
5	Statutory Context.....	26
5.1	Part 3A of the Environmental Planning and Assessment Act 1979	26
5.2	Section 75W Modification of Project Approval	26
6	Consultation and Notification	27
6.1	Consultation.....	27
6.2	Notification	27
7	Environmental Assessment	28
7.1	Director General's Requirements	28
7.2	Statutory Assessment.....	30
7.2.1	North Sydney Local Environmental Plan 2001.....	30
7.2.2	North Sydney Local Environmental Plan 2013.....	31
7.2.3	North Sydney Development Control Plan 2002.....	31
7.3	Environmental Impact Considerations.....	32
7.3.1	Building Massing.....	32
7.3.2	Visual Impact and Overshadowing in the Context of Adjoining Development	32
7.3.3	Streetscape and Public Domain Impact	32
7.3.4	Parking and Traffic Generation.....	32
7.3.5	Vehicle Access and Servicing	33
7.4	Contributions.....	33
8	Conclusion	34
	Disclaimer	35

Appendix A Architectural plans prepared by Architectus and Skidmore, Owings & Merrill LLP

FIGURES:

Figure 1 – Location Map (site outlined in red)	4
Figure 2 – North Elevation Amendments.....	7
Figure 3 – East Elevation Amendments	8
Figure 4 – South Elevation Amendments	9
Figure 5 – Basement Level 6 Amendments	10
Figure 6 – Basement Level 5 Amendments	11
Figure 7 – Basement Level 4 Amendments	12
Figure 8 – Basement Level 3 Amendments	13
Figure 9 – Basement Level 2 Amendments	14
Figure 10 – Basement Level 1 Amendments	15
Figure 11 – Lower Ground Floor Level Amendments	16
Figure 12 – Lower Ground Floor Level Mezzanine	17
Figure 13 –Ground Floor Level Amendments	18
Figure 14 –Level 1 Amendments.....	19
Figure 15 – Level 34 Amendments.....	20
Figure 16 – Level 34 Section	21

TABLES:

Table 1 – Comparison Table	5
Table 2 – Parking Provisions	22
Table 3 – DGR Compliance Table.....	28

1 Introduction

This report accompanies a request to modify Major Project 08_0241 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) on behalf of the Proponent for the project, Laing O'Rourke Mount Street Pty Ltd.

This report provides:

- A description of the site and context;
- A description of the approved project;
- A description of the proposed modifications; and
- Environmental assessment of the proposed modifications in relation to the Director General's Requirements issued for the original major project application.

This application seeks to modify MP08_0241, as follows:

- Increase the overall height of the building from RL 198.0 to RL 199.7 to accommodate a new low rise plant mezzanine, and to include a lift pit on Level 32 to serve Level 33 and Level 34.
- Lower ground and ground level:
 - Level changes in ground floor level restaurant;
 - Improved activation of Mount Street elevation; and
 - New mezzanine level in lower ground floor for restaurant amenities, plant and storage.
- Relocation of Level 1 end of trip facilities to basement and conversion of Level 1 to office space.
- Relocation of bicycle parking throughout basement levels to accommodate end of trip facilities.
- Increase office area on Level 34 to provide boardroom and amenities space by enclosing the approved rooftop terrace.
- Increase the signage zone at the top of the building on the northern and southern elevations.
- Amend Condition E8 relating to public art requirements.

These amendments to the project will be implemented through modification of the following conditions of Major Project Approval MP08_0241:

- Condition A2 – to include modified plan references.
- Condition B5 – amendment to monetary contributions amount based on revised gross floor area (GFA) of the building.
- Condition B6 – amendment to Railway Infrastructure Contribution based on revised GFA of the building.
- Condition E8 – deletion of reference to “two approved buildings”, which we understand is an error.

This report includes reference to **Appendix A**, being the modified architectural drawings. Refer to **Section 4.2.6** for reference to modified drawing numbers.

2 Background

2.1 MAJOR PROJECT 08_0241

On the 25th May 2010 the Minister for Planning approved Major Project, MP 08_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.”*

2.2 MP 08_0241 – MODIFICATION 1

Major Project MP 10_0027 MOD 1 was granted consent on 16 February 2012 to:

- *“Create the most efficient and flexible floor plate for the end user that moved the building from A grade to Premium grade;*
- *Improve the sustainability of the design;*
- *Create the ground floor plane with respect to the office vision and enhance ground floor amenity and human activation; and*
- *Enhance the general appearance.”*

2.3 MP 08_0241 – MODIFICATION 2

Major Project 10_0027 MOD 2 was granted consent on 10 October 2014 which included modifications to:

- *Proposal’s façade;*
- *Plant - Plant Level (Level 34) and Plant Mezzanine (Level 35) to enable an additional space on the upper level and a roof terrace;*
- *Reconfiguration of the ground and lower ground levels;*
- *Increase to the retail space on the lower ground level, facing Walker Street;*
- *Reconfiguration of basement levels for a more efficient use of space; and*
- *Addition of 472m² of gross floor area.”*

The modifications were reflected in amendments to Condition Nos. A2, B5, B6, B8, B43, E1, E6, E23 of the original consent.

2.4 MP 08_0241 – MODIFICATION 3

Major Project 08_0241 MOD 3 was granted consent on 21 January 2015 which extended the lapsing date of the approval by a period of 5 years from the date of determination of the modification, effectively 21 January 2020.

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. It 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).

The site is currently developed as two separate commercial and retail buildings:

- 100 Mount Street is a mixed commercial and retail building comprising ground floor retail space fronting Mount and Walker Streets with five storeys of commercial floor space above. Access to the commercial space is gained from Mount Street.
- 86-96 Mount Street is also a mixed commercial and retail building.

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 is 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 at the following locations:

- Approximately 35 storeys on the south western corner of Walker and Mount Street.
- Approximately 40 storeys on the south eastern corner of Walker and Mount Street.
- Approximately 8 storeys on the north eastern corner of Walker and Mount Street.
- Other buildings fronting Walker Street, north of Mount Street, range in height to approximately 30 storeys.
- Buildings fronting Walker Street south of Mount Street range in height to approximately 20 storeys.

3.3 SURROUNDING DEVELOPMENT

A Part 3A application has been approved on the site known as 88 Walker Street and 77-81 Berry Street (MP08_0238), adjacent to the subject site to the north. That approval includes a 35-40 storey commercial building at the Berry Street site and a 28-30 storey hotel building at the Walker Street site.

The site adjacent to the west of 100 Mount Street, known as 80 Mount Street, has the potential for further development and may be developed in the future. Various options for development were considered in the context of the original approval.

FIGURE 1 – LOCATION MAP (SITE OUTLINED IN RED)



SOURCE: NEARMAPS

4 Proposed Modifications

4.1 SUMMARY OF MODIFICATIONS

The objective of the proposed modifications is to create additional retail and office floor space, and to provide an improved layout for tenant and investor markets.

The proposed modifications are summarised as follows:

- Increase the overall height of the building from RL 198.0 to RL 199.7 to accommodate a new low rise plant mezzanine, and to include a lift pit on Level 32 to serve Level 33 and Level 34.
- Lower ground and ground level:
 - Level changes in ground floor level restaurant;
 - Improved activation of Mount Street elevation; and
 - New mezzanine level in lower ground floor for restaurant amenities, plant and storage.
- Relocation of Level 1 end of trip facilities to basement and conversion of Level 1 to office space.
- Relocation of bicycle parking throughout basement levels to accommodate end of trip facilities.
- Increase office area on Level 34 to provide boardroom and amenities space by enclosing the approved rooftop terrace.
- Increase the signage zone at the top of the building on the northern and southern elevations.
- Amend Condition E8 relating to public art requirements.

A comparison between the approved MP08_0241 MOD 3 and the proposal is provided in the table below.

TABLE 1 – COMPARISON TABLE

HEADER TEXT	APPROVED SCHEME (MOD 3)	PROPOSED MODIFICATION
Building Height	RL 198.0	RL 199.7
Storeys	36 storeys (plus two mezzanine levels)	36 storeys (plus three mezzanine levels)
Basement Levels	6 levels	6 levels
Gross Floor Area (GFA)	45,539m ²	46,359m ²
Net Lettable Area (NLA)	41,106m ²	41,163m ²
Retail Tenancies	One café at ground floor level, one retail tenancy at lower ground floor level	One restaurant and one café at ground floor level, one food and drink outlet at lower ground level
Car Parking	113 spaces	118 spaces
Motorcycle Parking	16 spaces	19 spaces

HEADER TEXT	APPROVED SCHEME (MOD 3)	PROPOSED MODIFICATION
Bicycle Parking	269 spaces	330 spaces
Access Point	One point of access from Walker Street	No change

4.2 DETAILED DESCRIPTION OF PROPOSED MODIFICATIONS

This section provides a detailed description of the proposed modifications to the approved scheme.

4.2.1 BUILDING HEIGHT

The height of the building will have a minor increase from RL 198 to RL 199.7 as a result of the proposed modifications. Specifically, the additional height is to accommodate the low rise plant and office use between Level 1 and Level 2, and to include a lift pit on Level 32 to serve Level 33 and Level 34.

The proposed height of the building has changed from the original approval and subsequent modifications. The original approval had a building height of RL 199.7. However, the height was reduced in MOD 2 to RL 198.0. The proposed increase in height to RL 199.7 as part of this application would restore the maximum height to that of the original approval.

4.2.2 FAÇADE MODIFICATIONS

The building facades are proposed to be modified to improve the appearance and presentation of the building. Modification to the north, east and south elevations are as follows:

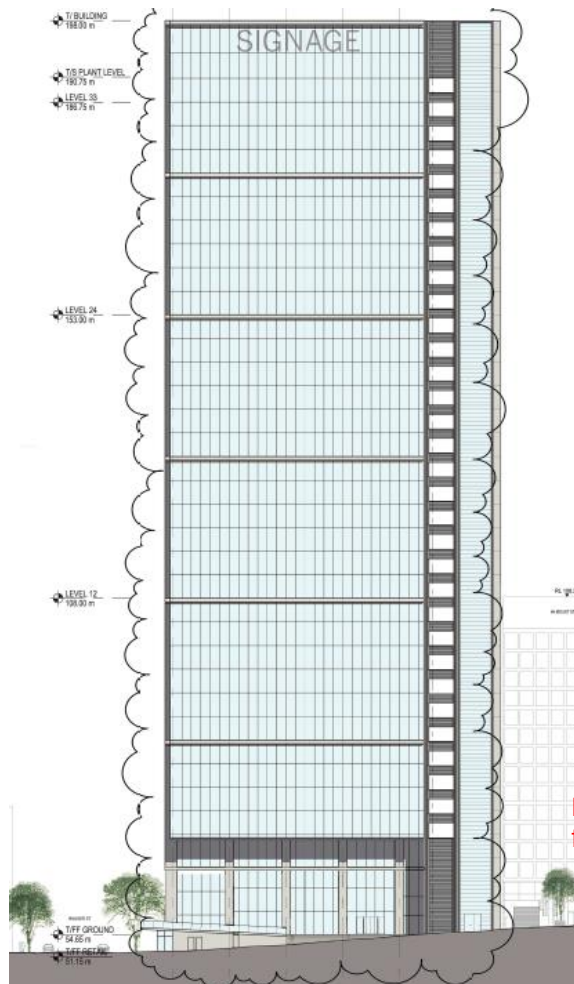
NORTH ELEVATION

Proposed modification to the northern façade include:

