



# 100 Mount Street North Sydney

Project Approval MP08\_0241

Environmental Assessment Report – Modification5

June 2016

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

**Appendix B Wind Tunnel Tests for: 100 Mount Street, North Sydney, Australia prepared by CPP  
Wind Engineering and Air Quality Consultants**

**Appendix C Assessment of Proposed Additional Construction Hours by Acoustic Logic**

**Appendix D ESD Report prepared by Cundall**

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# 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:

- Extend the ground floor level restaurant and outdoor seating area and lower ground level retail tenancy to the Mount Street boundary.
- Replacing sliding entry doors at the southern, Mount Street lobby entry to revolving doors and extending the landing directly outside to accommodate.
- Reconfigure basement levels to consolidate bicycle parking to three areas, one being dedicated to visitor bicycle parking.
- Reconfiguration and relocation of plant room from the Level 1 Mezzanine to Level 1 and conversion of Level 1 Mezzanine to office space. Level 1 Mezzanine is renumbered to Level 2, with subsequent floors above amended accordingly.
- Extend construction hours.
- Amend landscape design conditions to be flexible with the evolution of North Sydney Council's public domain strategy.
- Amend conditions to rectify conflicts and minor errors.

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 B8 – to allow the Proponent to design the public domain works in consultation with Council.
- Condition B8A – delete requirements for ground floor level bicycle parking due to these spaces being moved to the basement.
- Condition B24 – to allow the Proponent to design the public domain works in consultation with Council.
- Condition B35 – to update the wind report referenced based on the updated scheme.

- Condition B38 – to amend the car and motorcycle parking based on the updated scheme.
- Condition B39 – to remove conflict of conditions between B39(6) and G1.
- Condition B40 – to amend the bicycle parking based on the updated scheme.
- Condition B42 – to amend the courier spaces based on the updated scheme.
- Condition B45 – amend garbage and recycling facilities to reflect private waste collector contractor.
- Condition B54 – amend Green Star requirements based on most recent assessment tool.
- Condition C9 – amend requirement for new address until prior to occupation of the building.
- Condition D1 – extend construction hours.
- Condition E2 – fix error of street description.
- Condition E23 – to allow the Proponent to design the public domain works in consultation with Council.

This report includes reference to:

- **Appendix A**, being the modified architectural drawings prepared by Skidmore, Owings & Merrill LLP and Architectus (refer to **Section 4.2.5** for reference to modified drawing numbers).
- **Appendix B**, being an updated wind report prepared by CPP Wind Engineering and Air Quality Consultants.
- **Appendix C**, being an acoustic assessment report, taking into consideration the extended construction hours, prepared by Acoustic Logic.
- **Appendix D**, being an updated Green Star report prepared by Cundall.

## 2 Background

### 2.1 MAJOR PROJECT 08\_0241

On the 25<sup>th</sup> 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 the following:

- *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 472m<sup>2</sup> 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.

## 2.5 MP 08\_0241 – MODIFICATION 4

Major Project 08\_0241 MOD 4 was granted consent on 23 March 2016 which included modifications to the following:

- Increase the height from RL198 metres to RL199.7 metres;
- Relocation of end-of-trip facilities to the basement and rearrangement of bicycle parking to accommodate.
- Raise the floor level of the ground floor level restaurant to accommodate a new lower ground floor mezzanine.
- Enclosure of the rooftop terrace on Level 34 and increase of office tenancy.
- Increase the signage zone at the top of the building on the north and south elevations.

The modifications were reflected in amendments to Condition Nos. A2, B5, B6, and E8 of the original consent.

## 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 1,757m<sup>2</sup>.
- 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 objectives of the proposed modifications are to

The proposed modifications are summarised as follows:

- Extend the ground floor level restaurant and outdoor seating area and lower ground level retail tenancy to the Mount Street boundary.
- Replacing sliding entry doors at the southern, Mount Street lobby to revolving doors and extending the landing directly outside to accommodate.
- Reconfigure basement levels to consolidate bicycle parking to three areas, one being dedicated to visitor bicycle parking.
- Relocation of the Level 1 Plant/Mezzanine to between the ground floor level and Level 1.
- Reconfiguration and relocation of plant room from the Level 1 Mezzanine to Level 1 and conversion of Level 1 Mezzanine to office space.
- Extend construction hours, which will lead to an estimated reduction of the construction timeframe by 27 weeks.
- Amend landscape design conditions to be flexible with the evolution of North Sydney Council's public domain strategy.
- Amend conditions to rectify conflicts and minor errors.

A comparison between the approved MP08\_0241 MOD 4 and the proposal is provided in the table below.

TABLE 1 – COMPARISON TABLE

| HEADER TEXT             | APPROVED SCHEME (MOD 4)                                                                            | PROPOSED MODIFICATION                   |
|-------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------|
| Building Height         | RL 199.7                                                                                           | No change                               |
| Storeys                 | 36 storeys<br>(plus 3 mezzanine levels)                                                            | 37 storeys<br>(plus 2 mezzanine levels) |
| Basement Levels         | 6 levels                                                                                           | No change                               |
| Gross Floor Area (GFA)  | 46,359m <sup>2</sup>                                                                               | 47,186m <sup>2</sup>                    |
| Net Lettable Area (NLA) | 41,163m <sup>2</sup>                                                                               | 42,029m <sup>2</sup>                    |
| Retail Tenancies        | One restaurant and one café at ground floor level, one food and drink outlet at lower ground level | No change                               |
| Car Parking             | 116 spaces                                                                                         | 119 spaces                              |
| Motorcycle Parking      | 19 spaces                                                                                          | 15 spaces                               |
| Bicycle Parking         | 330 spaces                                                                                         | 234 spaces                              |

## 4.2 DETAILED DESCRIPTION OF PROPOSED MODIFICATIONS

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

### 4.2.1 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:

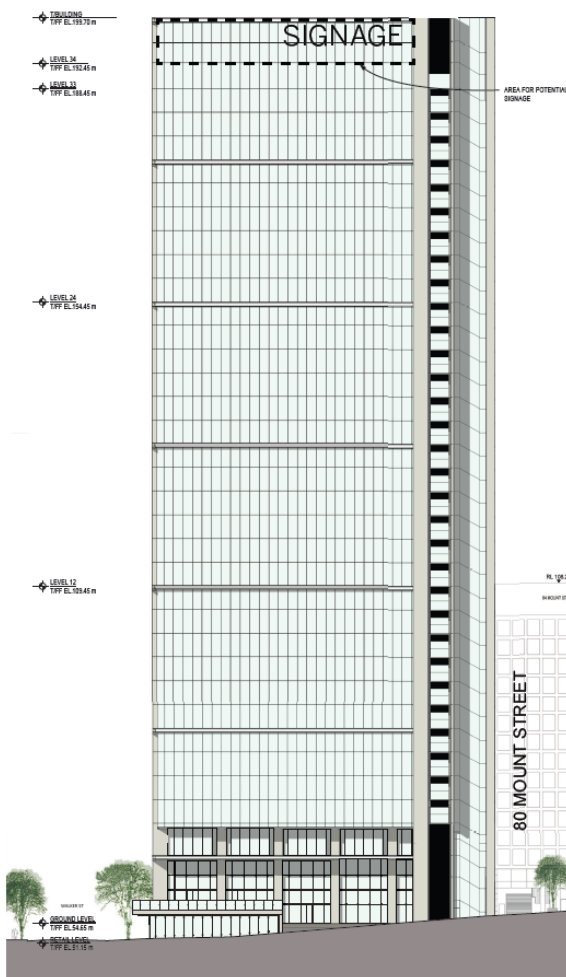
#### 4.2.1.1 NORTH ELEVATION

Proposed modifications to the northern façade include:

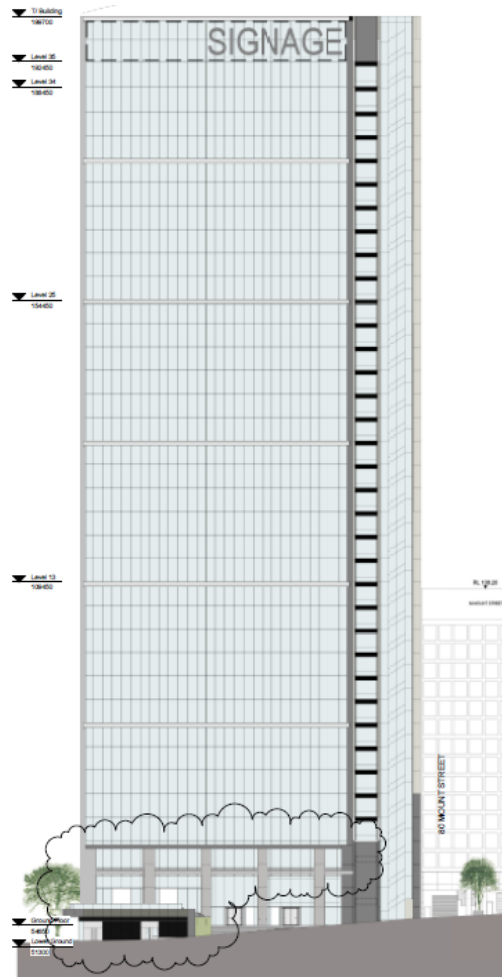
- Reconfiguration of ground floor level, Level 1 and Level 2 heights as a result of amendments to Level 1 and Level 1 Mezzanine.

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 (MOD 4)



PICTURE 2 – PROPOSED SCHEME (MOD 5)

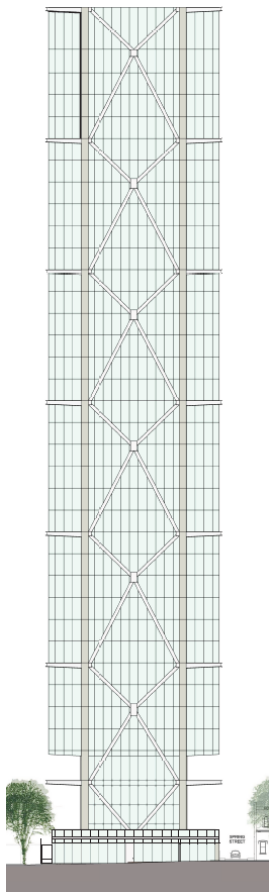
#### 4.2.1.2 EASTERN ELEVATION

Proposed modifications to the eastern elevation include:

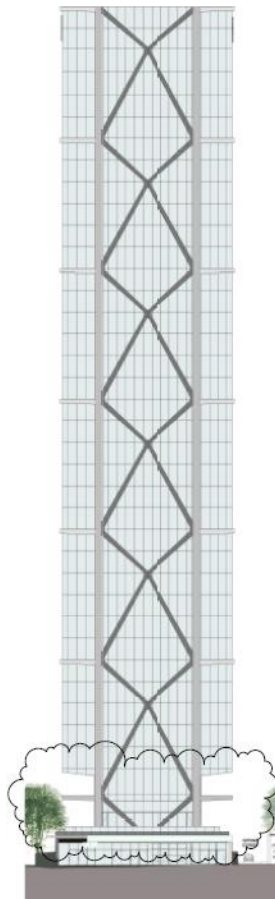
- Extension of ground floor level outdoor seating area and landscape are to Mount Street boundary.
- Reconfiguration of ground floor level, Level 1 and Level 2 heights as a result of amendments to Level 1 and Level 1 Mezzanine.

