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Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

GM (CIS)

Attention: Fiona Gibson

11 July 2016

Dear Fiona

RE: Section 75W Modification Application (MP08_0241 MOD 5)
100 Mount Street, North Sydney

I refer to the above application and your email dated 23 June 2016 seeking Council's comments and advice on the modifications and conditions of approval.

You are advised that Council has no general objection to the proposed modifications sought to the building other than some wording of conditions and the substantial decrease in bicycle spaces. Council's Manager Traffic & Transport Operations has provided the following comments for your consideration:

I refer to your request for traffic comments in relation to proposed modifications to 89-96 & 100 Mount St, North Sydney (MP 08_0341 Mod 5). I have reviewed the proposed modifications in relation to changes to provisions for car parking, bicycle parking and motorcycle parking.

The following table provides a comparison of the approved scheme, proposed modification and requirements under North Sydney Council's DCP

Component	Approved Scheme (Mod 4) ¹	Proposed Modification ¹	Net Increase/ Decrease		Requirement for relative increase in floor space NSC DCP 2013	
GFA (m ²)	46,359	47,186	+ 827	(+ 1.8%)		Net Difference (proposed vs. required)
Car Parking	116	119	+ 3	(+ 2.6%)	2	+1
Motorcycle Parking	19	15	-4	(- 21%)	0	-4
Bicycle Parking	330	234	-96	(-29%)	7 ²	-103

¹ Taken from Urbis Report dated June 2016

² Includes 2 visitor parking spaces

The changes to car parking and motorcycle parking provision are negligible, however given the increasing popularity of motorcycle parking in the North Sydney Council area over private vehicle usage it would be preferable for the extra proposed car space to be converted to motorbike parking instead.



There is a significant undersupply of bicycle parking in the proposed modification. It is acknowledged that the original development application would have been assessed under the former 2002 DCP and exceeded the requirements for bicycle parking at that time. However Council has reviewed the bicycle parking rates in accordance with best practise ESD to support and encourage sustainable transport options as alternatives to the private motor vehicle. Under the current 2013 DCP the proposed modifications actually require an increase of 7 bicycle parking spaces. The reduction of bicycle parking by 29%, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of the DCP and Council's transport policies. It is strongly recommended that the approved 330 bicycle parking spaces be retained.

Modification to conditions

B8 – don't agree with g), must be "prior" to issue of CC not "after". The public domain levels must be finalised and set the levels at the boundary of the site

B8A – not final Occupation Certificate, should be prior to issue of CC referencing building works at or above ground level.

B40 – See comments above concerning reduction in bicycle spaces.

D1 – Concern with some of the proposed changes to construction hours as site is very close to Beau Monde residents in Berry Street and is exposed directly to more distant residential premises in Neutral Bay and North Sydney. Noise is an issue particularly with the use of excavation equipment in hard sandstone, after normal hours truck deliveries and the use of crane and external hoist.

Council has varied hours where public safety or convenience is an issue. Where amenity may be impacted, careful consideration is given and out of hours works may be allowed for internal works only. Council has allowed extended hours with recent commercial and mixed use developments on the Pacific Highway under the following terms:

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

Permissible building works between the hours of **6.00pm to 8.00pm**, Monday to Friday and 1.00pm to **5.00pm** on Saturdays is limited to internal fitout works only and shall be wholly contained within the sealed building façade. Work that is permissible to be undertaken from **6.00pm on weekdays and from 1.00pm on Saturdays** is limited to the following:

- installation of plasterboard ceilings;
- painting;
- joinery;
- floor sanding;
- laying of carpet; and
- installation of internal services.

No external building works, any deliveries to the site or use of the external elevator 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. The use of jackhammers and other noise generating machinery is strictly prohibited after 6.00pm on weekdays and 1.00pm on Saturdays.

Demolition and excavation works shall be restricted to within the hours of 8.00am to 6.00pm, Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and 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).

(b) All building construction work in (a) above, including all plant and equipment operating contemporaneously, shall be subject to the maximum noise levels of 5dB(A) above the background noise level measured at the nearest residential receiver, in accordance with Section 4 of the EPA Industrial Noise Policy.

(c) Windows and doors on facades of the project building shall be fully closed during the proposed extended hours. No deliveries are permitted after 6pm on weekdays and 1pm on Saturdays.

(d) If investigation of complaint(s) establishes that 'offensive' noise over the 5dB(A) background limit has occurred, and the complaint is justified, then Council will require by notice to the applicant, owner and developer, that the construction hours must revert to the hours nominated in the original consent;

(e) Car parking associated within the extended construction hours for internal works shall be contained wholly within the subject site on completed basement levels. The applicant/builder shall prepare a Parking Management Plan that shall specify the parking arrangements for workers after 6.00pm weekdays and 1pm Saturdays, this shall include the total number of vehicles and the proposed location where these vehicles will be parking. This Plan should also address noise abatement measures that will be in place to minimise disturbance to local residents when workers are leaving the site after the extended hours. This Parking Management Plan shall be provided to Council for approval prior to the commencement of extended construction hours;

(f) The builder 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;

(g) The builder shall letter box drop affected residents with details of their twenty-four (24) hour telephone number.

- "affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

- "boundary" includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

Council therefore objects to the proposed variation of construction hours but would not object to hours being imposed which reflects the condition above.

Section 94 Contributions and Railway Infrastructure

It is noted that Section 94 contributions have been paid for Modification 4. Accordingly, the following contributions have been calculated for the **increased GFA of 827m²**. This needs to be shown on the consent as an additional condition that relates to Modification 5 with the Modification 4 condition retained.

Section 94 - based on 2016 – 2017 rates that came into force on 1 July 2016:

Administration	\$1,823.12
Child Care Facilities	\$7,718.89
Community Centres	\$4,444.71
Library Acquisition	\$906.39
Library Premises & Equipment	\$2,755.40
Multi Purpose Indoor Sports Facilities	\$1,042.76
Open Space Acquisition	\$3,323.05
Open Space Increased Capacity	\$6,586.89
Olympic Pool	\$3,397.73
Public Domain Improvements	\$74,542.31
Traffic improvements	\$4,500.70
The total contribution is:	\$111,041.95

Railway Infrastructure contributions base amount (RCBA) for the **March 2016** quarter is **\$122.01**.

The formula is:

$$\begin{aligned}
 \text{RCBA} &= \$88.00 \times \text{Current CPI} / \text{Base CPI} \\
 &= \$88.00 \times 108.7 / 78.4 \\
 &= \mathbf{\$122.01 \text{ (2 d.p)}}
 \end{aligned}$$

$$36796 \text{ (increased GFA over existing building)} \times 122.01 = \mathbf{\$4,489,479.96}$$

It is important to indicate in the condition what the contribution is based on so that the amount can be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

Please contact the undersigned on 9936 8100 if you have any queries.

Yours faithfully


 Geoff Mossemeneer
 Executive Planner