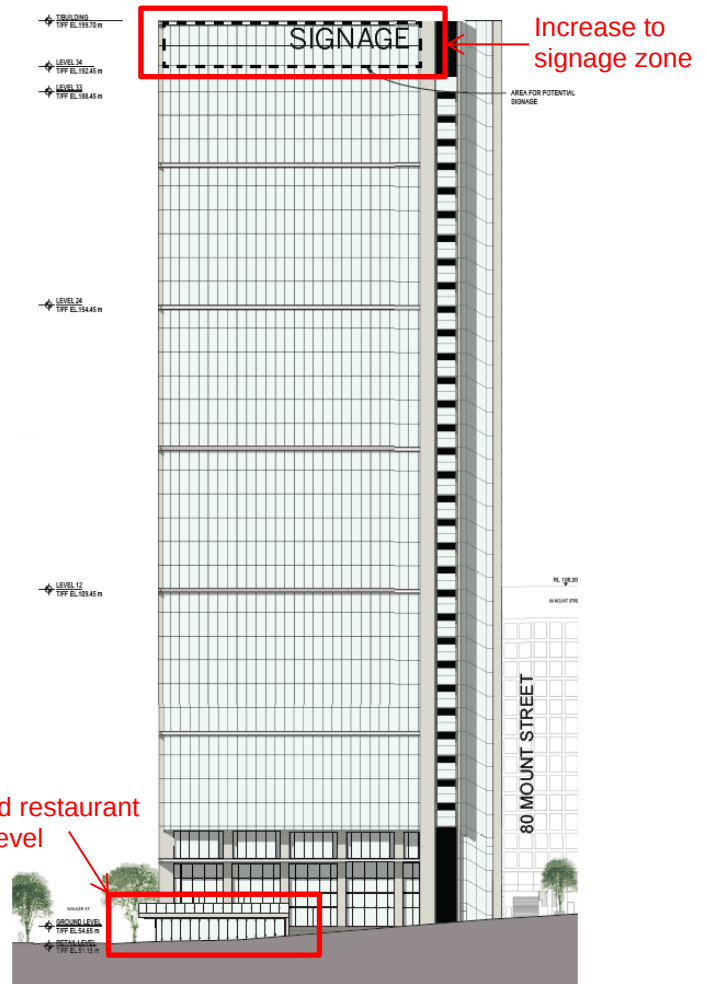
- Minor increase to the overall height of the building;
- Increase to the signage zone at the top of the building; and
- Increase to the floor level of the ground floor restaurant, resulting in an increase in height to the outdoor dining area associated with the restaurant and greater exposure to the lower ground floor level tenancy.

These amendments and a comparison between the existing and proposed northern elevations are shown in **Figure 2** below.

FIGURE 2 – NORTH ELEVATION AMENDMENTS



PICTURE 1 – APPROVED SCHEME



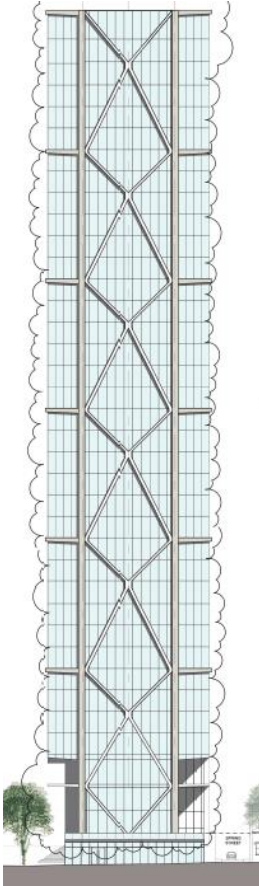
PICTURE 2 – PROPOSED SCHEME

EAST ELEVATION

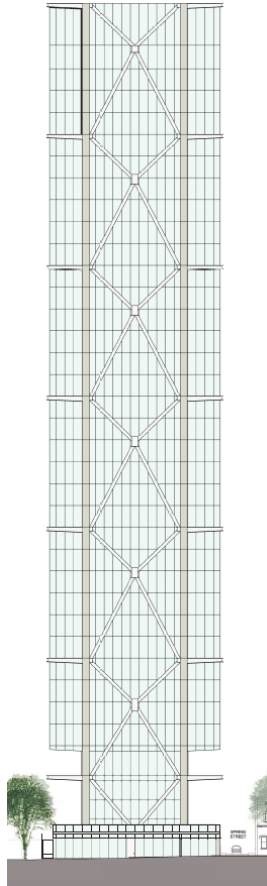
There are negligible amendments to the eastern elevation, being a minor increase to the overall height of the building.

A comparison of the existing and proposed eastern elevations is provided at **Figure 3** below.

FIGURE 3 – EAST ELEVATION AMENDMENTS



PICTURE 3 – APPROVED SCHEME



PICTURE 4 – PROPOSED SCHEME

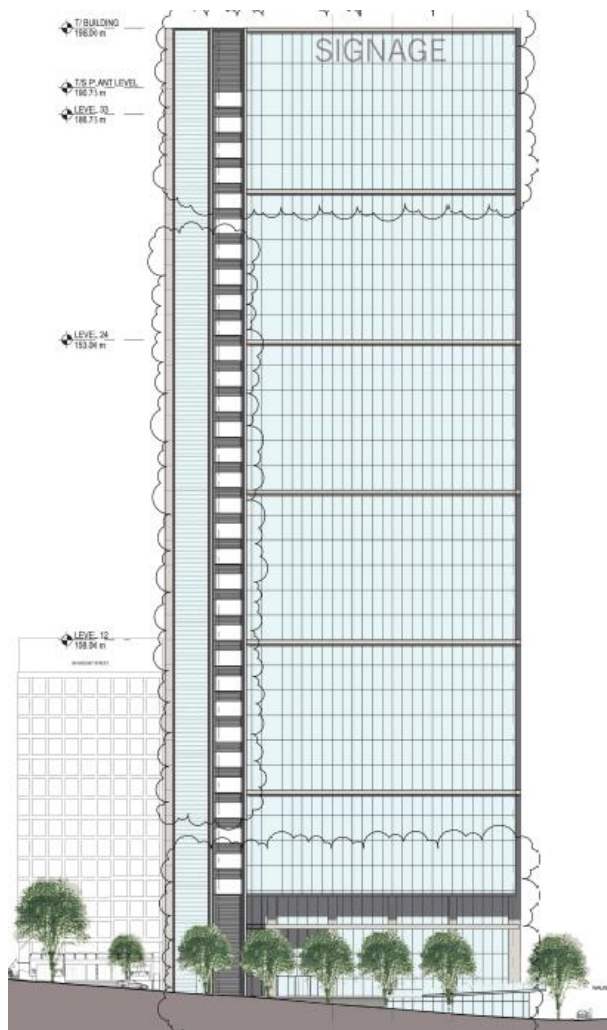
SOUTH ELEVATION

Proposed modification to the northern façade include:

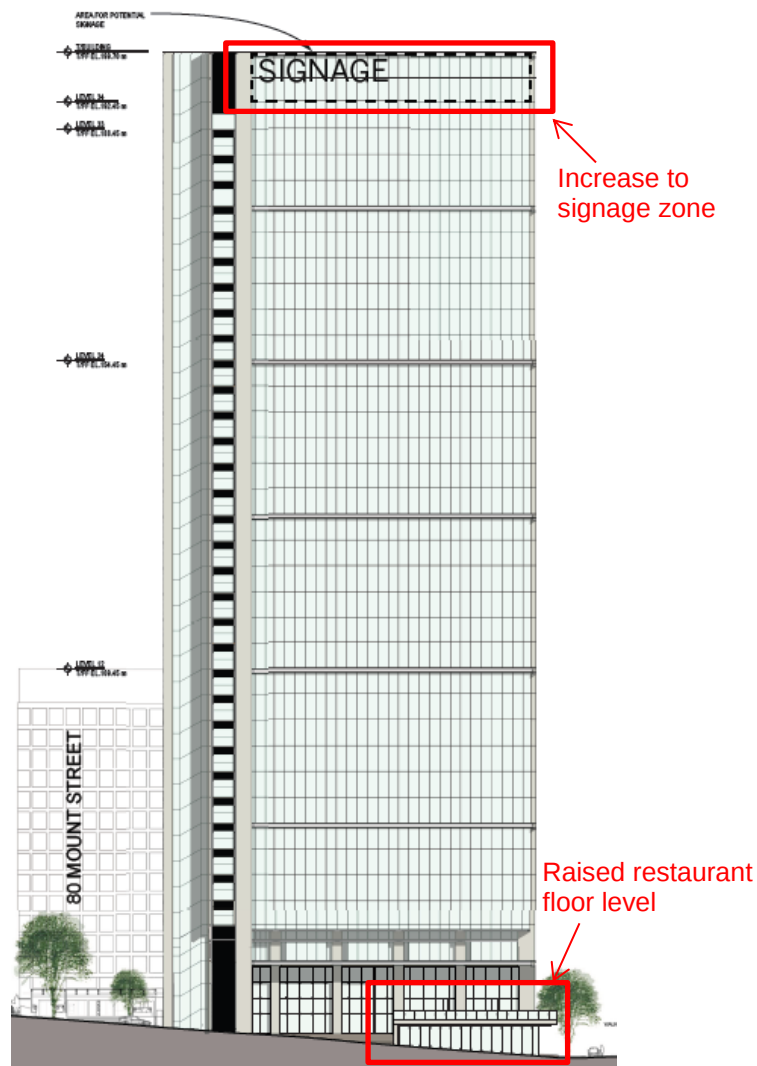
- Minor increase to the overall height of the building;
- Increase to the signage zone at the top of the building; and
- Increase to the floor level of the ground floor restaurant, resulting in an increase in height to the outdoor dining area associated with the restaurant and greater exposure to the lower ground floor level tenancy.

These amendments and a comparison between the existing and proposed southern elevations are shown in **Figure 4** below.