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

FIGURE 3 – EAST ELEVATION AMENDMENTS



PICTURE 3 – APPROVED SCHEME (MOD 4)



PICTURE 4 – PROPOSED SCHEME (MOD 5)

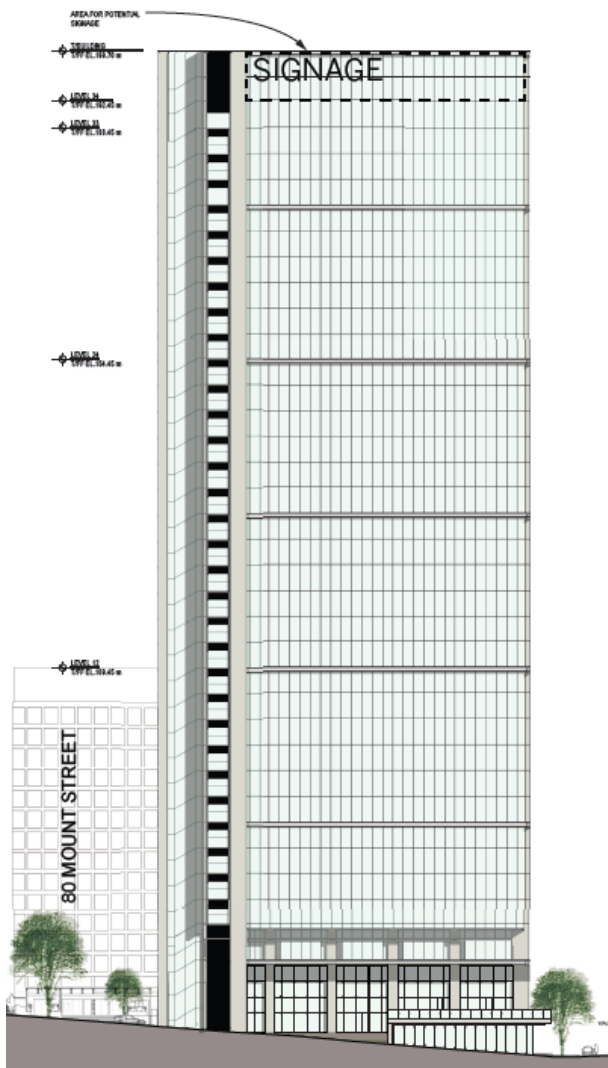
#### 4.2.1.3 SOUTH ELEVATION

Proposed modification to the southern façade include:

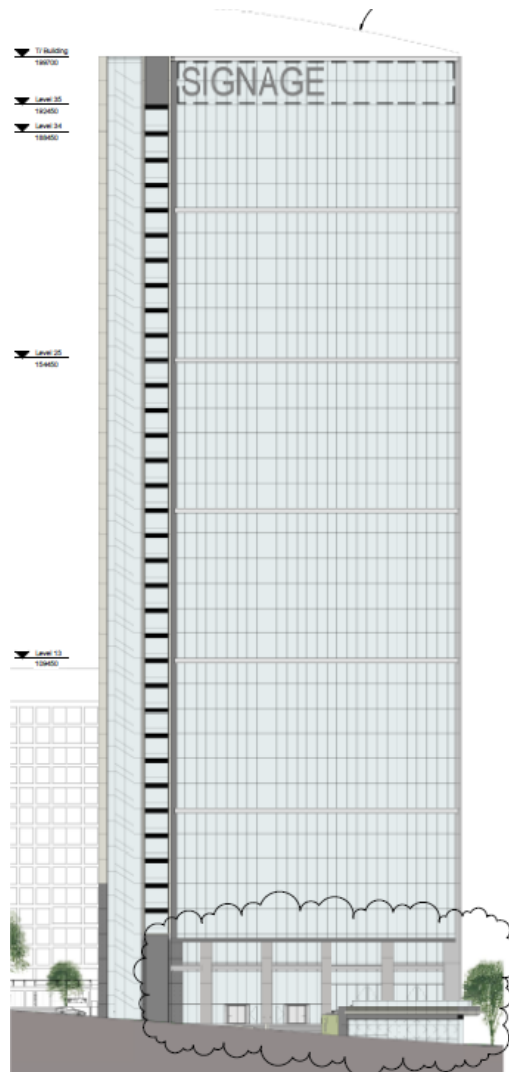
- Replacement of sliding entry doors at the southern, Mount Street lobby entry with revolving doors.
- Reconfiguration of ground floor level, Level 1 and Level 2 heights as a result of amendments to Level 1 and Level 1 Mezzanine.

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 (MOD 4)



PICTURE 6 – PROPOSED SCHEME (MOD 5)

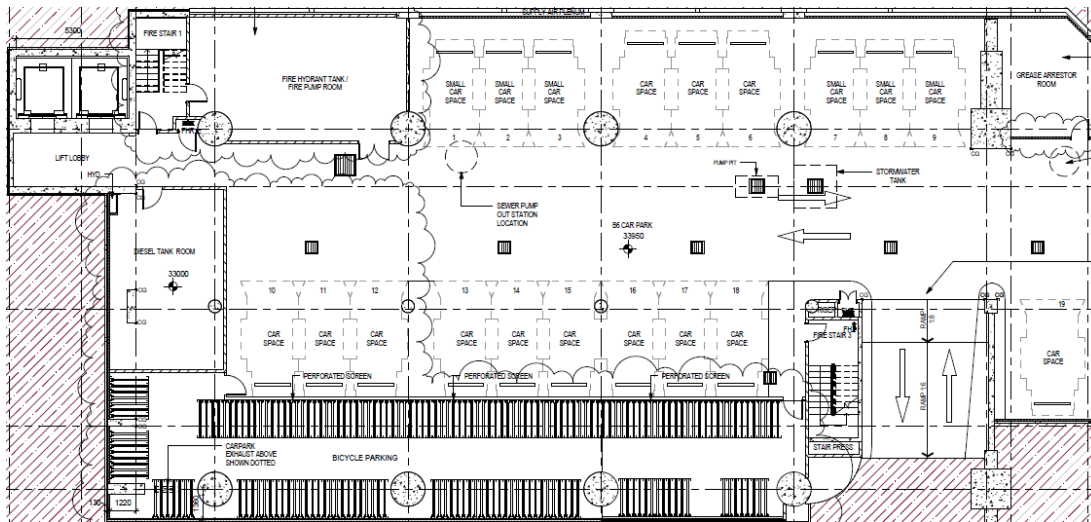
## 4.2.2 PROPOSED MODIFICATIONS BY LEVEL

### 4.2.2.1 BASEMENT LEVEL 6

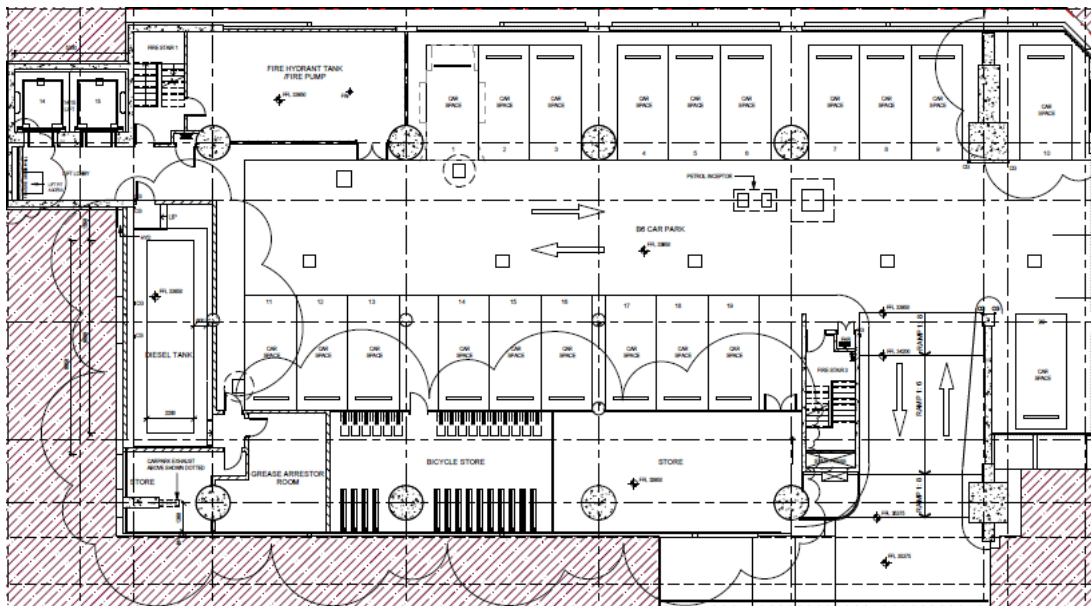
The following modifications are proposed for Basement Level 6:

- Reduction of bicycle parking area to accommodate relocated grease arrestor room and store room.
- Replacement of grease arrestor room with car parking spaces.
- Reconfiguration of diesel tank room.

FIGURE 5 – BASEMENT LEVEL 6 AMENDMENTS



PICTURE 7 – APPROVED LAYOUT (MOD 4)



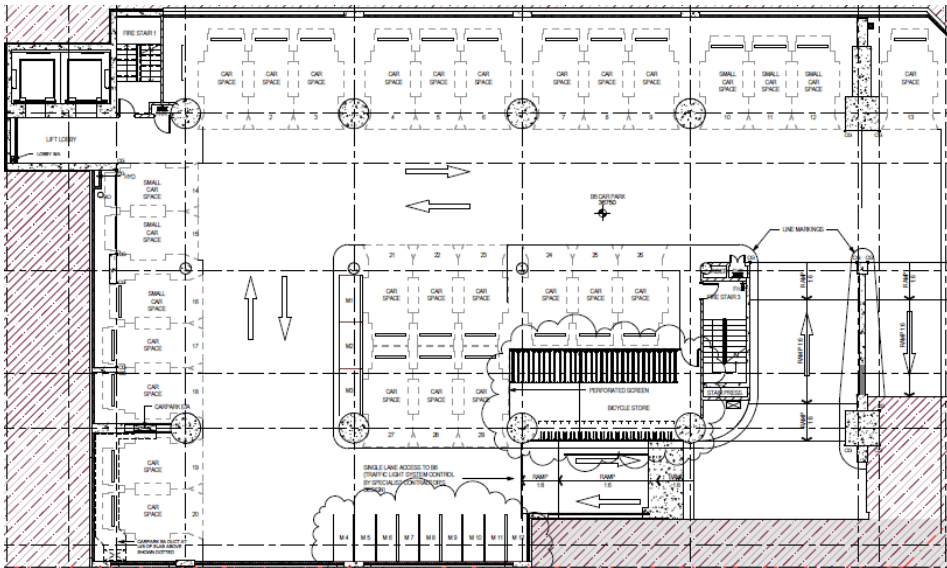
PICTURE 8 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.2 BASEMENT LEVEL 5

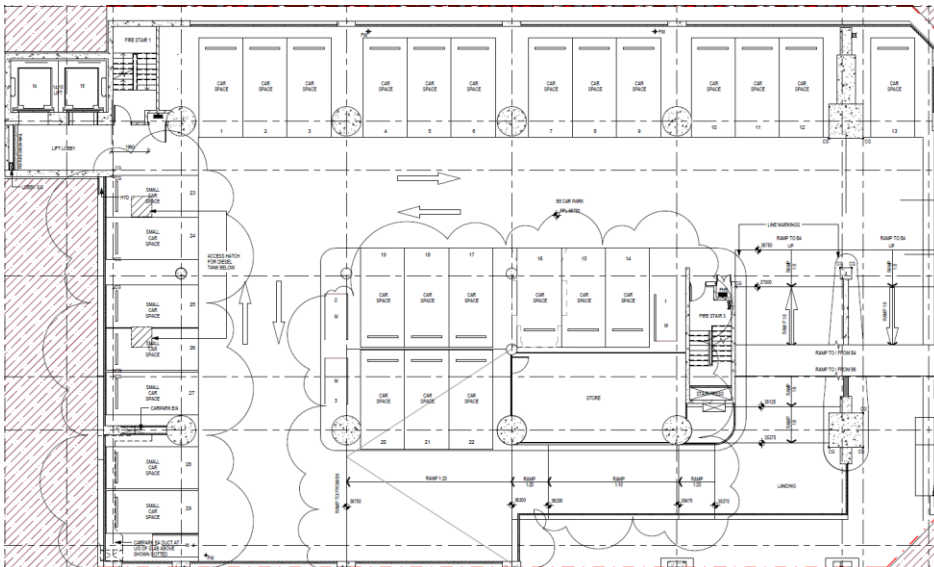
The following modifications are proposed for Basement Level 5:

- Relocation motorcycle parking spaces and deletion of nine spaces along southern wall.