FIGURE 4 – SOUTH ELEVATION AMENDMENTS



PICTURE 5 – APPROVED SCHEME



PICTURE 6 – PROPOSED SCHEME

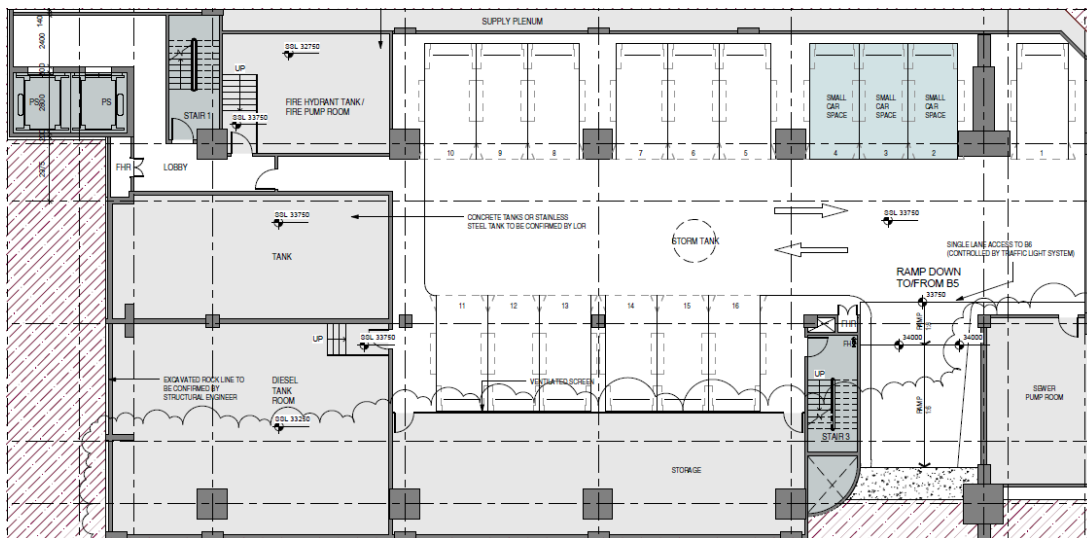
4.2.3 PROPOSED MODIFICATIONS BY LEVEL

4.2.3.1 BASEMENT LEVEL 6

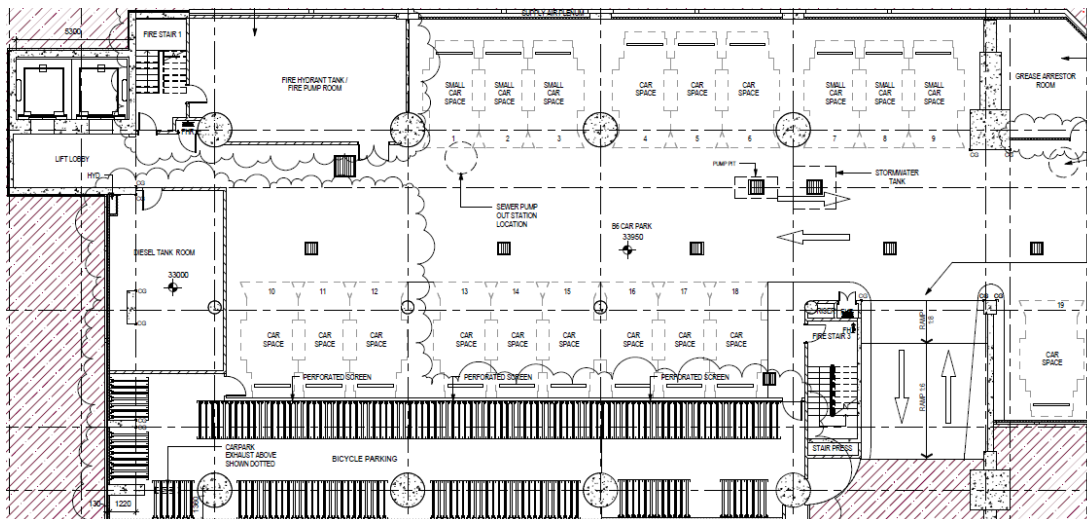
The following modifications are proposed for Basement Level 6:

- Rearrangement of car parking spaces and increase in quantity from 16 spaces (including 3 small car spaces) to 16 small car spaces.
- Relocation of diesel tank room, sewer pump out station and lifts.
- Deletion of storage area.
- Addition of grease arrestor room and bicycle parking facilities.

FIGURE 5 – BASEMENT LEVEL 6 AMENDMENTS



PICTURE 7 – APPROVED LAYOUT



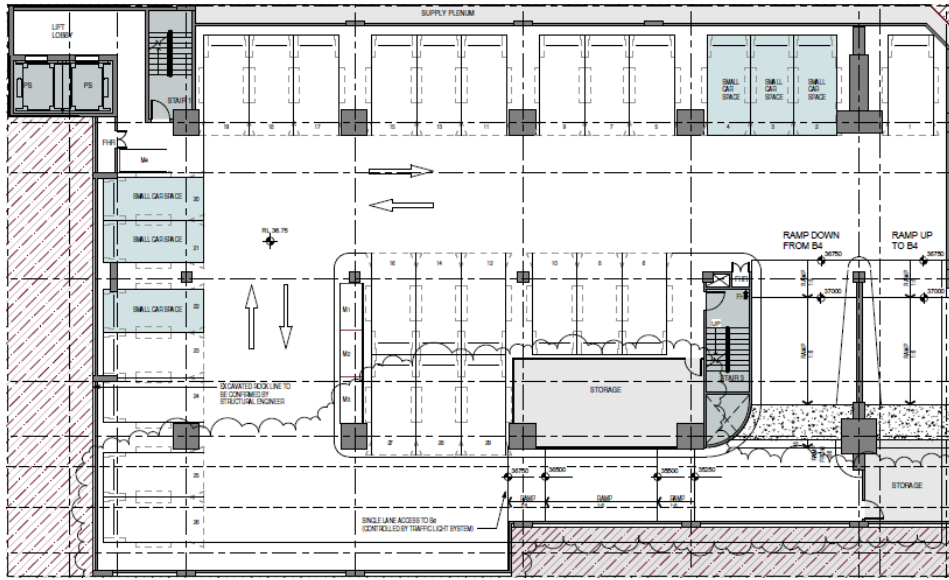
PICTURE 8 – PROPOSED LAYOUT

4.2.3.2 BASEMENT LEVEL 5

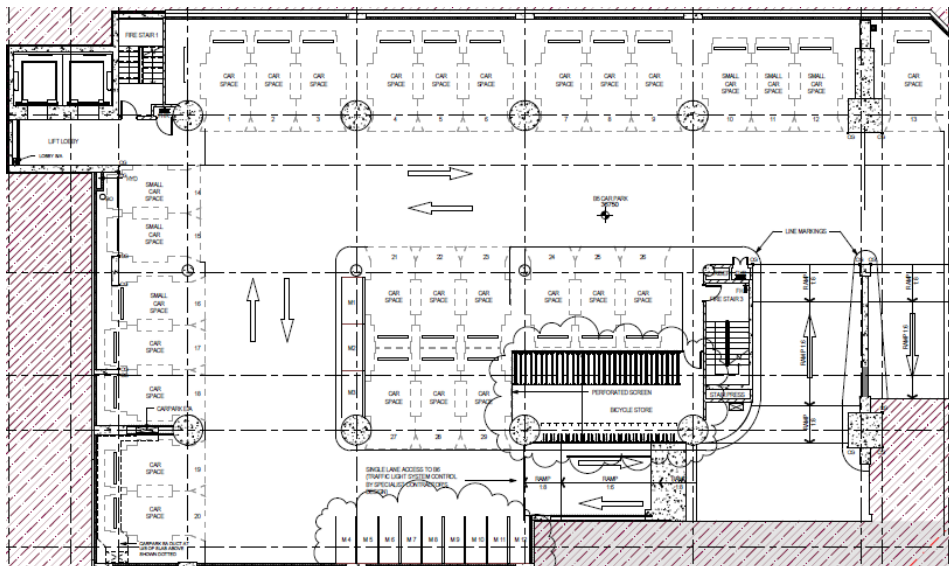
The following modifications are proposed for Basement Level 5:

- Addition of 9 motorcycle spaces.
- Replacement of storage room with bicycle storage facilities.
- Deletion of storage room in south-eastern corner of building.
- Reconfiguration of lifts.

FIGURE 6 – BASEMENT LEVEL 5 AMENDMENTS



PICTURE 9 – APPROVED LAYOUT



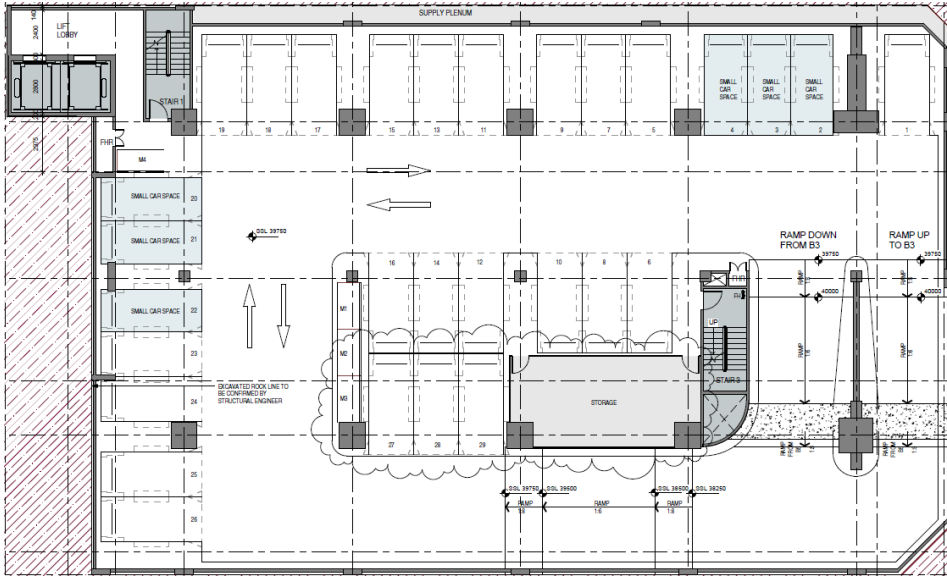
PICTURE 10 – PROPOSED LAYOUT

4.2.3.3 BASEMENT LEVEL 4

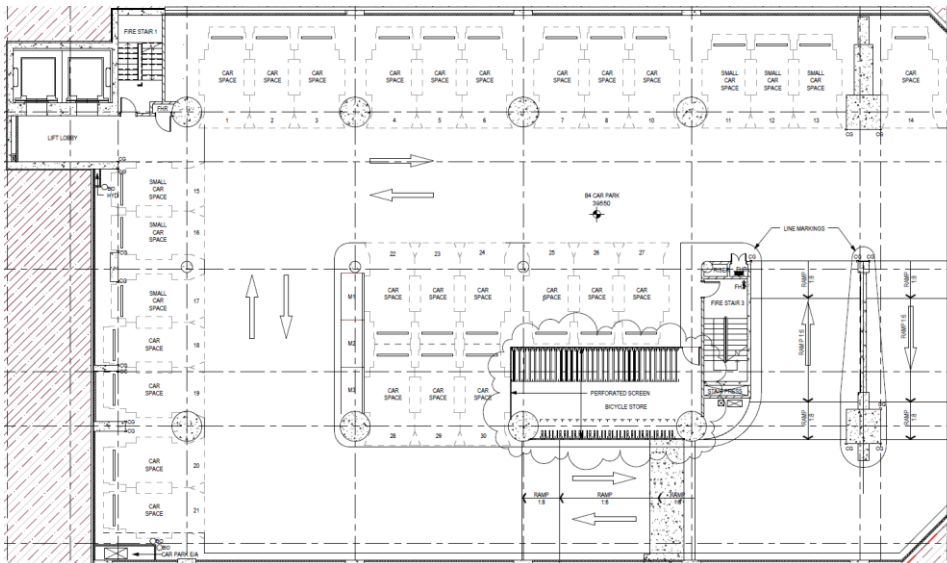
The following modifications are proposed for Basement Level 4:

- Replacement of storage room with bicycle storage facilities.
- Reconfiguration of lifts.
- Deletion of one motorcycle parking space.

FIGURE 7 – BASEMENT LEVEL 4 AMENDMENTS



PICTURE 11 – APPROVED LAYOUT



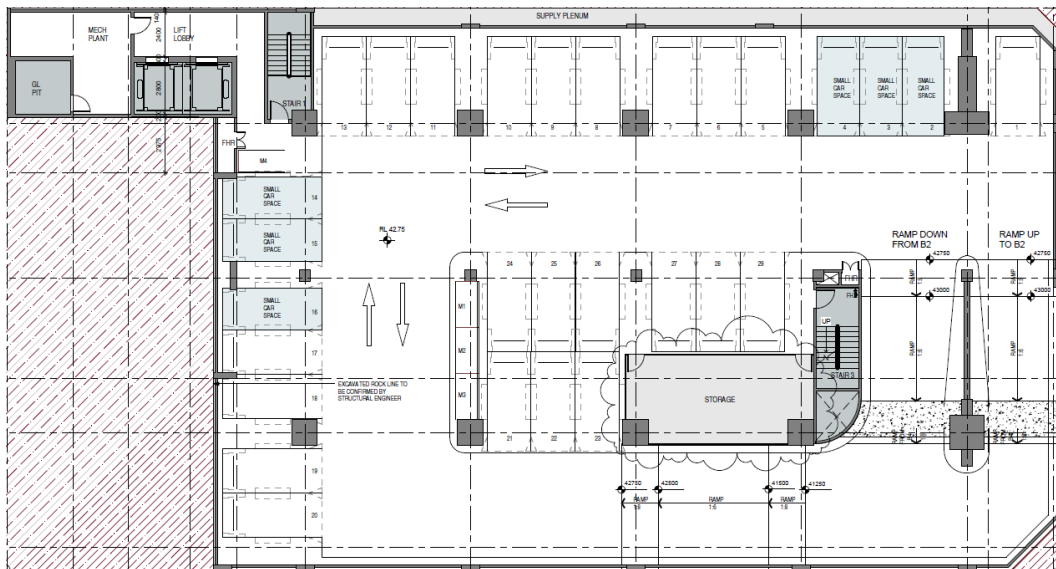
PICTURE 12 – PROPOSED LAYOUT

4.2.3.4 BASEMENT LEVEL 3

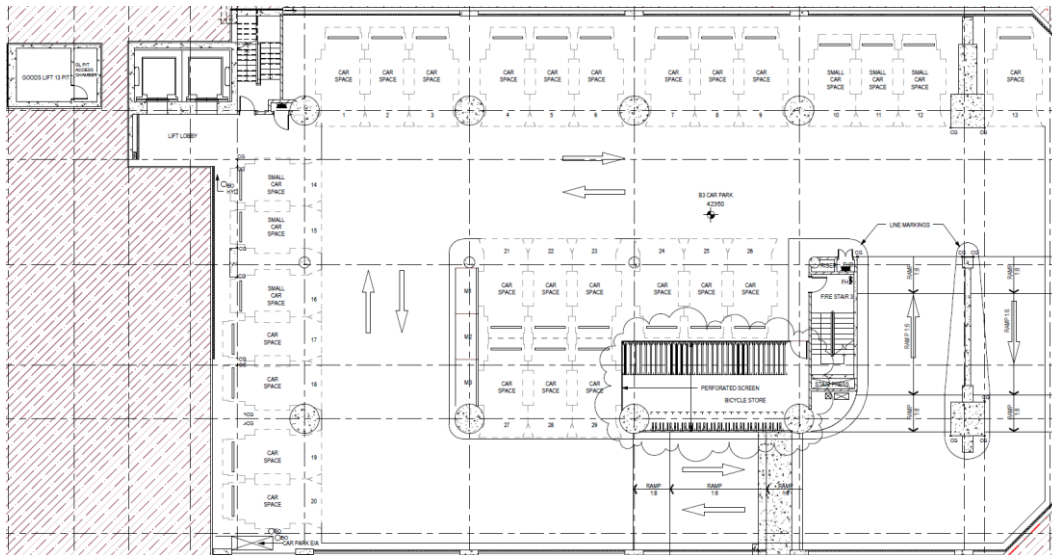
The following modifications are proposed for Basement Level 3:

- Replacement of storage room with bicycle storage facilities.
- Reconfiguration of lifts and goods lift pit.
- Deletion of one motorcycle parking space.
- Relocation of fire hose reel.

FIGURE 8 – BASEMENT LEVEL 3 AMENDMENTS



PICTURE 13 – APPROVED LAYOUT



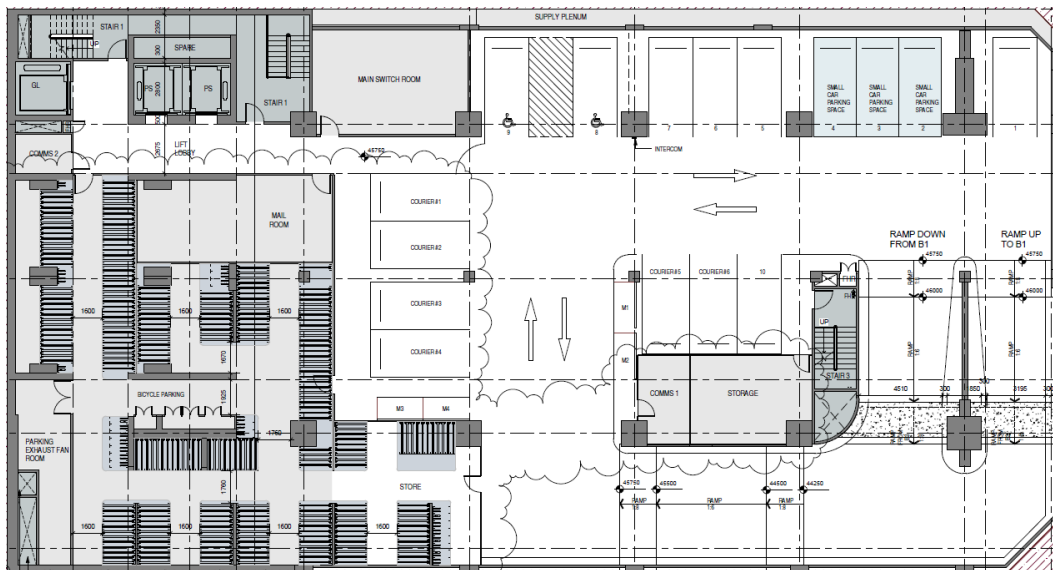
PICTURE 14 – PROPOSED LAYOUT

4.2.3.5 BASEMENT LEVEL 2

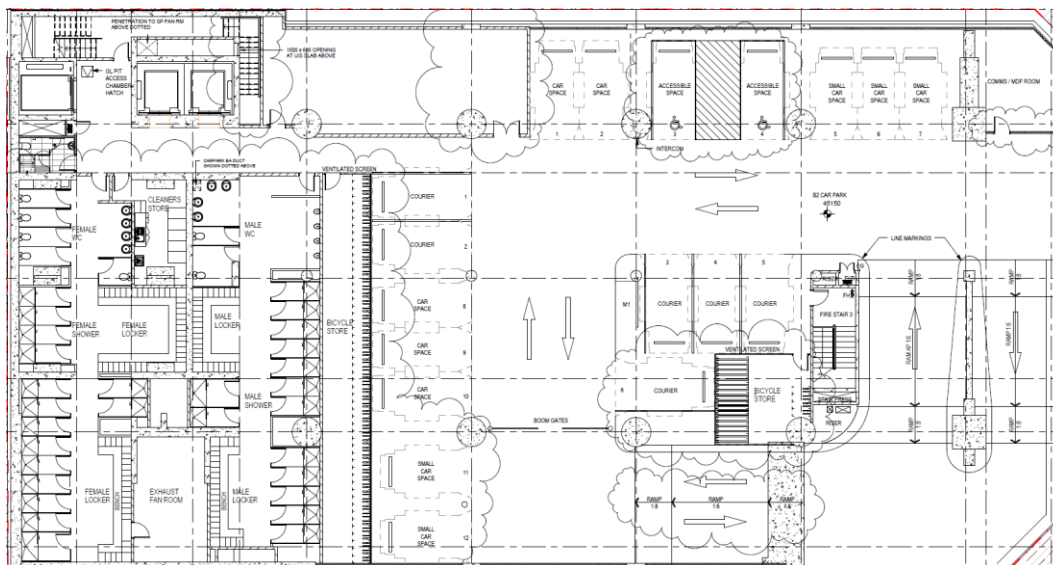
The following modifications are proposed for Basement Level 2:

- Reconfiguration of car parking, including an additional 4 spaces, and reconfiguration and reduction of bicycle storage to accommodate end of trip facilities which include showers, lockers and toilets.
- Relocation of communications room, exhaust fan room and fire hose reel.
- Addition of boom gates.
- Deletion of mail and storage rooms.
- Reconfiguration of lifts and goods lift pit.
- Reduction of three motorcycle parking spaces.

FIGURE 9 – BASEMENT LEVEL 2 AMENDMENTS



PICTURE 15 – APPROVED LAYOUT



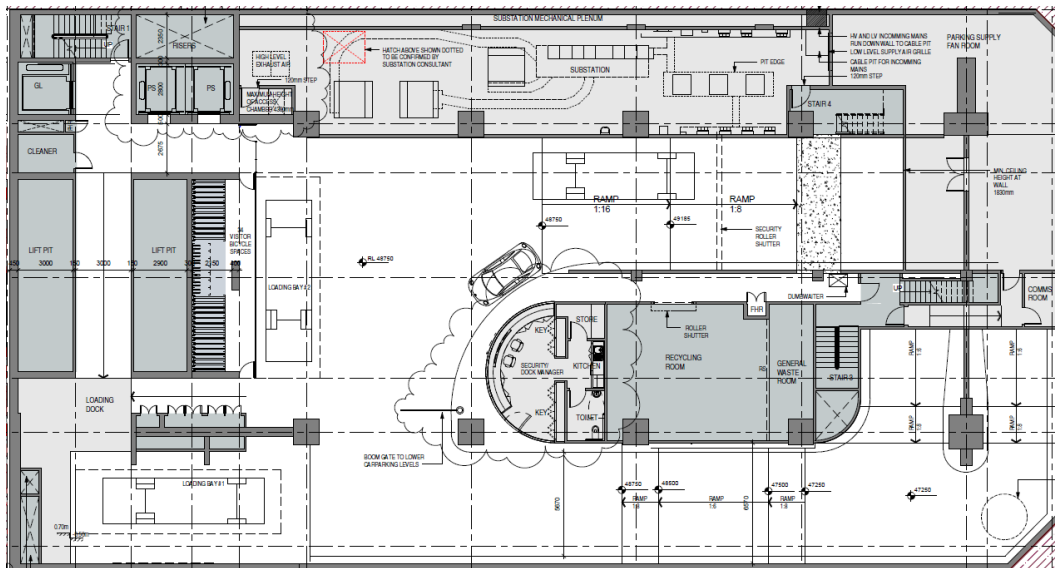
PICTURE 16 – PROPOSED LAYOUT

4.2.3.6 BASEMENT LEVEL 1

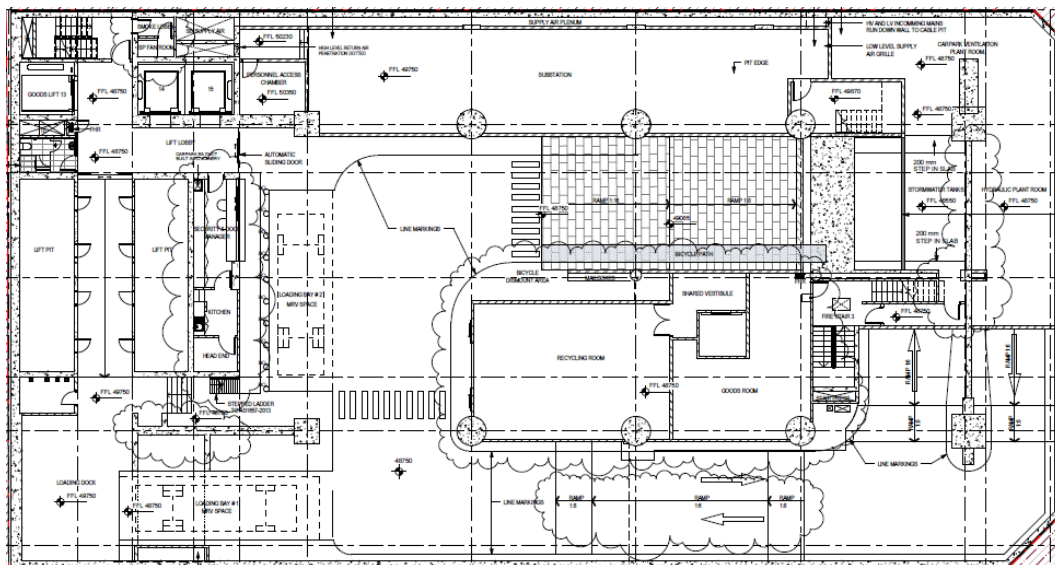
The following modifications are proposed for Basement Level 1:

- Relocation of security and dock manager office.
- Deletion of bicycle storage and boom gate.
- Reconfiguration of recycling room and creation of goods room.
- Enlargement of loading dock.
- Replacement of cleaner closet with bathroom.