FIGURE 6 – BASEMENT LEVEL 5 AMENDMENTS



PICTURE 9 – APPROVED LAYOUT (MOD 4)



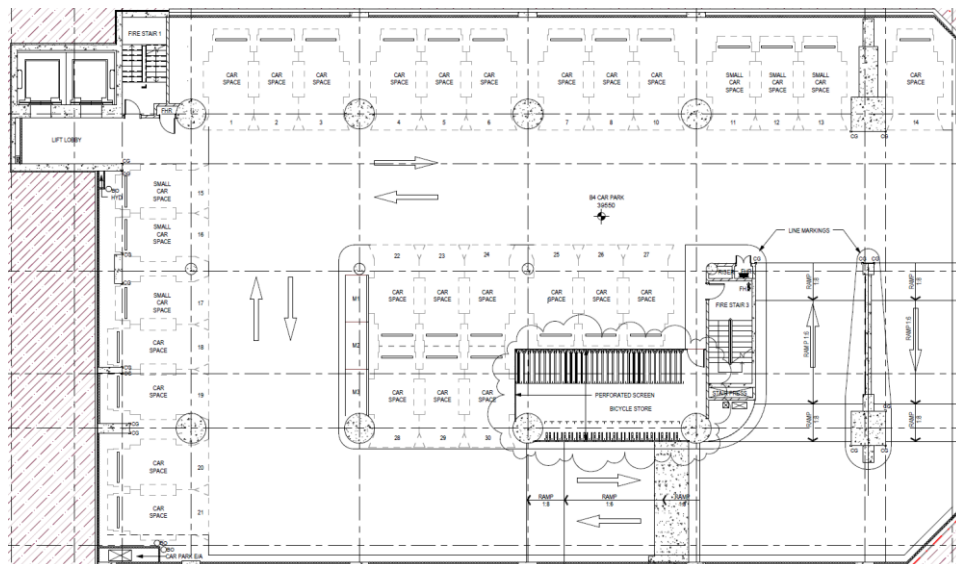
PICTURE 10 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.3 BASEMENT LEVEL 4

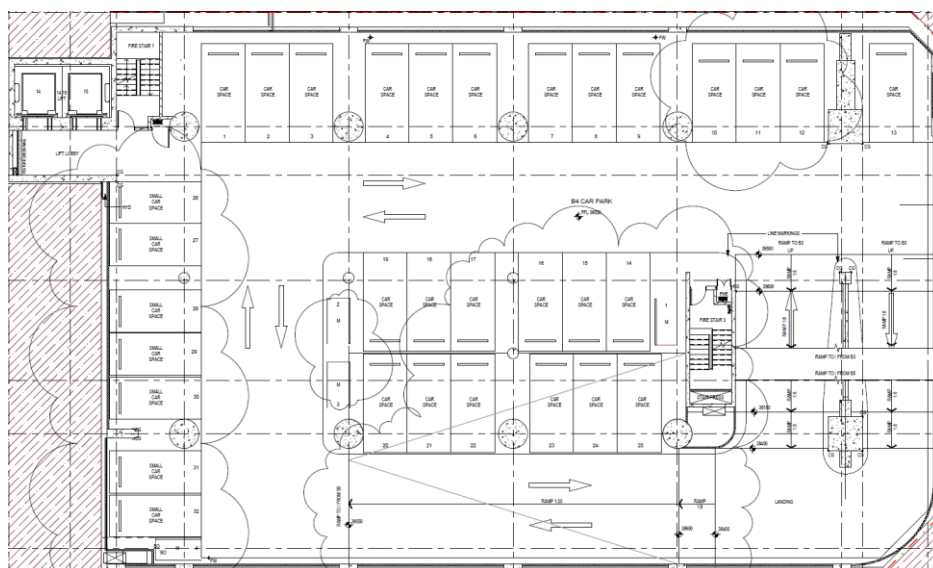
The following modifications are proposed for Basement Level 4:

- Deletion of bicycle store room and creation of three car parking spaces.
- Relocation of motorcycle parking.

FIGURE 7 – BASEMENT LEVEL 4 AMENDMENTS



PICTURE 11 – APPROVED LAYOUT (MOD 4)



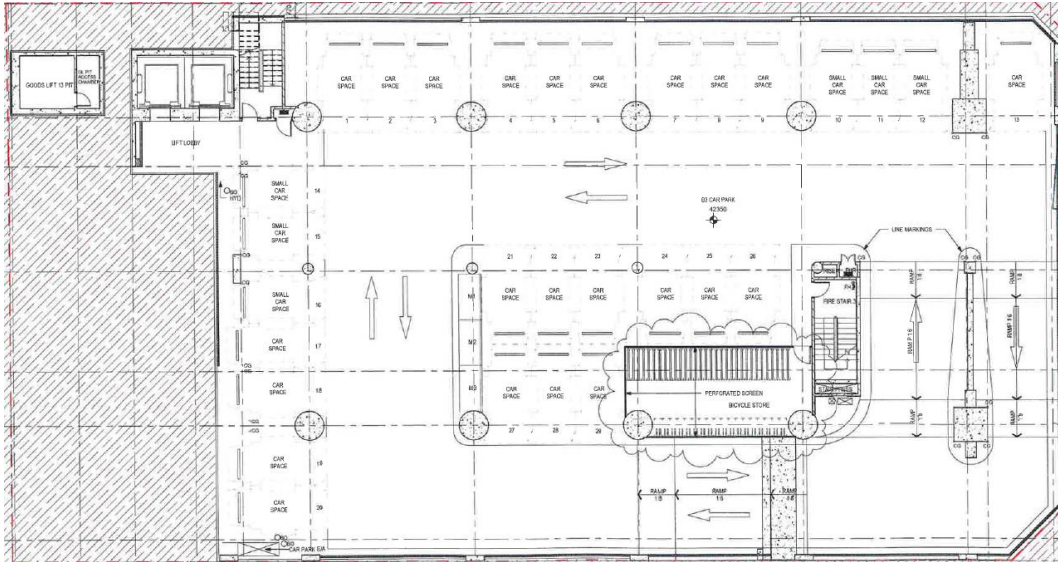
PICTURE 12 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.4 BASEMENT LEVEL 3

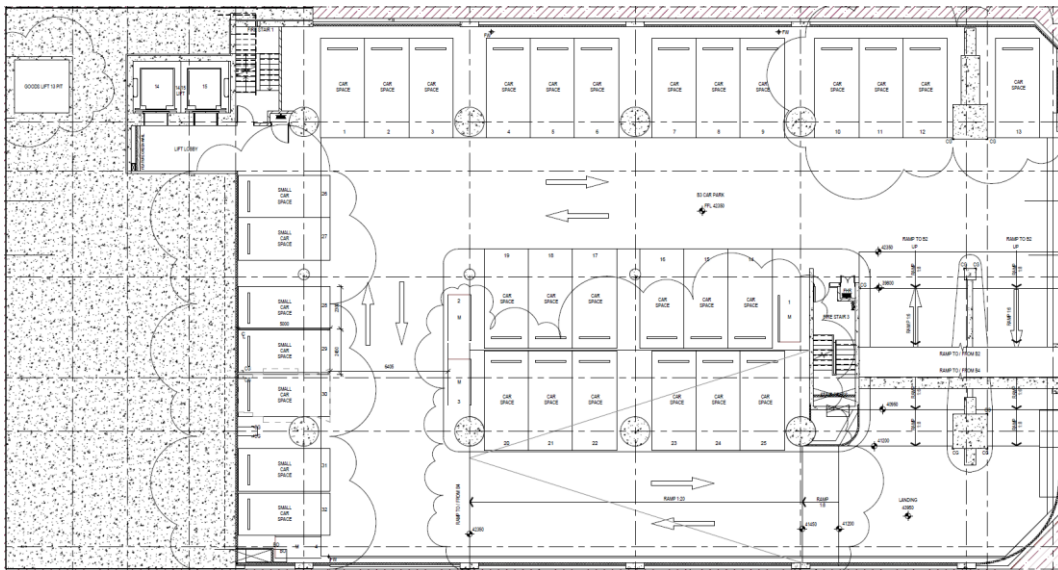
The following modifications are proposed for Basement Level 3:

- Deletion of bicycle store room and creation of three car parking spaces.
- Relocation of motorcycle parking spaces.

FIGURE 8 – BASEMENT LEVEL 3 AMENDMENTS



PICTURE 13 – APPROVED LAYOUT (MOD 4)



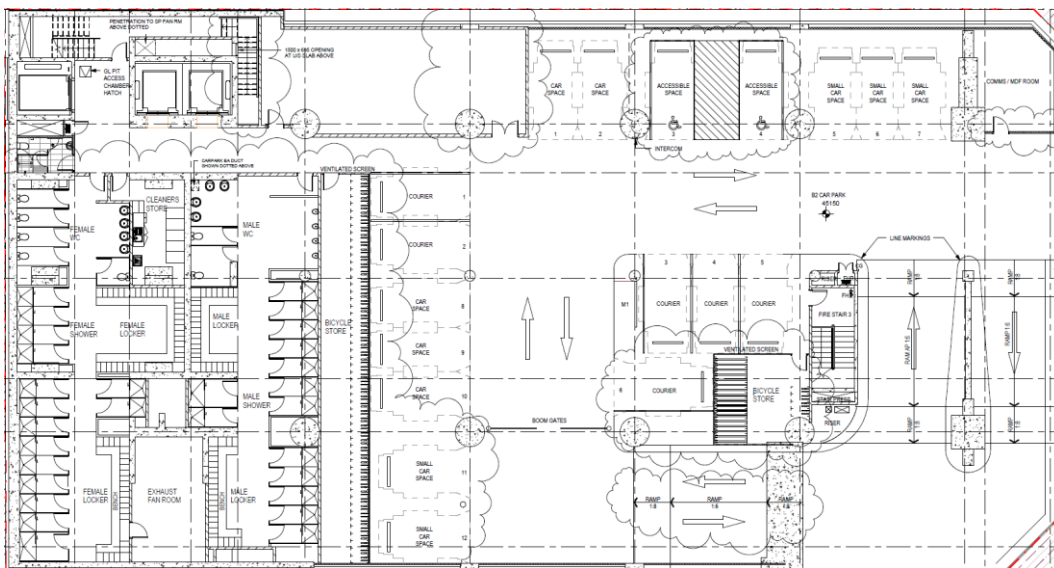
PICTURE 14 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.5 BASEMENT LEVEL 2

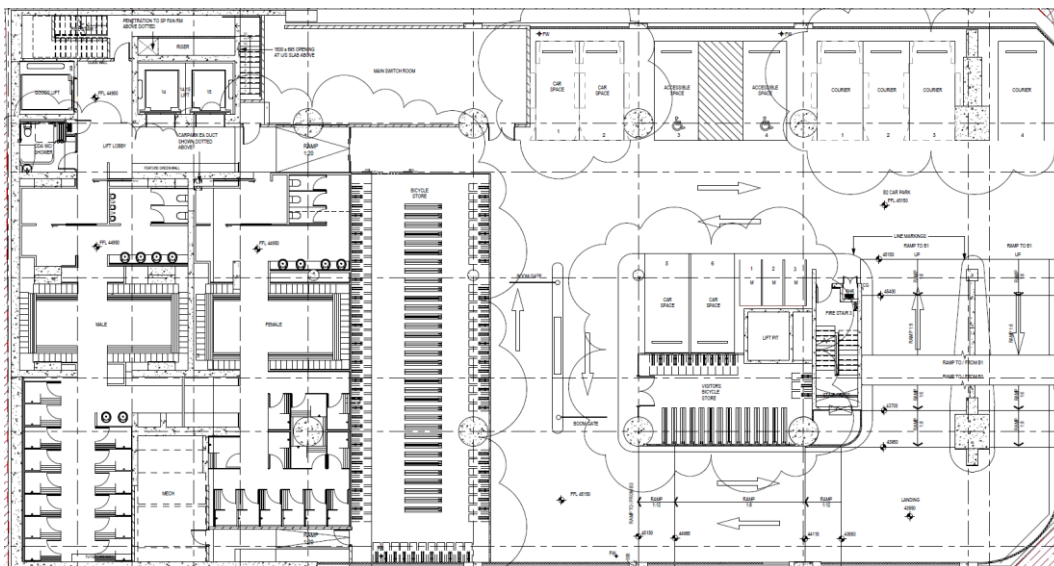
The following modifications are proposed for Basement Level 2:

- Relocation and reduction of courier parking spaces from six to four.
- Extension to bicycle store rooms and dedication of one area for visitor bicycle parking.
- Creation of three motorcycle parking spaces.
- Reconfiguration of end-of-trip facilities.
- Deletion of communications/MDF room.
- Reduction in car parking spaces from 12 to six.
- Relocation of boom gates.