FIGURE 10 – BASEMENT LEVEL 1 AMENDMENTS



PICTURE 17 – APPROVED LAYOUT

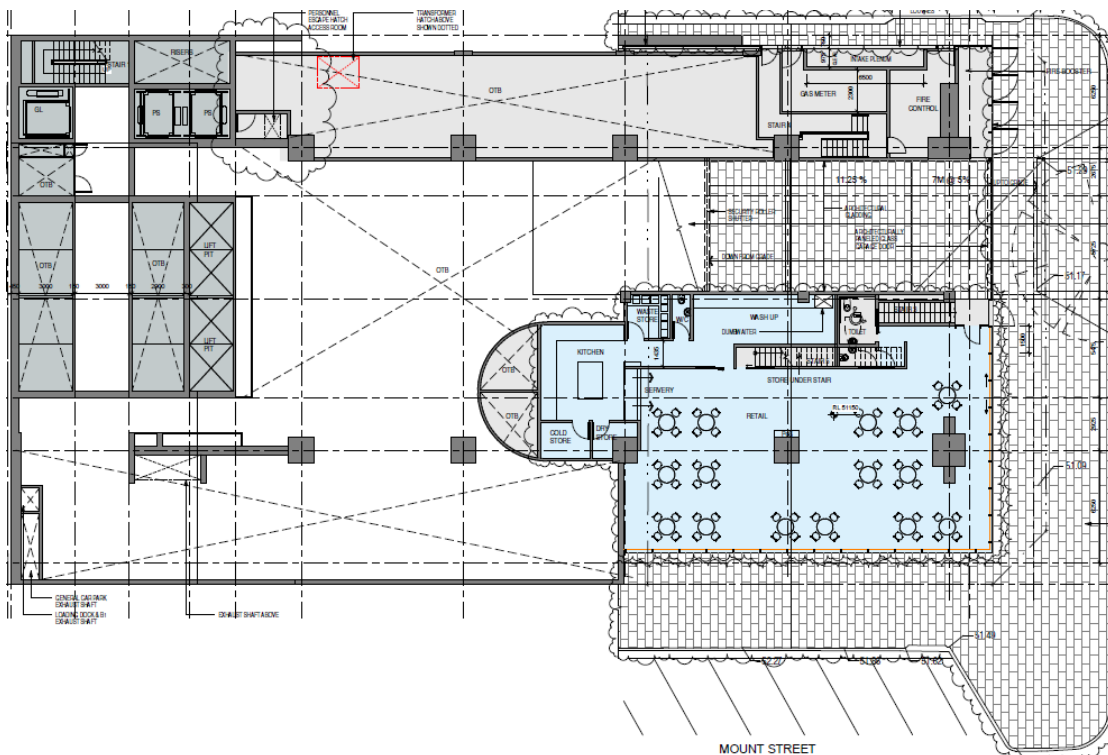


PICTURE 18 – PROPOSED LAYOUT

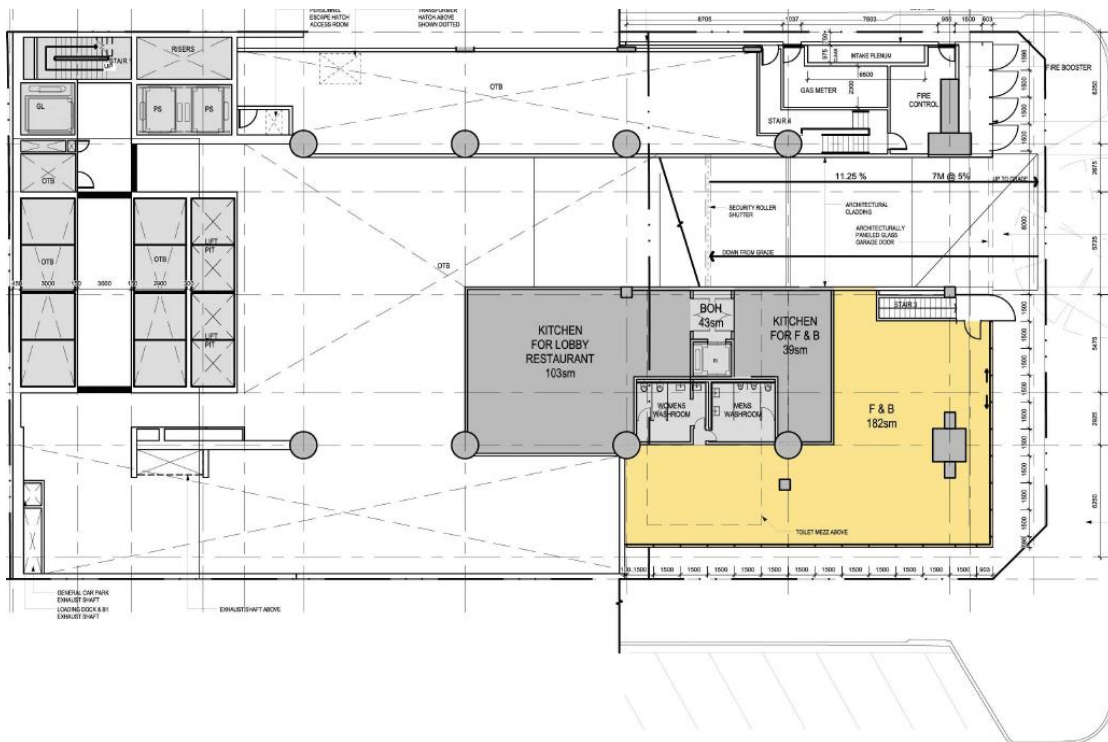
4.2.3.7 LOWER GROUND FLOOR LEVEL

The lower ground floor level modifications include a reconfiguration of tenancy to accommodate a kitchen for the ground floor level restaurant. A new lift has been added to allow access from the kitchen to the ground floor level.

FIGURE 11 – LOWER GROUND FLOOR LEVEL AMENDMENTS



PICTURE 19 – APPROVED LAYOUT



PICTURE 20 – PROPOSED LAYOUT

A lower ground floor level mezzanine will be created to provide washroom facilities and storage for the ground floor level restaurant. The mezzanine will be accessible via a staircase which leads to the centre of the restaurant tenancy.

The floor plan of the 10th floor shows a complex arrangement of rooms and corridors. Key areas include:

- Top Left:** A cluster of rooms including 'RISERS', 'GL', 'PS', and 'OTB'.
- Top Right:** A large open area with 'OTB' labels, a 'GAS METER' (8802), 'FIRE CONTROL', and 'STAIR 4'.
- Center:** A large open area with 'OTB' labels and a 'SECURITY ROLLER SHUTTER'.
- Bottom Left:** A large open area with 'OTB' labels and a 'MEN'S WASHROOM'.
- Bottom Right:** A large open area with 'OTB' labels and a 'WOMEN'S WASHROOM'.

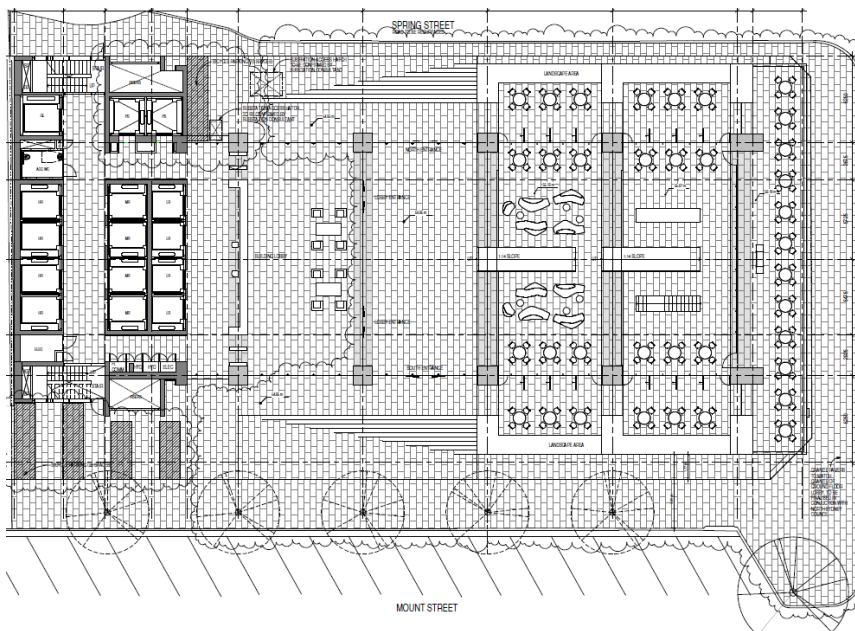
The plan also includes various structural details and annotations, such as '11.25 %', '7M @ 5M', and 'DOWN FROM DECK'.

4.2.3.9 GROUND FLOOR LEVEL

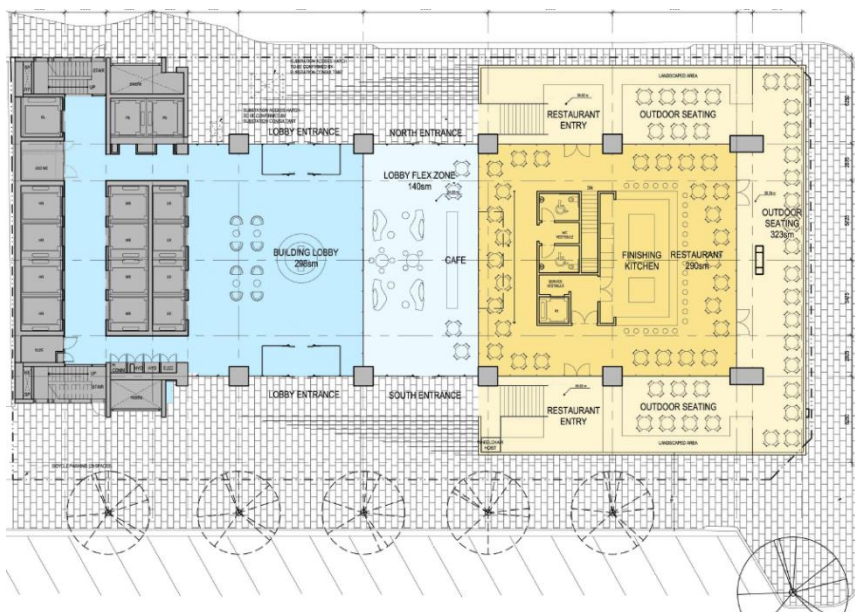
The ground floor level will be amended as follows:

- Deletion of ramps from lobby to café area.
- Creation of 140m² café in existing lobby area, and raised 290m² restaurant in the eastern portion of the building. The floor level of the restaurant will be two metres higher than the floor level of the lobby and café. Both the café and restaurant will be separated by internal walls, with access being from outside of the building.
- Addition of outdoor stairs on the northern and southern sides of the building to access the restaurant entries, as well as a wheelchair hoist on the southern side of the building.
- Relocation and reconfiguration of concierge desk to the centre of the building lobby.

FIGURE 13 –GROUND FLOOR LEVEL AMENDMENTS



PICTURE 21 – APPROVED LAYOUT

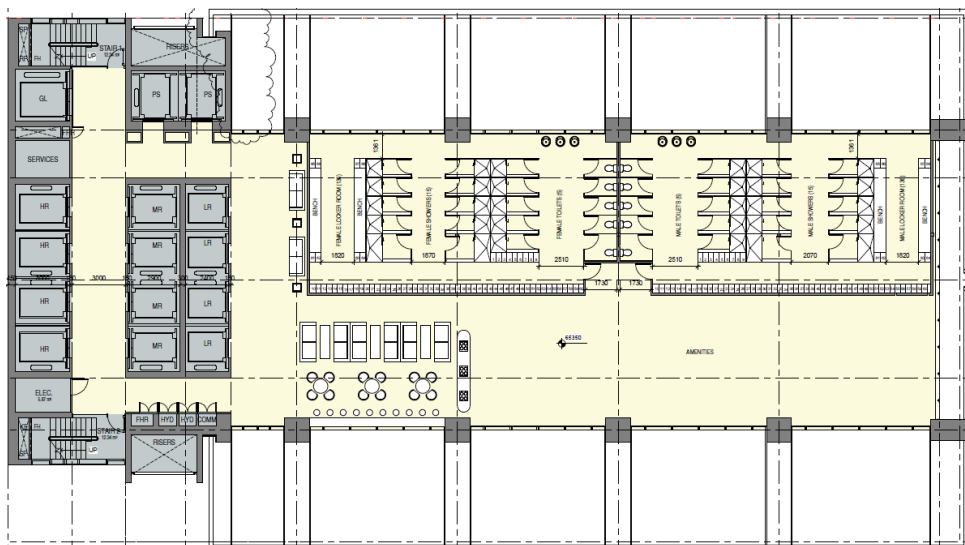


PICTURE 22 – PROPOSED LAYOUT

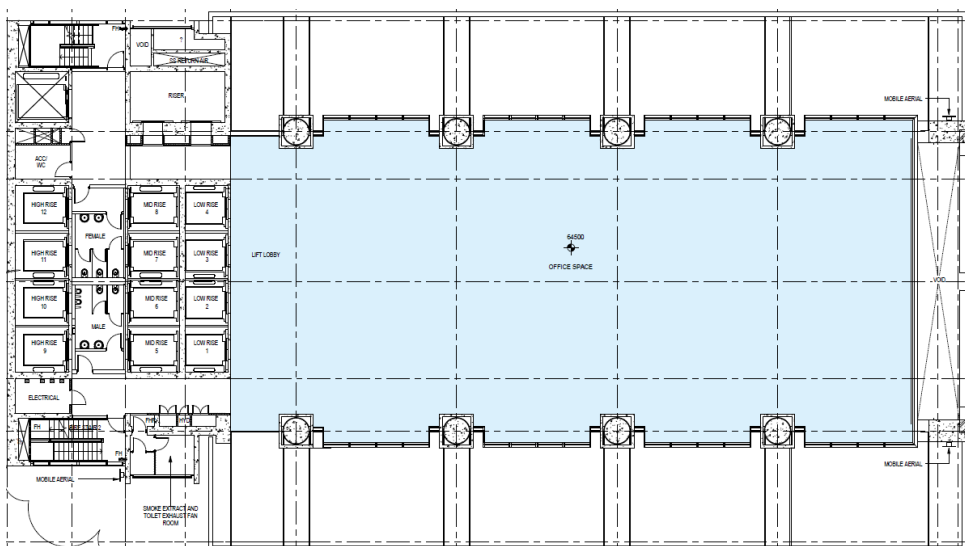
4.2.3.10 LEVEL 1

The end of trip facilities located on Level 1 of the approved development will be relocated to Basement Level 2 and replaced with office space. The floor area will be increased by 29m² which will not be perceivable from the streetscape.

FIGURE 14 –LEVEL 1 AMENDMENTS



PICTURE 23 – APPROVED LAYOUT



PICTURE 24 – PROPOSED LAYOUT

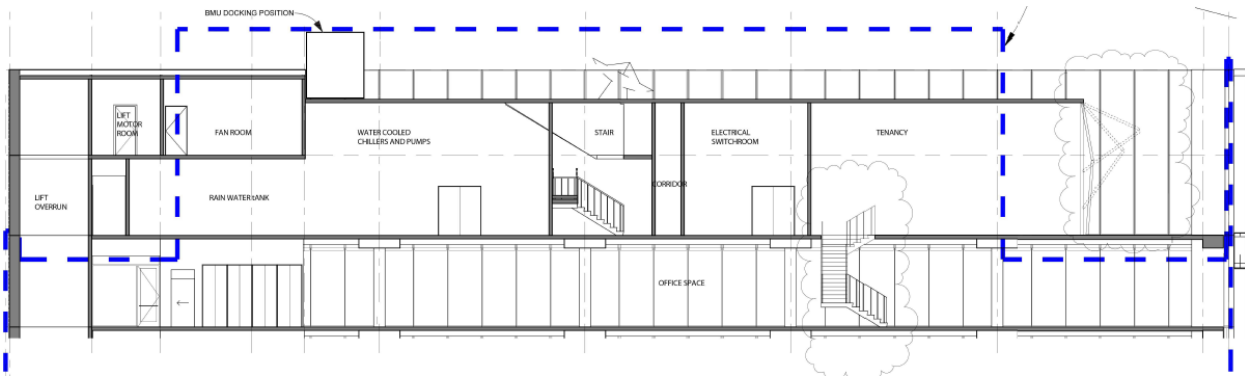
The proposed modifications to Level 34 include the reconfiguration of the existing office tenancy and enclosure of the existing outdoor area to create additional office space. The reconfigured tenancy would also include additional bathrooms. The extension of the tenancy on Level 34 would create an additional 404m² of floor area and would not be readily visible from the streetscape given the approved curtain wall extends above Level 34.

Architectural floor plan of the 1st floor of the National Institute of Space Science and Technology. The plan shows various functional areas including a large central hall, a library, a computer center, a cafeteria, a canteen, a gymnasium, a sports hall, a swimming pool, a tennis court, a badminton court, a table tennis room, a billiard room, a chess room, a card room, a smoking room, a lounge, a reception area, a security office, a maintenance office, a storage room, a laundry room, a kitchen, a dining hall, a meeting room, a conference room, a seminar room, a lecture hall, a classroom, a laboratory, a workshop, a garage, a parking lot, and a garden. The plan is color-coded: blue for the library, green for the computer center, yellow for the cafeteria, red for the canteen, orange for the gymnasium, and purple for the sports hall. The plan also shows the location of the main entrance, the main staircase, and the main elevator shaft.

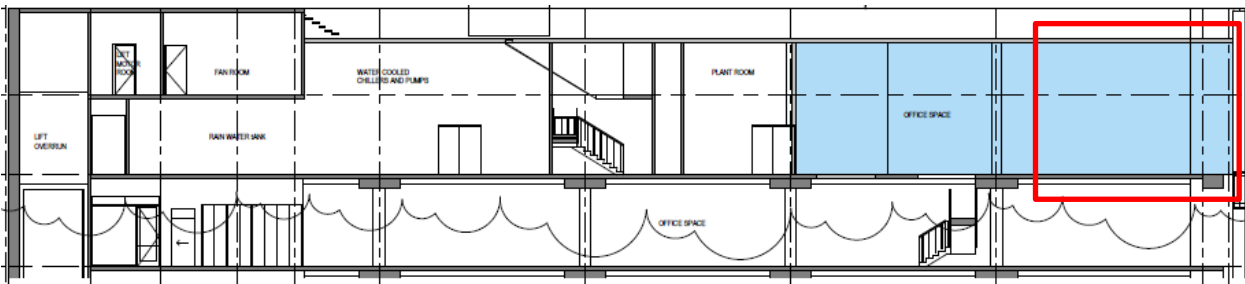
[illegible]

20 PROPOSED MODIFICATIONS

FIGURE 16 – LEVEL 34 SECTION



PICTURE 27 – APPROVED SECTION



PICTURE 28 – PROPOSED SECTION

4.2.4 LAND USE AND FLOOR AREA

Although the building envelope will be largely consistent with the approved development, the proposed modifications will result in an increase of GFA from 45,539m² to 46,359m² (additional 820m²) and nominal increase to the net lettable area from 41,106m² to 41,163m² (additional 57m²). This increase in GFA is due to the proposed enclosure of the outdoor area on Level 34/roof level, the creation of the lower ground floor mezzanine and a minor increase in the Level 1 office tenancy.

The increase in GFA will not have a perceivable difference to the bulk and scale of the building when viewed from the streetscape.

The proposed land use mix will not be changed from the approved concept, including a mix of retail and commercial uses. The enlarged café/restaurant spaces on the lower ground and ground levels will provide more useable spaces and provide greater active surveillance for the street level and public domain.

4.2.5 VEHICLE ACCESS AND PARKING

Vehicle access to the site remains largely unchanged to that proposed in MP08_0241 MOD 3. However, the proposal seeks the introduction of a boom gate at Level B2 to restrict entry to the lower parking levels.

The distribution of car, motorcycle and bicycle parking across the basement levels has been reconfigured as a result of the relocation of the end of trip facilities. Overall, the proposed amendments will provide an additional five car parking spaces, three motorcycle spaces and 61 bicycle storage spaces.

A comparison of the distribution of parking for each vehicle type is provided in **Table 2** below:

TABLE 2 – PARKING PROVISIONS

LEVEL / VEHICLE TYPE	MOD 3	PROPOSED
Basement Level 6		
Car Parking	16	19
Motorcycle Parking	-	-
Basement Level 5		
Car Parking	29	29
Motorcycle Parking	4	12
Basement Level 4		
Car Parking	29	29
Motorcycle Parking	4	3
Basement Level 3		
Car Parking	29	29
Motorcycle Parking	4	3
Basement Level 2		
Car Parking	10	12
Motorcycle Parking	4	1
Courier Parking	6	6
Basement Level 1		
Car Parking	-	-
Motorcycle Parking	-	-
Total Parking		
Car Parking	113	118
Motorcycle Parking	16	19
Bicycle Parking	269	330
Courier Parking	6	6
Loading Bays	2	2

4.2.6 MODIFICATIONS TO CONDITIONS OF CONSENT

The proposed modifications will result in amendments to the following conditions of consent for MP 08_0241 as shown below.

Note: Deleted sections are ~~struck through~~, while new sections highlighted in **red**. A number of the approved drawings are proposed to be deleted from the drawing set. These drawings are considered to replicate information that is provided on the plans, sections and elevations.