FIGURE 9 – BASEMENT LEVEL 2 AMENDMENTS



PICTURE 15 – APPROVED LAYOUT (MOD 4)



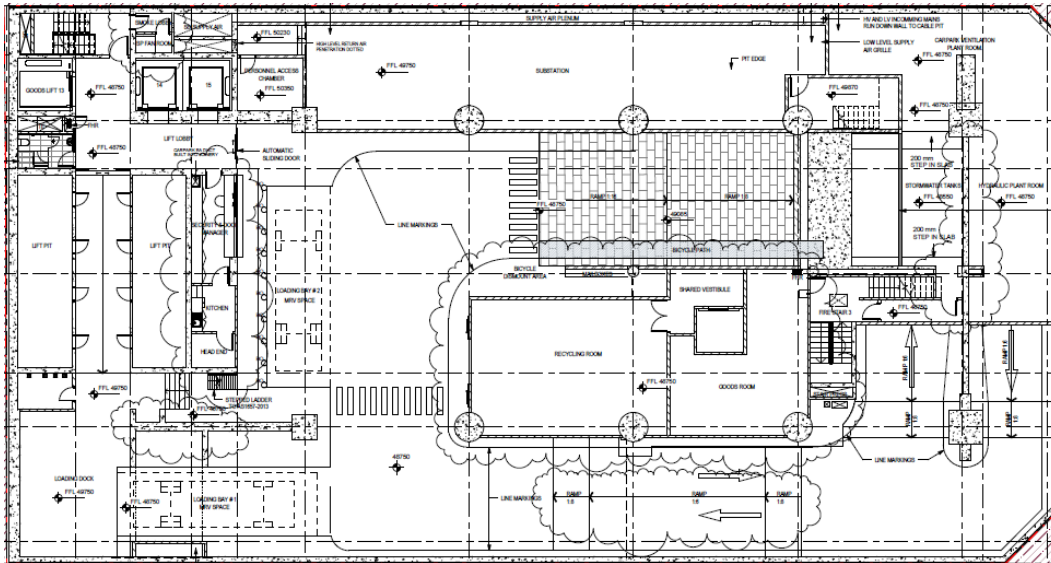
PICTURE 16 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.6 BASEMENT LEVEL 1

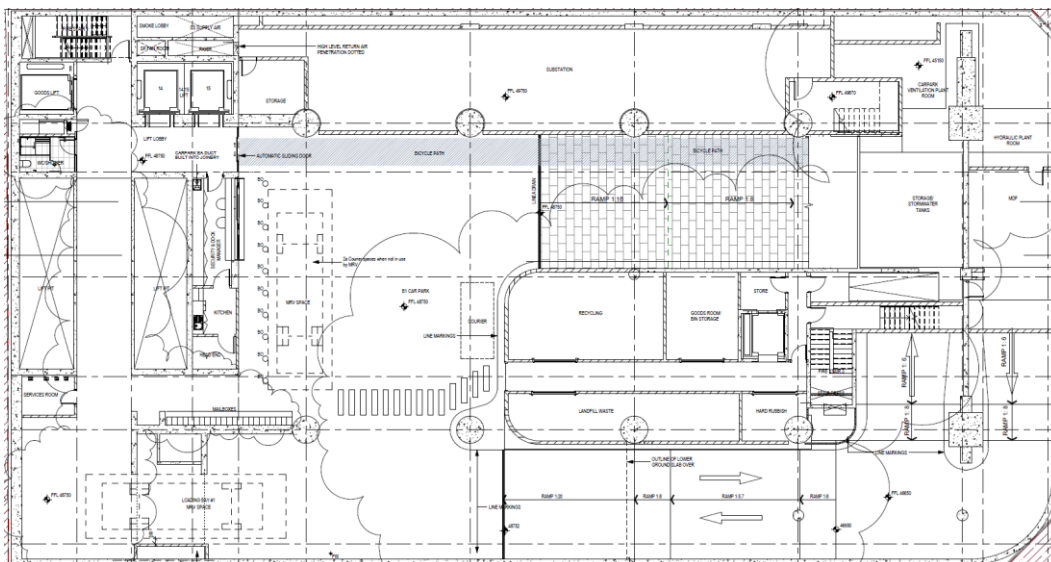
The following modifications are proposed for Basement Level 1:

- Reconfiguration of waste storage rooms, hydraulic plant room, stormwater tanks room and fire stairs.
- Creation of MDF room.
- Relocation of mailboxes.
- Creation of courier parking space and added flexibility of using MRV space as two courier spaces when not in use.

FIGURE 10 – BASEMENT LEVEL 1 AMENDMENTS



PICTURE 17 – APPROVED LAYOUT (MOD 4)



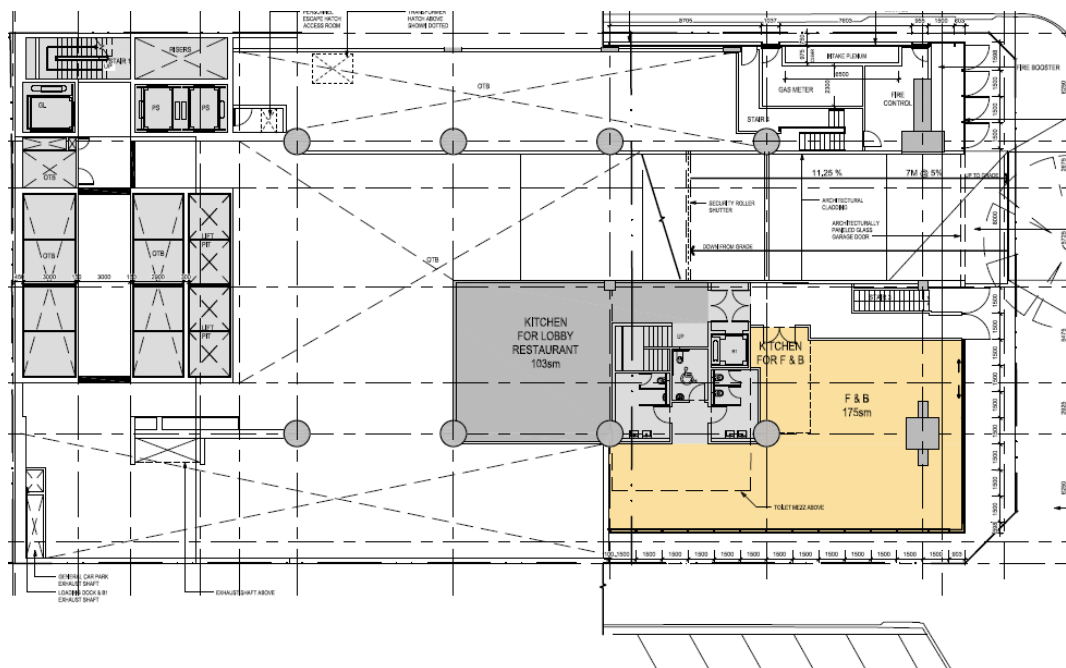
PICTURE 18 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.7 LOWER GROUND FLOOR LEVEL

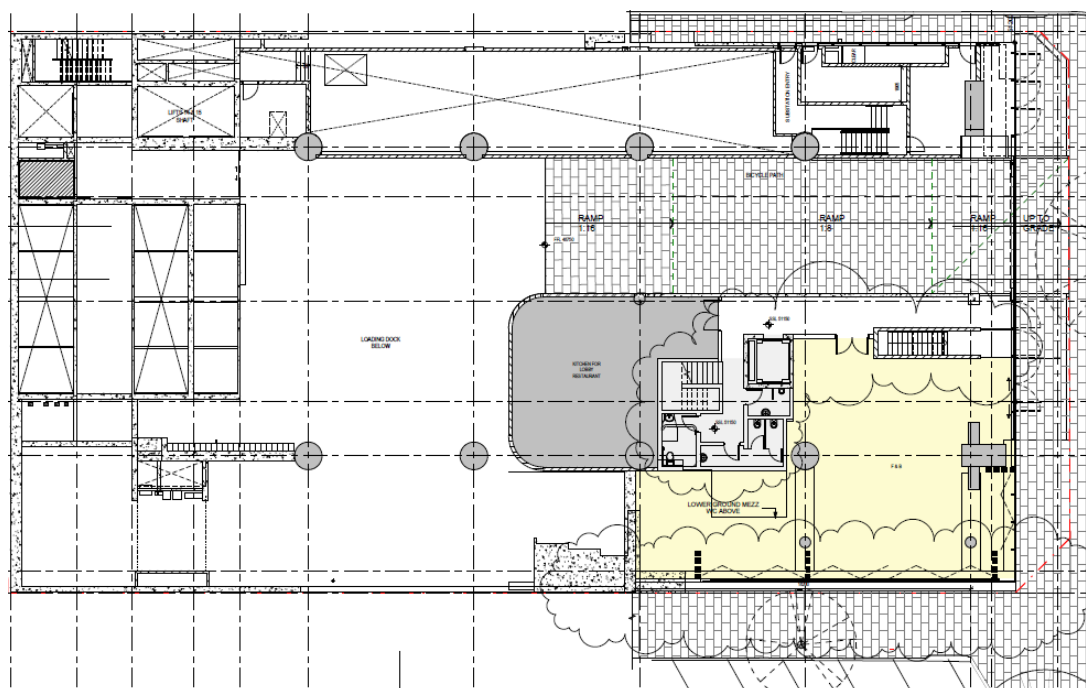
The lower ground floor level modifications include:

- Extension of food and beverage tenancy to the Mount Street boundary.
- Relocation of fire stair location from Level B1.
- Reconfiguration of lobby restaurant kitchen and bathrooms.