4.2.6.1 CONDITION A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

Amendment to Condition A2 of MP 08_0241 to include the insertion of the following words:

*The development will be undertaken in accordance with MP No. 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 additional information, plans and reports provided with the Preferred Project Report, and the drawings prepared by Rice Daubney; as amended by MP08_0241 MOD1, the Section S75W Modification prepared by Urbis dated September 2011 and; as amended by MP08_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013 **and, as amended by MP08_0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015** and the following drawings prepared by Skidmore, Owings & Merrill LLP and Architectus:*

Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 4 and as listed below

Drawing Number	Revision	Name of Plan	Prepared by	Date
DA 100	C D	Cover Sheet	SOM/Architectus	25.10.13 16.12.15
DA 101	B	Photo Montage — District View	SOM/Architectus	25.10.13
DA 104	A	Existing Site Survey	SOM/Architectus	12.08.11
DA 107	C D	Ground Plane	SOM/Architectus	25.10.13 16.12.15
DA 107-1	B	Walker Street View	SOM/Architectus	25.10.13
DA 107-2	B	Mount Street View	SOM/Architectus	25.10.13
DA 108	B	Plaza Perspective	SOM/Architectus	25.10.13
DA 109	B C	Site Plan	SOM/Architectus	25.10.13 16.12.15
DA 109-1	B	Site Diagram — Pedestrian Path under Canopy	SOM/Architectus	25.10.13
DA 109-2	B	Site Diagram — Through Site Link	SOM/Architectus	25.10.13
DA 110	C	Plaza Topography Diagram	SOM/Architectus	25.10.13
DA 111	B	Plaza Topography Diagram	SOM/Architectus	25.10.13
DA 112	B	Plaza Sections	SOM/Architectus	11.11.11
DA 113	C	Plaza — Southeast Perspective	SOM/Architectus	25.10.13
DA 114	C	Plaza — Northeast Perspective	SOM/Architectus	25.10.13
DA 115	A	Typical Floor Design	SOM/Architectus	12.08.11
DA 116	C D	Ground Floor Plan	SOM/Architectus	25.10.13 16.12.15
DA 116-1	A	Lower Ground Mezzanine Plan	SOM/Architectus	16.12.15
DA 117	C D	Retail Level Plan	SOM/Architectus	25.10.13 16.12.15

Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 4 and as listed below

Drawing Number	Revision	Name of Plan	Prepared by	Date
DA 118	B C	Plan – B1 Level	SOM/Architectus	25.10.13 16.12.15
DA 119	B C	Plan – B2 Level	SOM/Architectus	25.10.13 16.12.15
DA 120	B C	Plan – B3 Level	SOM/Architectus	25.10.13 16.12.15
DA 121	B C	Plan – B4 Level	SOM/Architectus	25.10.13 16.12.15
DA 122	B C	Plan – B5 Level	SOM/Architectus	25.10.13 16.12.15
DA 123	B C	Plan – B6 Level	SOM/Architectus	25.10.13 16.12.15
DA 124	B C	General Arrangement Plan – Ground Mezzanine (Management Office)	SOM/Architectus	25.10.13 16.12.15
DA 124-1	B C	General Arrangement Plan – Level 1 (Amenities)	SOM/Architectus	25.10.13 16.12.15
DA 124-2	A	Level 1 Mezzanine – Plant	SOM/Architectus	16.12.15
DA 125	B C	Plan – Typical Low Rise Level	SOM/Architectus	25.10.13 16.12.15
DA 126	B C	Plan – Typical Mid Rise Level	SOM/Architectus	25.10.13 16.12.15
DA 127	B C	Plan – Typical High Rise Level	SOM/Architectus	25.10.13 16.12.15
DA 127-1	A	Plan – Level 33	SOM/Architectus	16.12.15
DA 128	B C	Plant Level Plan – Level 34	SOM/Architectus	25.10.13 16.12.15
DA 128-1	B C	Plant Level Mezzanine	SOM/Architectus	25.10.13 16.12.15
DA 129	B C	Roof Plan	SOM/Architectus	25.10.13 16.12.15
DA 130	B C	North + East Elevations	SOM/Architectus	25.10.13 16.12.15
DA 130-1	B C	Contextual Elevation – North	SOM/Architectus	25.10.13 16.12.15
DA 130-2	B C	Contextual Elevation – East	SOM/Architectus	25.10.13 16.12.15
DA 130-3	B	Contextual Elevation – Walker Street Awning & Fire House Façade	SOM/Architectus	25.10.13
DA 131	B C	South + West Elevations	SOM/Architectus	25.10.13 16.12.15
DA 131-1	B C	Contextual Elevation – South	SOM/Architectus	25.10.13 16.12.15
DA 132	B C	Building Sections	SOM/Architectus	25.10.13 16.12.15
DA 132-1	B	Contextual Elevation – Section 1 North/South	SOM/Architectus	25.10.13
DA 132-2	B	Contextual Elevation – Section 2 West/East	SOM/Architectus	25.10.13
DA 133	B C	Roof Sections	SOM/Architectus	25.10.13 16.12.15
DA 134	B C	Roof Rendering	SOM/Architectus	25.10.13 16.12.15
DA 135	B C	Basement Sections	SOM/Architectus	25.10.13 16.12.15
DA 136	C	Façade Design	SOM/Architectus	25.10.13
DA 137	A	Façade – Closed Cavity Façade Southeast Perspective	SOM/Architectus	12.08.11
DA 138	B	Core Wall Façade Southwest Perspective	SOM/Architectus	25.10.13

Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 4 and as listed below

Drawing Number	Revision	Name of Plan	Prepared by	Date
DA 139	B C	Area Schedule	SOM/Architectus	25.10.13 16.12.15
DA 140	B	Material Board	SOM/Architectus	16.12.11
DA 141	C	Comparison with Approved Scheme— Retail Level & Ground Floor	SOM/Architectus	25.10.13
DA 142	C	Comparison with Approved Scheme— Void Above Ground Floor	SOM/Architectus	25.10.13
DA 143	B	Comparison with Approved Scheme— Level 1 + Level 2-3	SOM/Architectus	25.10.13
DA 144	B	Comparison with Approved Scheme— Level 4-11 + Level 12	SOM/Architectus	25.10.13
DA 145	B	Comparison with Approved Scheme— Level 13 + Level 14-23	SOM/Architectus	25.10.13
DA 146	B	Comparison with Approved Scheme— Level 24-25 + Level 26-33	SOM/Architectus	25.10.13
DA 147	B	Comparison with Approved Scheme— Plant Levels	SOM/Architectus	25.10.13
DA 148	B	Comparison with Approved Scheme— Roof	SOM/Architectus	25.10.13
DA 149	B	Comparison with Approved Scheme— Sections	SOM/Architectus	25.10.13

4.2.6.2 CONDITION B5 MONETARY CONTRIBUTIONS

Condition B5 pertaining to monetary contributions in accordance with the North Sydney Section 94 Contributions Plan is to be amended to reflect the revised GFA. See calculation at **Section 7.4**.

4.2.6.3 CONDITION B6 RAILWAY INFRASTRUCTURE

Condition B6 pertaining to a Railway Infrastructure Contribution totalling \$3,884,107.70 is to be amended to reflect the revised GFA of the proposal, measuring 46,359m².

4.2.6.4 CONDITION E8 PUBLIC ART

Condition E8 pertaining to a requirement for the Proponent to consult with Council's Arts and Culture Officer in the design and execution stages of the Art Plan. However, the condition refers to "two approved buildings". The condition should be amended as follows:

The applicant shall submit an Arts Plan for the proposed development to Council's Arts and Culture Officer for approval.

The applicant shall consult with Council's Arts and Culture Officer in the design and execution stages of the Art Plan. The Artwork shall be installed in accordance with the approved Art Plan prior to completion and issue of any interim Occupation Certificate for either of the two approved buildings.

5 Statutory Context

5.1 PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

As part of the repeal of Part 3A of the EP&A Act, Schedule 6A of the EP&A Act was created to allow the application of the repealed Part 3A provisions to certain projects that were approved or undetermined under Part 3A. These projects are known as “Transitional Part 3A projects” and approved major projects may be modified under the previous Section 75W modification framework.

Major Project No. 08_0241 was approved on the 25 May 2010 by the Minister for Planning and is a transitional Part 3A project.

This submission requests the Minister to modify the approval for the project under the previous Part 3A provisions, notably Section 75W of the Environmental Planning and Assessment Act 1979.

The following environmental assessment addresses the relevant matters raised for the project application.

5.2 SECTION 75W MODIFICATION OF PROJECT APPROVAL

Section 75W of the EP&A Act relates to the process of seeking the Minister’s approval for modifying an approved Part 3A Major Project.

Section 75W(2) states:

“The Proponent may request the Minister to modify the Minister’s approval for a project. The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.

The modification is considered to comply with this clause for the following reasons:

- The use of the building, being primarily commercial with lower level retail, remains the same.
- The modifications are minor in nature and driven out of improvements to the internal efficiency and amenity improvements and to provide an improved layout for tenant and investor markets.
- The building remains generally in accordance with the approved building envelope and any additional floor area is the result of design and engineering efficiencies.
- The proposal does not introduce any new adverse amenity impact upon the surrounding area and public domain.
- It is noted that, to the best of our knowledge, there are no parameters against which the degree of modification need be assessed.

In summary, we conclude that the proposed modification includes changes to the terms and conditions of the existing approval and that it can be considered as modification under 75W of the *Environmental Planning and Assessment Act 1979*.

6 Consultation and Notification

6.1 CONSULTATION

A meeting was held on 9 December 2015 at North Sydney Council between representatives of the Proponent and Council.

An overview of the proposed amendments was provided along with the objectives for the changes. Council did not raise any objections and advised it was supportive of the proposed modifications.

The proposed location and design of roof top signage was discussed, which will be the subject of a future signage DA to Council. Council advised that signage needs to be either building identification signage or tenant identification signs. Council will accept digital displays for signage, on the basis that the sign is static and displays the building or tenant name.

Council discussed the public domain works to Brett Whitley Place. The Proponent advised that the project team has been discussing Council's proposals with the relevant Council officers to understand the timing of public domain works and are further coordinating with Council.

It was noted by Council that the application would not be required to be referred to the North Sydney Design Excellence Panel given the minor nature of the amendments.

6.2 NOTIFICATION

In accordance with Section 75X(2)(f) of the EP&A Act, 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.

7 Environmental Assessment

The following environmental assessment addresses the key issues raised in the Director General's Environmental Assessment Requirements (DGRs) from the original Part 3A approval which will be affected by the proposed modifications.

The DGRs are summarised in the Section below including a reference, where relevant, to the section where an issue is discussed in more detail.

7.1 DIRECTOR GENERAL'S REQUIREMENTS

TABLE 3 – DGR COMPLIANCE TABLE

ISSUE	DIRECTOR GENERAL'S REQUIREMENT	REFERENCE
Relevant EPIs, policies and Guidelines to be Addressed	Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:	
	• SEPP 55, Draft SEPP 66, SEPP (Infrastructure) 2007	No change.
	• Draft Inner North Subregional Metropolitan Strategy	No change.
	• North Sydney LEP 2001 and North Sydney DCP 2002	Refer to Section 7.2.1
	• Draft North Sydney LEP 2001 (Amendment no. 28)	Refer to Section 7.2.2
	Note – the North Sydney LEP 2013 is the principle instrument applying to the site. A brief assessment of the North Sydney LEP 2013 and the North Sydney DCP 2013 is included below.	
Architectural, Building and Urban Design Impacts	• NSW State Plan, Urban Transport Statement	No change.
	• Nature and Extent of any non-compliance with relevant environmental planning instruments, plans and guidelines (including DCPs) and justification for any non-compliance	Refer to Section 7.2.3
	• The EA shall address the visual impact of the project in the context of adjoining development, and the impact on any adjacent heritage item (on-site, adjoining and adjacent the site), and its setting and building mass as viewed from public areas.	Refer to Section 7.3.2
Site Amalgamation	• The EA shall also address the design of the proposed development relative to the proposed design of the adjoining development at 88 Walker and 77-81 Berry Street, North Sydney in order to ensure a high level of design quality and coordination of outcomes to the public domain are achieved for the North Sydney Centre.	Refer to Section 7.3.3
	• The proposal should seek to amalgamate with the property to the west known as 80-84 Mount Street on the corner of Mount Street, Spring Street and Denison Street so that a more appropriate and reasonable relationship is established with surrounding development and land uses. Details shall be included in the EA, and shall include details outlining negotiations with the owners of the affected properties.	No change.
	• If this is demonstrated to be not possible, the EA shall assess in detail, possible alternative options for this land demonstrating that it can be appropriately and reasonably integrated into the development and land uses proposed for the land immediately adjacent, and also give consideration to the viable future development potential of the isolates site.	No change.