FIGURE 11 – LOWER GROUND FLOOR LEVEL AMENDMENTS



PICTURE 19 – APPROVED LAYOUT (MOD 4)



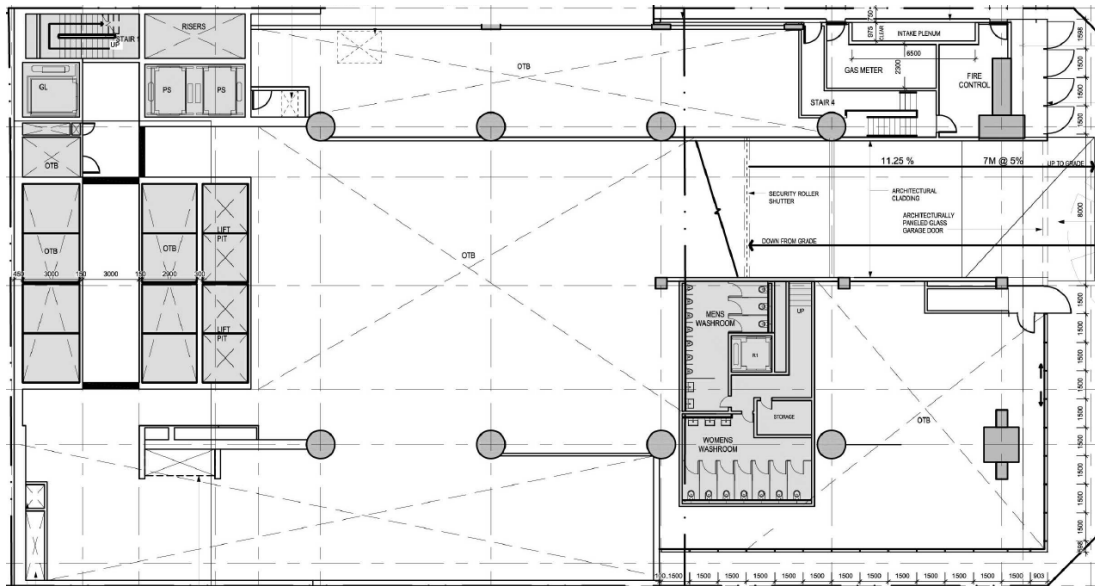
PICTURE 20 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.8 LOWER GROUND FLOOR MEZZANINE

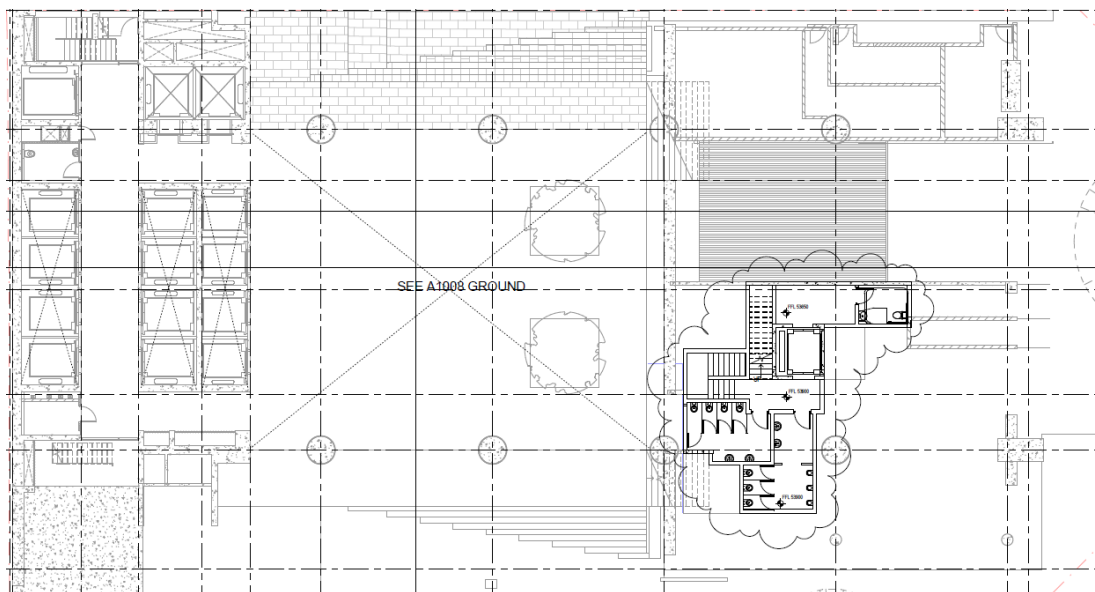
The lower ground floor mezzanine modifications include:

- Reconfiguration of bathrooms and addition of disabled toilet.

FIGURE 12 – LOWER GROUND FLOOR MEZZANINE AMENDMENTS



PICTURE 21 – APPROVED LAYOUT (MOD 4)



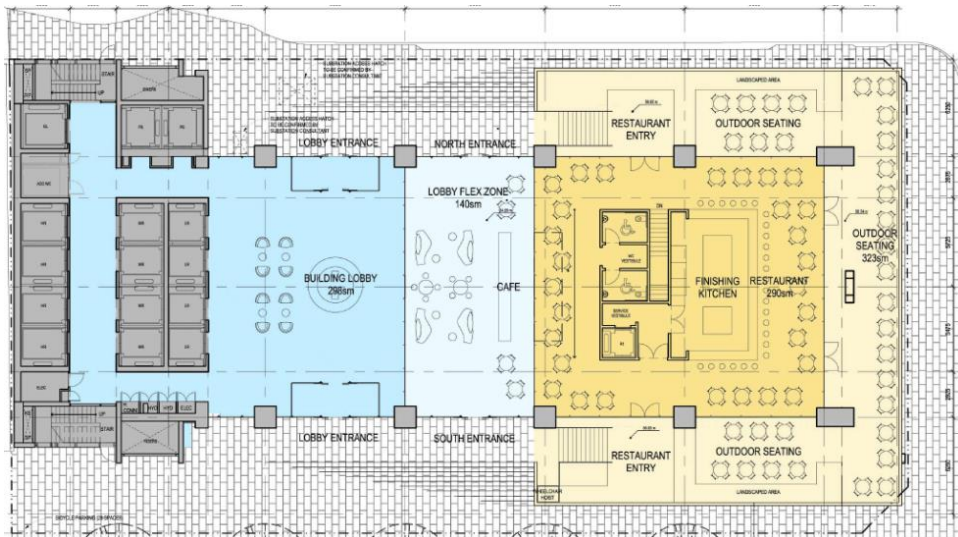
PICTURE 22 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.9 GROUND FLOOR LEVEL

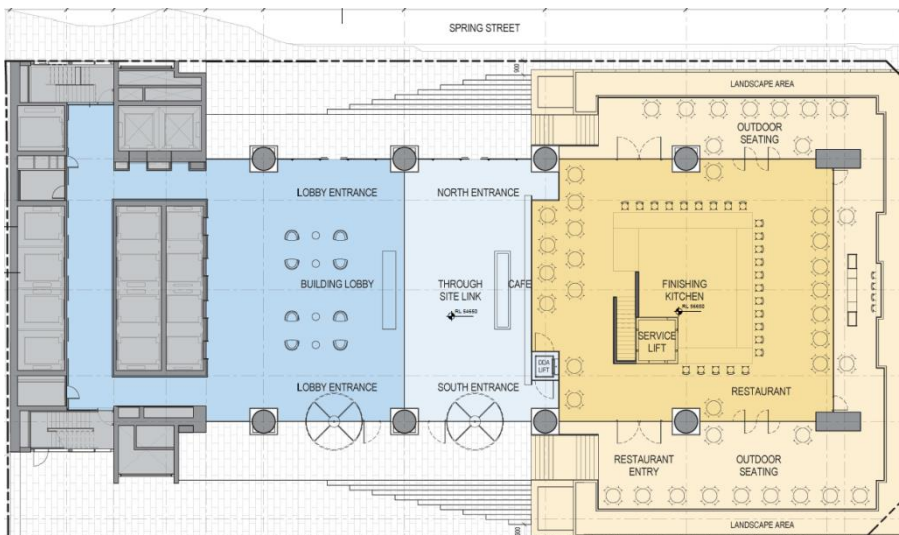
The ground floor level will be amended as follows:

- Replacement of the sliding lobby doors at the southern Mount Street entry to revolving doors and an extension to the landing to accommodate.
- Extension of outdoor seating and landscape area to Mount Street boundary.
- Deletion of restaurant disabled bathroom which is relocated to the lower ground floor mezzanine.
- Reconfiguration of restaurant finishing kitchen.

FIGURE 13 –GROUND FLOOR LEVEL AMENDMENTS



PICTURE 23 – APPROVED LAYOUT (MOD 4)



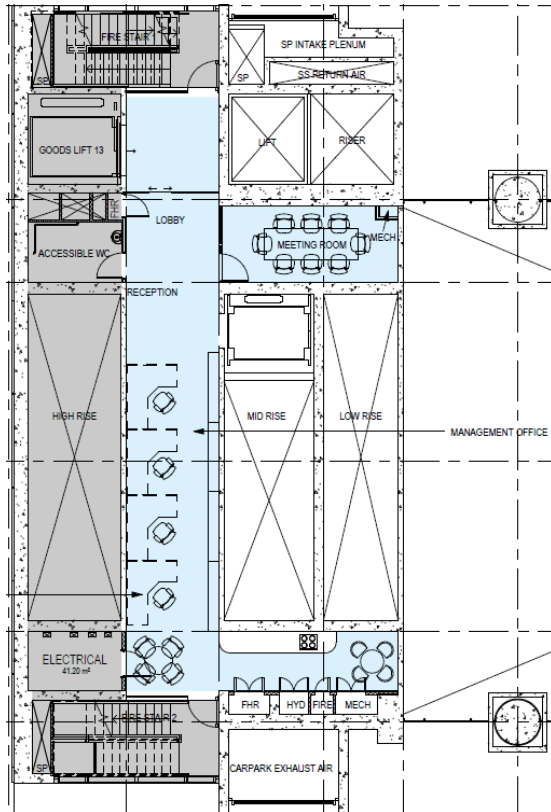
PICTURE 24 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.10 GROUND FLOOR MEZZANINE

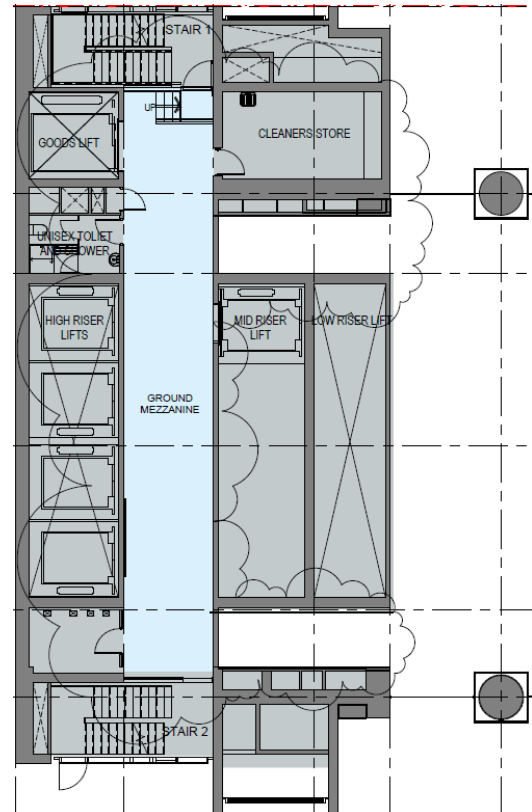
The ground floor mezzanine level will be amended as follows:

- Deletion of management office and meeting room, with use of area as a corridor.
- Creation of cleaners storeroom in lieu of lift core.