ISSUE	DIRECTOR GENERAL'S REQUIREMENT	REFERENCE
Built Form	The EA shall assess the appropriateness of the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate potential impacts relating to loss of sunlight, privacy and views at neighbouring properties and the public domain.	Refer to Section 7.3.2
	In particular, the proposal should seek to provide appropriate building setbacks and a podium to ensure the development makes a positive contribution to the human scale of the North Sydney Centre, and to minimise any amenity impacts on the public domain. It is noted that the resolution of this issue may impact upon the size of the floor plates at upper levels.	Refer to Section 7.3.3
	Comparable height study to demonstrate how the proposed height related to the height of the existing development surrounding the subject site	No change.
	View analysis to and from the site from key vantage points	Refer to Section 7.3.2
	Options for building massing and articulation	Refer to Section 7.3.1
Public Domain	The EA shall consider potential improvements to the existing public domain including local streets, footpaths and shared-zones and identify any proposed road closures and re-alignments	Refer to Section 7.3.3
	The EA shall consider the interface of the proposed development and public domain (where applicable)	Refer to Section 7.3.3
	The EA shall consider the relationship to and impact upon existing public domain	Refer to Section 7.3.3
	The EA shall consider the provision of linkages with and between other public domain spaces including access rights, openness to the sky, legibility and 'safer by design' (CPTED) issues	No change
Transport and Accessibility (Construction and Operational)	- Provide a Transport & Accessibility Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road/intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages. In particular the key intersections the study should consider are: - Mount Street/Walker Street - Berry Street/Walker Street - Pacific Highway/Walker Street	Refer to Section 7.3.5

7.2 STATUTORY ASSESSMENT

7.2.1 NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2001

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 NLEP 2013 includes significant changes relevant to the site, in particular, height and overshadowing. As discussed in **Section 7.2.2** below, the NLEP 2013 ensures that the site is developed to an appropriate capacity.

The proposed modifications do not substantially alter the level of compliance or the compliance with the NLEP 2001 objectives from the approved original scheme.

Aspects of the proposed modification which vary the level of compliance are discussed in detail below.

7.2.1.1 BUILDING HEIGHT

Clause 28D(2)(a) requires the maximum building height on the site be RL 195 (This height limit is reflected in LEP 2013, which also provides a maximum RL195).

The approved development (MOD 3) has a maximum height of RL 198.0, while the proposed modifications will result in an increase to the building height to a maximum height of RL 199.7. Notwithstanding the proposed amendments will increase the height of the building, the maximum height proposed will be the same as the maximum height of the original approval (MP 08_0241), which was also at RL 199.7, prior to MOD 2 being approved.

The building maintenance unit (BMU) will exceed the RL 199.7 height of the building's lift overrun and parapet. However, this element is considered to be excluded in the definition of 'building height', which states:

"building height (or height of building)" means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The BMU will be setback from the edge of the parapet and will generally not be visible from surrounding areas.

It should also be noted that the maximum building height was considered to be RL 198.0 for MOD 2, while the BMU, which exceeded this height, was excluded from calculations. A consistent interpretation is sought for this modification.

7.2.1.2 OVERSHADOWING

Clause 28D(2)(b) &(c) of the NLEP 2001 requires that there be no net increase in overshadowing of any land between the hours of 9am and 3pm, 21 June, outside the Composite Shadow Area; and no net increase in overshadowing between 10am and 2pm, at any time of the year, of any land that is within the North Sydney Centre and is within the public open space zone or within a special area.

The proposed modification will not create any additional overshadowing to that of the original approved scheme (MP08_0241), with a negligible increase from MOD 3.

7.2.1.3 BUILDING DESIGN AND PUBLIC BENEFITS

Clause 28D(5) of NLEP 2001 outlines considerations for the consent authority when determining whether or not to grant consent to development within the North Sydney Centre. An assessment is undertaken against these heads of consideration in respect to the building and its impacts. The following considerations are discussed below in relation to the proposed modifications:

(a) *Scale, Form and Massing:*

The scale, form and massing of the proposed modification remains generally consistent with the approved MP08_0241 MOD 3 and continues to be comparable with other commercial buildings in the North Sydney Centre.

(b) *Impact on view lines:*

The modified proposal will not create a greater impact upon view lines or vistas.

(c) *Streetscape Impact:*

There are minor changes proposed to the façades of the building, with these changes being predominantly to the ground floor level. The proposed amendments would create additional entrances to the building to provide greater accessibility to the café and restaurant and greater security to the office tenancies. The modified building tower will continue to be interpreted from the street level as an elegant building within the North Sydney CBD.

The footpath pavers and public domain works will match the proposal's ground floor surface and enhance the streetscape by integrating public space with that of the ground floor and lower ground floor areas of the site. This will also improve the integration of the public domain into the site.

The proposed increased signage zone at the top of the building will be comparable to other buildings in the surrounding area. Details for the future building identification or building tenant signage will be subject to a separate application to Council.

7.2.2 NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The *North Sydney Local Environmental Plan 2001* has been superseded by the *North Sydney Local Environmental Plan 2013* (NLEP 2013).

The NLEP 2013 provides the following development standards which apply to the proposal, and remain largely the same as that of NLEP 2001:

- Retention of a maximum height provision of RL 195 from existing ground level directly below.
- Amend the overshadowing provisions to allow overshadowing of Mount Street plaza between 10am and midday, but require that no additional overshadowing between 12pm and 2pm on any day (EST) to any land that is within the North Sydney Centre and is within the RE1 Public Recreation zone or within a Special Area as shown on the North Sydney Centre Map,
- Specify that any additional overshadowing outside the Composite Shadow Area between 9am and 3pm at mid-winter, will not reduce the amenity of any dwelling that is outside the North Sydney Centre.

While the proposed modifications will increase the building height from RL 198.0 to RL 199.7, the proposal is consistent with the maximum height of the original Concept and Project Approvals and will have negligible impact on public spaces and development in the surrounding area. The proposal remains consistent with the objectives of the NLEP 2013.

7.2.3 NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2002

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 generally compliant with the NSDCP 2013 from the approved scheme, MP08_0241 MOD 3, with the exception of car parking.

The proposed 118 car parking spaces slightly exceeds Council's maximum one space per 400m² GFA development control, which equates to 116 spaces based on a GFA of 46,359m². Notwithstanding this,

the minor increase in car parking would have a negligible impact on traffic in the surrounding road network. See **Section 7.3.4** below for further discussion.

7.3 ENVIRONMENTAL IMPACT CONSIDERATIONS

The proposed modifications have the following environmental impacts:

7.3.1 BUILDING MASSING

The proposed external modifications are minor in scale. The minor increase to the height will be in generally consistent with the original approved development (MP 08_0241) and would not have a perceivable difference from the streetscape and surrounding areas. The modified north, east and south elevations will not result in any increased appearance of bulk or scale.

7.3.2 VISUAL IMPACT AND OVERSHADOWING IN THE CONTEXT OF ADJOINING DEVELOPMENT

The proposed modifications will have a negligible impact upon the existing views of any buildings in the vicinity, and will create negligible overshadowing to that of the approved design of MOD 3. The height of the building will be generally consistent with the original approval (MP 08_0241).

The building form will continue to fit well within the commercial core context of North Sydney, with the changes to the floor level of the restaurant and associated outdoor area, and additional entries to the building having negligible impact to that of MP 08_0241 (MOD 2).

7.3.3 STREETScape AND PUBLIC DOMAIN IMPACT

The proposed changes to the floor level of the restaurant and associated outdoor area will have a negligible impact on the streetscape appearance. The main change that the proposed modifications would have would be the increased exposure of the lower ground floor level tenancy. This will create a positive outcome for the future tenants of this space and further activate the Mount Street frontage.

The additional entries to the building will also have a negligible impact given the doors will remain as glass, while providing a more secure solution to the office tenancies and lobby, particularly outside of usual business hours, by providing separate access.

This modification does not propose to change the high quality materials identified in the approved development, and the building will continue to be interpreted as an elegant, contemporary and positive addition to the North Sydney Centre.

The increase in the overall height of the building will not be perceivable from street level given the scale of the development.

7.3.4 PARKING AND TRAFFIC GENERATION

The proposal seeks a reorganisation of basement levels for a more efficient use of space. The rearrangement will result in a total additional 5 car parking spaces across the basement levels. All car parking spaces and circulation areas comply with the relevant Australian Standards.

The minor increase in car parking spaces is estimated to result in minor increase in traffic generation of between one to two vehicles per hour during peak hours. Accordingly, the traffic effects of the proposed modification will be similar to the approved development.

The intersections in the surrounding road network were previously assessed as maintaining good to satisfactory levels of service, with similar average delays per vehicle during the morning and afternoon peak periods. This is not anticipated to change as a result of the proposed modifications.

7.3.5 VEHICLE ACCESS AND SERVICING

The access point remains on Walker Street, in accordance with the approved design.

Servicing remains contained wholly within the basement levels and the number of truck and courier spaces is considered to adequately service the proposal. Each space and ramp grades etc. have been designed to conform with relevant Australian Standards.

7.4 CONTRIBUTIONS

North Sydney's Section 94 Contributions Plan requires the payment of levies on additional floorspace for the provision of public improvements and as the proposal includes some additional floor area, the s94 Contribution will increase relatively. The proposal seeks a minor increase of GFA of 820m² from 45,539m² to 46,359m² (1.8%). In accordance with the following applicable rates outlined in the North Sydney Council Fees and Charges Schedule 2015-2016, the total contribution payment is calculated to be **\$4,734,890.82**.

- Administration, open space and community services - \$3793.41/100m²
- Public Domain Improvements (North Sydney Council and 'Other Areas') - \$8836.84/100m₂
- Traffic improvements - \$533/100m²

Therefore the total contribution / 100m² of additional retail and commercial floorspace is \$13,163.81.

The additional commercial GFA above that existing on the site is 35,969m² (existing GFA is 10,390m²). Therefore the contribution is calculated as:

$$359.69 \times \$13,163.81 = \$4,734,890.82$$

Condition B5 pertaining to Section 94 Development Contributions is to be amended to reflect the changes to the total GFA proposed in this modification application.

8 Conclusion

The proposed modification includes a number of improvements upon the existing approved scheme. The principle objectives of the modifications have improvements to the internal efficiency and amenity improvements, to provide an improved layout for tenant and investor markets and to improve street level activation.

The proposed modifications are summarised as follows:

- Increase the overall height of the building from RL 198.0 to RL 199.7 to accommodate a new low rise plant mezzanine, and to include a lift pit on Level 32 to serve Level 33 and Level 34.
- Lower ground and ground level:
 - Level changes in ground floor level restaurant;
 - Improved activation of Mount Street elevation; and
 - New mezzanine level in lower ground floor for restaurant amenities, plant and storage.
- Relocation of Level 1 end of trip facilities to basement and conversion of Level 1 to office space.
- Relocation of bicycle parking throughout basement levels to accommodate end of trip facilities.
- Increase office area on Level 34 to provide boardroom and amenities space by enclosing the approved rooftop terrace.
- Increase the signage zone at the top of the building on the northern and southern elevations.
- Amend Condition E8 relating to public art requirements.

Consultation has been undertaken with North Sydney Council who are generally supportive of the proposed modifications.

The modified proposal has been assessed against the relevant planning provisions under Section 75W of the *Environmental Planning and Assessment Act 1979*. The overall height of the building will increase by 1.7 metres from the approved scheme (MOD 3). However, the proposed height will be consistent with the original major project approval (MP 08_0241) and the additional height will not create any additional amenity impacts upon nearby residential or open space areas.

The modifications will result in a development that is generally consistent with the approved development, and the proposal is recommended for approval.

Disclaimer

This report is dated December 2015 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of the Proponent (**Instructing Party**) for the purpose of requesting a modification of the Project Approval (MP08-0241) (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

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Appendix A

Architectural plans prepared by
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