FIGURE 14 – GROUND FLOOR MEZZANINE AMENDMENTS



PICTURE 25 – APPROVED SCHEME (MOD 4)



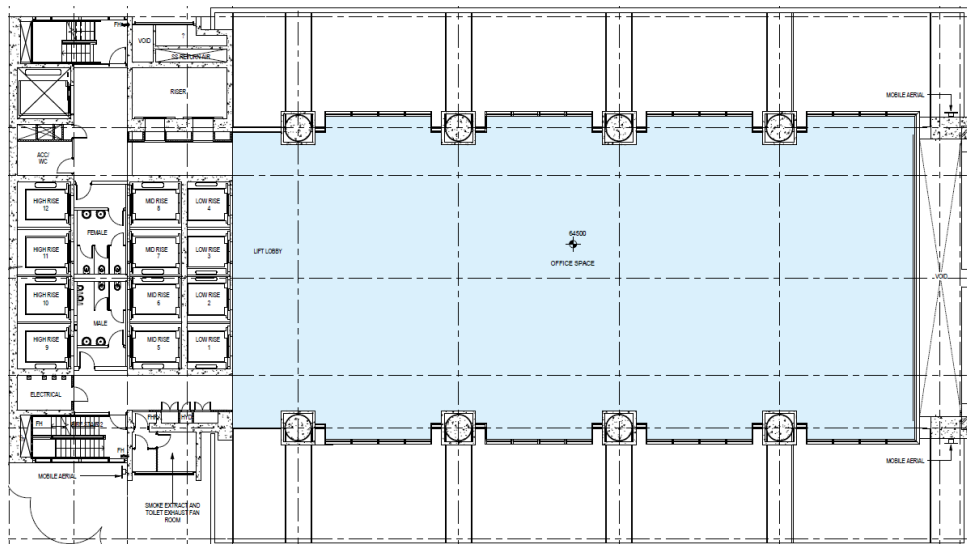
PICTURE 26 – PROPOSED SCHEME (MOD 5)

#### 4.2.2.11 LEVEL 1

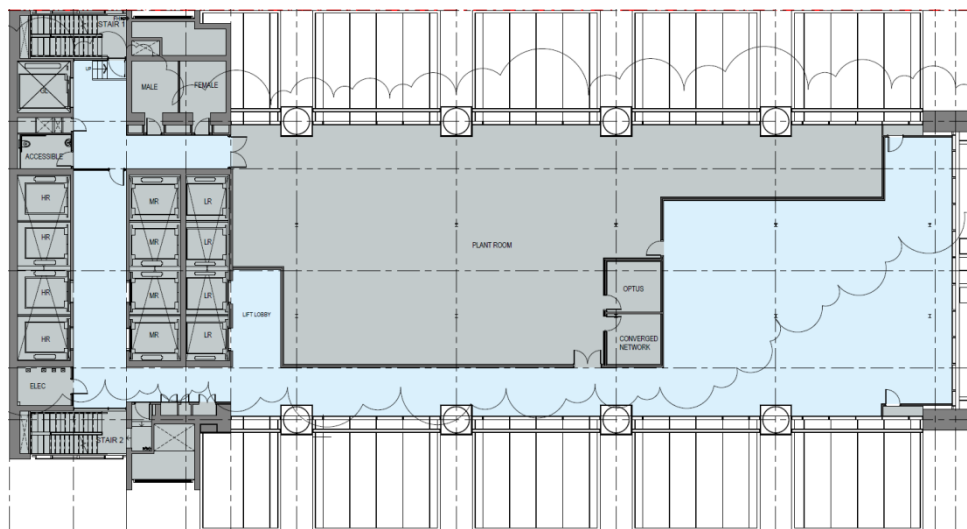
The following modifications are proposed for Level 1:

- Creation of plant room, with Optus and converged network rooms internally, where previously located on the Level 1 Mezzanine.
- Reduction and reconfiguration of office space.
- Creation of two toilets in lieu of lift core.

FIGURE 15 –LEVEL 1 AMENDMENTS



PICTURE 27 – APPROVED LAYOUT (MOD 4)



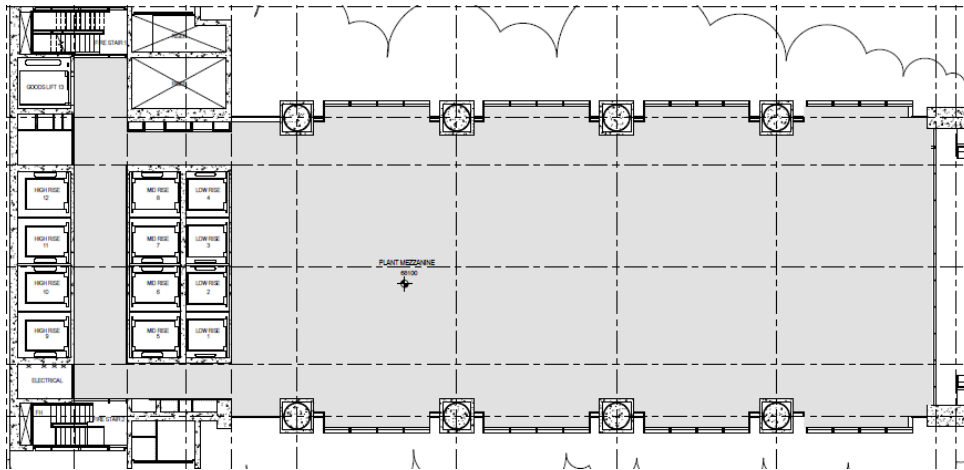
PICTURE 28 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.12 LEVEL 1 MEZZANINE

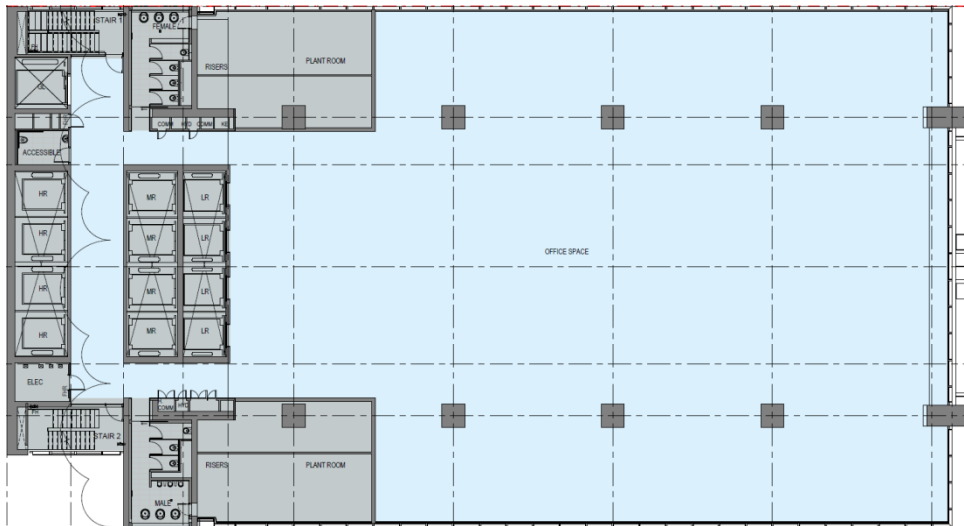
The following modifications are proposed for Level 1 Mezzanine:

- Extension of floor to northern and southern boundaries to form full floor/level.
- Re-numbering of floor from Level 1 Mezzanine to Level 2, with subsequent changes to floor numbers above.
- Reduction in plant equipment space and change of use to office floor, with plant equipment being relocated to Level 1.
- Creation of male and female toilets.

FIGURE 16 –LEVEL 1 MEZZANINE AMENDMENTS



PICTURE 29 – APPROVED LAYOUT (MOD 4)



PICTURE 30 – PROPOSED LAYOUT (MOD 5)

#### 4.2.2.13 LEVELS 2 TO 35

As a result of Level 1 Mezzanine change to Level 2, the levels above have subsequently changed. The top floor, previously being Level 35, is now Level 36.

### 4.2.3 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 46,359m<sup>2</sup> to 47,186m<sup>2</sup> (additional 827m<sup>2</sup>) and increase to the NLA from 41,163m<sup>2</sup> to 42,029m<sup>2</sup> (additional 866m<sup>2</sup>).

This increase in GFA is due to the extension to the lower ground floor tenancy and relocation and reconfiguration of the plant equipment from the Level 1 Mezzanine to Level 1. However, 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 through increases to their floor and outdoor seating areas.

### 4.2.4 VEHICLE ACCESS AND PARKING

Vehicle access to the site remains largely unchanged to that proposed in MP08\_0241 MOD 4. However, the distribution of car, motorcycle and bicycle parking across the basement levels has been reconfigured as a result of consolidating and relocating bicycle parking spaces to three areas. Overall, the proposed amendments will provide an additional two car parking spaces, and a reduction of four motorcycle spaces and 96 bicycle storage spaces.

The reduction of bicycle parking spaces is a result of the reduced requirements to provide bicycle parking spaces under Green Star.

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

TABLE 2 – PARKING PROVISIONS

| LEVEL / VEHICLE TYPE    | APPROVED (MOD 4) | PROPOSED (MOD 5) |
|-------------------------|------------------|------------------|
| <b>Basement Level 6</b> |                  |                  |
| Car Parking             | 18               | 20               |
| Motorcycle Parking      | -                | -                |
| <b>Basement Level 5</b> |                  |                  |
| Car Parking             | 29               | 29               |
| Motorcycle Parking      | 12               | 4                |
| <b>Basement Level 4</b> |                  |                  |
| Car Parking             | 29               | 32               |
| Motorcycle Parking      | 3                | 4                |
| <b>Basement Level 3</b> |                  |                  |
| Car Parking             | 29               | 32               |
| Motorcycle Parking      | 3                | 4                |
| <b>Basement Level 2</b> |                  |                  |
| Car Parking             | 12               | 6                |

| LEVEL / VEHICLE TYPE    | APPROVED (MOD 4)                | PROPOSED (MOD 5)                                 |
|-------------------------|---------------------------------|--------------------------------------------------|
|                         | (including 2 accessible spaces) | (including 2 accessible spaces)                  |
| Motorcycle Parking      | -                               | 3                                                |
| Courier Parking         | 6                               | 4                                                |
| <b>Basement Level 1</b> |                                 |                                                  |
| Car Parking             | -                               | -                                                |
| Motorcycle Parking      | -                               | -                                                |
| Courier Parking         | -                               | 3 (when not in use by MRV)                       |
| <b>Total Parking</b>    |                                 |                                                  |
| Car Parking             | 117                             | 119<br>(including 2 accessible spaces)           |
| Motorcycle Parking      | 19                              | 15                                               |
| Bicycle Parking         | 330 (38 visitor)                | 234 (22 visitor)                                 |
| Courier Parking         | 6                               | 5<br>(with additional 2 when MRV bay not in use) |
| Loading Bays            | 2                               | 2                                                |

#### 4.2.5 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.

The modifications to conditions are as a result of the amendments in the design, discussions with Council regarding their public domain strategy, amendments to Green Star requirements, minor errors and requirements for construction and operation of the building.

**Note:** Conditions are amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

##### 4.2.5.1 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 as MP08\_0241 MOD 5, the Section 75W Modification prepared by***

**Urbis dated May 2016**, 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 5 Environmental Assessment and as listed below**

| Drawing Number | Revision      | Name of Plan                                                               | Prepared by     | Date                                       |
|----------------|---------------|----------------------------------------------------------------------------|-----------------|--------------------------------------------|
| DA 100         | <del>DE</del> | Cover Sheet                                                                | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 104         | A             | Existing Site Survey                                                       | SOM/Architectus | 12.08.11                                   |
| DA 107         | <del>DE</del> | Ground Plane                                                               | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 109         | <del>CD</del> | Site Plan                                                                  | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 116         | <del>DE</del> | Ground Floor Plan                                                          | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 116-1       | <del>AB</del> | <del>Lower Ground Mezzanine Plan – Retail</del><br><b><u>Mezzanine</u></b> | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 117         | <del>DE</del> | Retail Level Plan                                                          | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 118         | <del>CD</del> | Plan – B1 Level                                                            | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 119         | <del>CD</del> | Plan – B2 Level                                                            | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 120         | <del>CD</del> | Plan – B3 Level                                                            | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 121         | <del>CD</del> | Plan – B4 Level                                                            | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 122         | <del>DE</del> | Plan – B5 Level                                                            | SOM/Architectus | <del>24.02.16</del> <b><u>18.05.16</u></b> |
| DA 123         | <del>DE</del> | Plan – B6 Level                                                            | SOM/Architectus | <del>24.02.16</del> <b><u>18.05.16</u></b> |
| DA 124         | <del>CD</del> | General Arrangement Plan – Ground Mezzanine (Management Office)            | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 124-1       | <del>CD</del> | General Arrangement Plan – Level 1 (Amenities)                             | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 124-2       | <del>AB</del> | Level 1 Mezzanine – Plant                                                  | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 125         | C             | Plan – Typical Low Rise Level                                              | SOM/Architectus | 16.12.15                                   |
| DA 126         | C             | Plan – Typical Mid Rise Level                                              | SOM/Architectus | 16.12.15                                   |
| DA 127         | C             | Plan – Typical High Rise Level                                             | SOM/Architectus | 16.12.15                                   |
| DA 127-1       | <del>AB</del> | Plan – Level <del>33</del> <b><u>34</u></b>                                | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 128         | <del>CD</del> | Plan – Level <del>34</del> <b><u>35</u></b>                                | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 128-1       | <del>CD</del> | <del>Plant Level Mezzanine</del> <b><u>Plan – Level 36</u></b>             | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 129         | C             | Roof Plan                                                                  | SOM/Architectus | 16.12.15                                   |
| DA 130         | <del>CD</del> | North + East Elevations                                                    | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 130-1       | <del>CD</del> | Contextual Elevation – North                                               | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 130-2       | <del>CD</del> | Contextual Elevation – East                                                | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 131         | <del>CD</del> | South + West Elevations                                                    | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 131-1       | <del>CD</del> | Contextual Elevation – South                                               | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 132         | <del>EE</del> | Building Sections                                                          | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 133         | <del>CD</del> | Roof Sections                                                              | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |
| DA 134         | C             | Roof Rendering                                                             | SOM/Architectus | 16.12.15                                   |
| DA 135         | <del>CD</del> | Basement Sections                                                          | SOM/Architectus | <del>16.12.15</del> <b><u>18.05.16</u></b> |

**Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 5 Environmental Assessment and as listed below**

| Drawing Number | Revision      | Name of Plan   | Prepared by     | Date                                |
|----------------|---------------|----------------|-----------------|-------------------------------------|
| DA 139         | <del>CD</del> | Area Schedule  | SOM/Architectus | <del>16.12.15</del> <b>18.05.16</b> |
| DA 140         | B             | Material Board | SOM/Architectus | 16.12.11                            |

#### 4.2.5.2 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 7.4.1**.

#### 4.2.5.3 CONDITION B6 RAILWAY INFRASTRUCTURE

Condition B6 pertaining to a Railway Infrastructure Contribution is to be amended to reflect the revised GFA. See calculation at **Section 7.4.2**.

#### 4.2.5.4 CONDITION B8 REQUIRED INFRASTRUCTURE WORKS – SUBMISSION AND APPROVAL UNDER ROADS ACT 1993

The following amendment to Condition B8 is sought based on recent consultation with Council regarding their public domain strategy for Mount Street, which is currently being prepared. The amendment will provide flexibility for the applicant to work with Council to reach a mutual decision and superior outcome.

*Prior to the issue of any Construction Certificate referencing building works at or above ground floor level, the Proponent must have construction issue engineering design plans and specifications prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide technical engineering detail and specification for the following road reserve infrastructure works that must be completed as part of the project approval:*

Mount Street

- a) Construction of a fully new standard upright concrete kerb and gutter over entire site frontage, gutter levels must match existing.
- b) Construction of a fully new footpath over entire site frontage, to be constructed in North Sydney Council's CBD Sandstone. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- c) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- d) Construction of a new in-ground drainage line under the kerb and gutter at standard depth to replace the existing stormwater line over the full site frontage. The line must connect the existing Council pit in front of 84 Mount Street to the existing Council pit located at the intersection of Mount Street and Walker Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 525mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.
- e) Show details and location of required street tree plantings and Council standard tree surrounds.
- f) Reinstate parking arrangements and meters, at Applicant's cost.

- g) In lieu of the above conditions, the Applicant must design the Mount Street frontage, in consultation with Council's public domain officers and have regard to the North Sydney Council Public Domain Strategy for the pedestrianisation of Mount Street between Walker Street and Mount Street Plaza. Consultation may occur after the issue of any Construction Certificate referencing building works at or above ground floor level. All works to the public domain directly adjacent to the site must be completed prior to issue of the final Occupation Certificate.**

Walker Street

[...]

#### 4.2.5.5 CONDITION B8A PUBLIC DOMAIN TREATMENT

Condition B8A is modified as the amended plans do not have any bicycle parking at the ground floor level. In addition, the modification allows flexibility for the applicant to work collaboratively with Council to design the public domain area. The condition should be modified as follows:

*The design for the public domain and publicly accessible areas at ground level on the site is to complement the design materials palette outlined in North Sydney Public Domain Style Manual for public domain surrounding the site. The detailed designs for these areas must be submitted to Council for approval by Council's Director Engineering and Property Services **prior to the issue of the final Occupation Certificate.***

~~*The bike parking on the ground floor plan, at Mount Street and Spring Street, is to be consistent with designs indicated in the North Sydney Public Domain Style Manual and installed in accordance with AS2890.3 and other relevant codes of practice. The bike parking design must be submitted to Council for approval by Council's Manager Traffic Planning.*~~

#### 4.2.5.6 CONDITION B24 PROPOSED STREET TREES

Condition B24 is modified to allow flexibility for the applicant to work with Council to design the public domain area collaboratively. The condition should be modified as follows:

*All proposed street tree planting shall be resolved through further discussion with Council and that an amended landscape plan, including agreed species, shall be submitted and approved by Council prior to the undertaking of the road works **and prior to the issue of the final Occupation Certificate.***

#### 4.2.5.7 CONDITION B35 WIND IMPACT

Condition B35 is modified to reference the report prepared for the updated scheme. The condition should be modified as follows:

~~*The proposed development shall incorporate the recommendations contained in the "Pedestrian Wind Environment Study" "Wind Tunnel Tests for: 100 Mount Street, North Sydney, Australia" prepared by Windtech Consultants Pty Ltd CPP Wind Engineering and Air Quality Consultants, dated 7 December 2009 May 2016 and referenced "No. WA641-03F03 (rev0) - WE Report (Combined)" CPP Project 9194. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.*~~

#### 4.2.5.8 CONDITION B38 NUMBER OF PARKING SPACES

Condition B35 is modified to reflect the updated scheme. The increase in the total number car and motorcycle parking spaces will have a negligible impact to the surrounding road network, with the two disabled spaces complying with BCA requirements. The condition should be modified as follows:

*The maximum number of parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.*

| Car parking allocation                                                                             | Number                    |
|----------------------------------------------------------------------------------------------------|---------------------------|
| Commercial/Retail car parking spaces including <del>three (3)</del> <b>two (2)</b> disabled spaces | <del>113</del> <b>119</b> |
| Motorcycle                                                                                         | <del>6</del> <b>15</b>    |

#### 4.2.5.9 CONDITION B39 CAR PARK

Condition B39 is modified to remove a conflict between Conditions B39(6) and G1, regarding the garage roller security shutter on the Walker Street building line. The condition should be modified as follows:

*The proposed car park shall satisfy the following requirements:*

1. *That all vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.*
2. *The layout of the car park shall generally comply with Australian Standard AS2890.1:1993 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be linemarked.*
3. *The layout of the service vehicle area shall comply with Australian Standard AS2890.2:1989 Off Street Parking Part 2 – Commercial Vehicles Facilities.*
4. *The loading dock and access to it shall have a clear height of 3.6m. All other aspects shall generally comply with the Australian Standard AS2890.2.*
5. *The driveways to the site must provide minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1.*
6. *The location of any boom gate or other vehicular access control for driveway entry to the car park **(excluding the garage roller security shutter at the Walker Street building line)** should be located a minimum of 12 metres within the boundary of the property to avoid queuing.*
7. *That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.*
8. *That “Stop” signage and “Give Way to Pedestrians” signage be installed at the exit from the car park.*

*Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the relevant Construction Certificate and approved by the Certifying Authority prior to issuing the relevant Construction Certificate.*

#### 4.2.5.10 CONDITION B40 BICYCLE STORAGE AND PARKING

Condition B40 is modified based on the updated scheme and in accordance with the most up-to-date Green Star requirements. The condition should be modified as follows:

*The bicycle storage area shall accommodate a minimum of ~~330~~ **234** bicycles including ~~38~~ **22** spaces allocated to visitors ~~at the ground floor level~~ **within the basement** in accordance with Plan ~~DA116 Rev C dated 25.10.2013~~ **DA119 Rev D dated 18.05.2016** and the requirements of ~~Condition B8A~~. All bicycle parking, bicycle storage lockers and bicycle rail(s) shall be designed in accordance with the applicable Australian Standards. The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the relevant Construction Certificate, fully satisfy the requirements of this condition.*

#### 4.2.5.11 CONDITION B42 NUMBER OF LOADING/UNLOADING SPACES

Condition B42 is modified based on the updated scheme. The condition should be modified as follows:

*The total ~~six (6)~~ **five (5)** courier spaces and two (2) truck parking spaces shall be provided for the development to be located within the basement. Details confirming the number and location of*

*the required spaces shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.*

#### 4.2.5.12 CONDITION B45 GARBAGE AND RECYCLING FACILITIES

Condition B45 is modified based on the future development serviced by a private waste collection contractor. The condition should be modified as follows:

*An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:*

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;*
- b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;*
- c) ~~The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property.~~ **Evidence is to be provided to the Certifying Authority to verify that waste collection from the building can be suitably serviced by a private waste contractor;***
- d) ~~If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;~~*
- e) ~~Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and~~*
- f) ~~Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.~~*

*The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.*

*Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail, and obtain a copy of Council's Waste Handling Guide for reference purposes.*

#### 4.2.5.13 CONDITION B54 GREEN STAR/NABERS

Condition B54 is modified based on the evolution of the Green Star assessment tool. The condition should be modified as follows:

*The Proponent shall ensure the commercial/retail building achieves ~~the relevant energy star rating as indicated in the EA dated July 2009 and the PPR dated December 2009~~ **a five star rating under GreenStar Design and As Built v1.1.** The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.*

#### 4.2.5.14 CONDITION C9 NOTIFICATION OF NEW ADDRESS DEVELOPMENTS

Condition C9 is modified as it is not considered necessary to provide the updated address prior to the building being occupied. The condition should be modified as follows:

*Prior to the ~~commencement of any building works~~ **issue of any Occupation Certificate**, the Private Certifying Authority must ensure that the person acting upon this consent has complied with the following:*

- a) Apply to North Sydney Council and receive written confirmation of the allocated street address. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing.*

#### 4.2.5.15 CONDITION D1 CONSTRUCTION HOURS

Condition D1 is modified to provide greater flexibility during construction. This added flexibility will significantly reduce the anticipated overall construction programme by an estimated 27 weeks. A

breakdown of the indicative program is provided in **Table 3** below. Please note, as demolition is currently underway, no time saving has been estimated for this phase.

TABLE 3 – INDICATEIVE CONSTRUCTION PROGRAMME

| PHASE                                            | TOTAL<br>WORKING<br>HOURS | CURRENT<br>DURATION<br>(WEEKS) | CURRENT<br>WORKING WEEK<br>(HOURS) | PROPOSED<br>WORKING WEEK<br>(HOURS) | TIME SAVED<br>(WEEKS) |
|--------------------------------------------------|---------------------------|--------------------------------|------------------------------------|-------------------------------------|-----------------------|
| Demolition<br>(commenced)                        | 739                       | 16                             | 45                                 | 45                                  | -                     |
| Excavation                                       | 1,215                     | 27                             | 45                                 | 65                                  | 8                     |
| Construction to<br>façade completion             | 4,251                     | 77                             | 55                                 | 65                                  | 12                    |
| Internal finishes<br>(post-façade<br>completion) | 1,045                     | 19                             | 55                                 | 85                                  | 7                     |
| <b>Total</b>                                     | <b>7,250</b>              | <b>139</b>                     | <b>-</b>                           | <b>-</b>                            | <b>27</b>             |

An assessment of the acoustic impacts of the extended hours has found that noise levels created to residences in the surrounding area would be within acceptable limits (see report prepared by Acoustic Logic at **Appendix C**).

The condition should be modified as follows:

*Building construction shall be restricted to within the hours of 7.00am to ~~5.00pm~~ **10.00pm**, Monday to Friday, and on Saturday to within the hours of ~~8.00am~~ **7.00am** to ~~1.00pm~~ **5.00pm**, with no work on Sundays and Public Holidays.*

*Demolition and excavation works shall be restricted to within the hours of ~~8.00am~~ **7.00am** to ~~5.00pm~~ **6.00pm**, Monday to Friday **and 7.00am to 5.00pm, Saturday.***

- a) **Permissible building works between the hours of 6:00pm and 10:00pm, Monday to Friday, and from 1.00pm to 5.00pm on Saturdays, are limited to internal fit out works only and shall be wholly contained within the sealed building façade, with the exception of deliveries and crane, hoist and external elevator operations. Works shall be limited to the following:**

- Installation of plasterboard ceilings;**
- Painting;**
- Joinery;**
- Floor sanding;**
- Laying of carpet; and**
- Installation of internal services.**

- b) **Permissible building works between the hours of 1:00pm and 5:00pm on Saturdays are also limited to the following:**

- Services installation;**
- Jumpform works;**
- Formwork and reinforcement installation;**
- Concrete finishing works;**
- Survey;**
- Basement blockwork installation;**

- Substation works in basement;
- Podium & lobby works;
- Façade installation;
- Plant room and lift works; and
- Finishing trades in tower.

**No external building works shall be undertaken outside the standard construction hours of 7:00am to 6:00pm, Monday to Friday, and 8:00am to 1:00pm on Saturdays, with the exception of activities listed above under D1(b). The use of jackhammers and other noise generating machinery is strictly prohibited after 6:00pm on weekdays and 1.00pm on Saturdays.**

**Notes:**

For the purposes of this condition:

- i. “Building construction” means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- ii. “Demolition works” means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- iii. “Excavation work” means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

#### 4.2.5.16 CONDITION E2 CERTIFICATION AND WORKS AS EXECUTED – DRAINAGE WORKS

Condition E2 is modified to fix an error in the street description. The condition should be modified as follows:

*Prior to issue of any Occupation Certificate the Applicant shall obtain a certification from a qualified and experienced engineer that the site drainage system is installed and operating as designed in the plans and specifications referenced by the Construction Certificate. In addition, a registered surveyor must provide a works-as executed drawing showing the as built levels at all pit inlet and outlet inverts, as well as the connection point to the inground pit in ~~Willoughby~~ **Mount Street**.*

#### 4.2.5.17 CONDITION E23 REQUIRED TREE PLANTING

Condition E2 is modified to provide flexibility for the applicant to work collaboratively with Council to design the Mount Street public domain area. The condition should be modified as follows:

*Trees in accordance with the schedule hereunder shall be planted in Council’s nature strip/footpath prior to the issue of the final Occupation Certificate required on completion of works: -*

**Schedule**

| Tree Species                     | Location                    | Pot Size  |
|----------------------------------|-----------------------------|-----------|
| 3 x <i>Platanus acerifolious</i> | Mount Street footpath area  | 200 litre |
| 2 x <i>Platanus acerifolious</i> | Walker Street footpath area | 200 litre |

**In lieu of the above, the Applicant must design the Mount Street frontage, including tree plantings, in consultation with Council's public domain officers and have regard to the North Sydney Council Public Domain Strategy for the pedestrianisation of Mount Street between Walker Street and Mount Street Plaza. Consultation may occur after the issue of any Construction Certificate referencing building works at or above ground floor level.**

The installation of ~~such~~ trees, their current health and their prospects for future survival shall be certified upon completion and prior to the issue of ~~any~~ **the final** Occupation Certificate, by an appropriately qualified horticulturalist.

## 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 14 April 2016 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 extension of construction hours was discussed with Council to which it was advised that similar extensions have been granted for other sites in the surrounding area. It was agreed that the extension would allow the construction of the building to be completed more quickly, limiting disruption to the area. It was agreed that internal works are acceptable outside of usual construction hours.

Council advised that they are amenable for the Proponent to work in consultation with Council to design the public domain areas as they are currently preparing a public domain strategy for the area.

Relocation of the visitor bicycle parking from the ground floor level to the basement was considered acceptable, noting that the original proposal had these spaces in the basement.

A previous version of the scheme was presented at the meeting which included an increase of the building height to RL 203.7. While the concept represented an increase from the previously approved development (MOD 4), the height of the building remained within the North Sydney CBD 'bell curve'. While this height increase has not been proposed as part of this modification, Council were amenable to consider the additional height.

### 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 4 – DGR COMPLIANCE TABLE

| ISSUE                                                         | DIRECTOR GENERAL'S REQUIREMENT                                                                                                                                                                                                                                                                                                                                                                                         | REFERENCE                     |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>Relevant EPIs, policies and Guidelines to be Addressed</b> | 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 <b>Section 7.2.1</b> |
|                                                               | • Draft North Sydney LEP 2001 (Amendment no. 28)                                                                                                                                                                                                                                                                                                                                                                       | Refer to <b>Section 7.2.2</b> |
|                                                               | <b>Note</b> – 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.                                                                                                                                                                                                                             |                               |
| <b>Architectural, Building and Urban Design Impacts</b>       | • 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 <b>Section 7.2.3</b> |
|                                                               | • 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 <b>Section 7.3.2</b> |
| <b>Site Amalgamation</b>                                      | • 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 <b>Section 7.3.3</b> |
|                                                               | • 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                     |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>Built Form</b>                                                 | <ul style="list-style-type: none"> <li>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.</li> </ul>                                                                                                                                                                                                                                                                                         | Refer to <b>Section 7.3.2</b> |
|                                                                   | <ul style="list-style-type: none"> <li>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.</li> </ul>                                                                                                                                                                                                   | Refer to <b>Section 7.3.3</b> |
|                                                                   | <ul style="list-style-type: none"> <li>Comparable height study to demonstrate how the proposed height related to the height of the existing development surrounding the subject site</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                | No change.                    |
|                                                                   | <ul style="list-style-type: none"> <li>View analysis to and from the site from key vantage points</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Refer to <b>Section 7.3.2</b> |
|                                                                   | <ul style="list-style-type: none"> <li>Options for building massing and articulation</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Refer to <b>Section 7.3.1</b> |
| <b>Public Domain</b>                                              | <ul style="list-style-type: none"> <li>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</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                     | Refer to <b>Section 7.3.3</b> |
|                                                                   | <ul style="list-style-type: none"> <li>The EA shall consider the interface of the proposed development and public domain (where applicable)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Refer to <b>Section 7.3.3</b> |
|                                                                   | <ul style="list-style-type: none"> <li>The EA shall consider the relationship to and impact upon existing public domain</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Refer to <b>Section 7.3.3</b> |
|                                                                   | <ul style="list-style-type: none"> <li>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</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                    | No change                     |
| <b>Transport and Accessibility (Construction and Operational)</b> | <ul style="list-style-type: none"> <li>Provide a Transport &amp; 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: <ul style="list-style-type: none"> <li>Mount Street/Walker Street</li> <li>Berry Street/Walker Street</li> <li>Pacific Highway/Walker Street</li> </ul> </li> </ul> | Refer to <b>Section 7.3.5</b> |

## 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 4) has a maximum height of RL 199.7 and the proposed modifications will result in the same maximum height. Notwithstanding the finished floor levels of the levels have been amended based on the conversion of the Level 1 Mezzanine to a full level, the floor-to-ceiling height of the ground floor level has been reduced so that the same maximum building height is maintained.

The building maintenance unit (BMU) will exceed the RL 199.7 height of the building's 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. The BMU has previously been excluded from height calculations of the original proposal and subsequent modifications, and this modification seeks a consistent interpretation.

#### 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 approved development (MOD 4).

#### 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 4 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 and Levels 1 and 2. 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 public domain works will be designed in consultation with Council's public domain strategy. This will improve the integration of the public domain into the site.

## 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.

The proposed modifications will maintained the approved maximum height of RL 199.7, which 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 4, with the exception of car parking.

The proposed 119 car parking spaces slightly exceeds Council's maximum one space per 400m<sup>2</sup> GFA development control, which equates to 118 spaces based on a GFA of 47,186m<sup>2</sup>. 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, with amendments only at the ground floor level and Levels 1 and 2. The overall height of the building will remain the same at RL 199.7 as MOD 4, and 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 not result in an increase in height of the building. Accordingly, the modifications will not create any additional impact upon the existing views of any buildings in the vicinity, or create additional overshadowing to that of the approved design of MOD 4.

The building form will continue to fit well within the commercial core context of North Sydney, with the changes to the floor levels and extension of lower ground floor and ground floor areas to the Mount Street boundary having negligible impact to the approved development.

### 7.3.3 STREETScape AND PUBLIC DOMAIN IMPACT

The proposed extension of the food and beverage tenancy and outdoor seating/landscape areas will have a negligible impact on the streetscape appearance. The proposed modifications will create a positive outcome for the future tenants of these spaces as it allows greater flexibility of their tenancy and further activate the Mount Street frontage.

The proposed revolving doors on the southern elevation will provide an attractive entrance to the building, while providing appropriate protection from wind.

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.

### 7.3.4 PARKING AND TRAFFIC GENERATION

The proposal seeks a reorganisation of basement levels to consolidate bicycle storage to three areas and to provide a more efficient use of space. The rearrangement will result in an additional three car parking spaces and reduction of four motorcycle 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

### 7.4.1 NORTH SYDNEY SECTION 94 CONTRIBUTIONS PLAN

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 827m<sup>2</sup> from 46,359m<sup>2</sup> to 47,186m<sup>2</sup> (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 **\$4,843,755.53**.

- Administration, open space and community services - \$3,793.41/100m<sup>2</sup>
- Public Domain Improvements (North Sydney Council and 'Other Areas') - \$8,836.84/100m<sup>2</sup>
- Traffic improvements - \$533.55/100m<sup>2</sup>

Therefore the total contribution per 100m<sup>2</sup> of additional retail and commercial floorspace is \$13,163.81.

The additional commercial GFA above that existing on the site is 36,796m<sup>2</sup> (existing GFA is 10,390m<sup>2</sup>). Therefore the contribution is calculated, at the date of this report and to be indexed with the CPI, as:

$$367.96 \times \$13,163.81 = \$4,843,755.53$$

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.

Payment of the Section 94 contribution amount for MOD 4 (\$4,734,905.20) has been made to North Sydney Council. Accordingly, the difference (\$108,850.33) between these two amounts will subsequently be paid.

#### 7.4.2 RAILWAY INFRASTRUCTURE CONTRIBUTION

Developments which create additional non-residential floor area are required to provide a contribution towards the upgrade of the North Sydney Train Station to accommodate additional patrons.

The updated contribution amount per additional square metre of non-residential floor area, based on the March 2016 CPI, is calculated as:

$$\$88.00 \times 108.2 / 78.4 = \$121.45/\text{m}^2$$

Based on the net increase in GFA of 36,796m<sup>2</sup> (47,186m<sup>2</sup> – 10,390m<sup>2</sup>), the updated Railway Infrastructure Contribution is calculated to be **\$4,468,874.20**.

Condition B6, pertaining to the Railway Infrastructure Contribution, 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 and to provide an improved layout for tenant and investor markets.

The proposed modifications are summarised as follows:

- Extend the ground floor level restaurant and outdoor seating area and lower ground level retail tenancy to the Mount Street boundary.
- Replacing sliding lobby entry doors to revolving doors at the southern lobby entry and extending the landing directly outside to accommodate.
- Reconfigure basement levels to consolidate bicycle parking to three areas, one being dedicated to visitor bicycle parking.
- Reconfiguration and relocation of plant room from the Level 1 Mezzanine to Level 1 and conversion of Level 1 Mezzanine to office space. Level 1 Mezzanine is renumbered to Level 2, with subsequent floors above amended accordingly.
- Extend construction hours.
- Amend landscape design conditions to be flexible with the evolution of North Sydney Council's public domain strategy.
- Amend conditions to rectify conflicts and minor errors.

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*. While there is a minor increase in the gross floor area of the building as a result of improvements in efficiencies, the overall height of the building will not increase and the building will have a comparable bulk and scale when viewed from the streetscape.

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 June 2016 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.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

## Appendix A

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

## Appendix B

### Wind Tunnel Tests for: 100 Mount Street, North Sydney, Australia prepared by CPP Wind Engineering and Air Quality Consultants

## Appendix C

## Assessment of Proposed Additional Construction Hours by Acoustic Logic

## Appendix D

## ESD Report prepared by Cundall



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