



Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 29
SYDNEY NSW 2001

13 January 2017

Dear Ms McNally

**Determination of Modification Request
86-96 and 100 Mount Street, North Sydney (MP 08_0241 MOD 5)**

Thank you for the Department's letter received on 19 December 2016 referring the above modification request to the Planning Assessment Commission (Commission) for determination under Ministerial delegation of 14 September 2011. Ms Lynelle Briggs AO, Chair of the Commission, and Mr David Johnson constituted the Commission to determine the request.

Laing O'Rourke Mount Street Australia Pty Ltd (Proponent) seeks to:

- extend hours of demolition and construction;
- reconfigure the basement level layouts;
- extend the lower ground floor retail area and ground floor restaurant and outdoor seating area to the Mount Street boundary;
- reconfigure and relocate the plant and Level 1 mezzanine space;
- increase the total gross floor area by 827m²;
- increase the roof level by 400mm and the roof plant by 3.4m;
- make changes to the façade of the building between ground and second floor level; and
- amend various conditions to take account of proposed modifications, allow for greater flexibility and other administrative changes.

As part of its consideration of this modification request, the Commission met with representatives of North Sydney Council (Council) and the Proponent on 11 January 2017. Notes from these meetings are in **Appendix 1**. The Commission has considered carefully the Department's assessment report, all of the information provided by the Proponent, recommendations from Council and other government agencies and section 75W of the *Environmental Planning and Assessment Act 1979*.

The key matter in this modification request is the proposed extension of construction hours and potential associated impacts. In its written submission and at its meeting with the Commission, Council advised that it does not object to the proposed hours if works in the extended hours are restricted to internal works only to ensure adequate amenity for nearby residents. Council noted that this would be consistent with other extended construction hours it has approved in the North Sydney CBD.

The Department has adopted Council's advice, but has recommended that the Proponent also be permitted to undertake deliveries and crane, hoist and external elevator operations during the extended hours. Notwithstanding, the Commission agrees with Council's view that these works have the potential to impact on the amenity of residents in the area and should, therefore, be restricted to

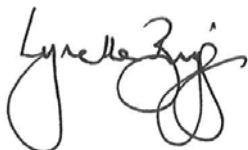
the standard construction hours. The Commission has amended the Department's recommended notice of modification to reflect this change.

At its meeting with the Commission, Council also requested that the full width reconstruction of Spring Street should include kerb and gutter on both the northern and southern sides to ensure that any damage to the northern side is rectified. The Proponent states that the northern side of the road borders another property that may be redeveloped in the future and therefore it should only be responsible for the southern side of Spring Street. The Commission is of the view that the kerb and gutter on the northern side of Spring Street can be reconstructed in the future and should not be required as part of this modification request.

Other matters relating to this modification request include the increase in gross floor area and roof height; bicycle, car and motorcycle parking; public domain design; wind impacts; the management of construction traffic; and other administrative changes to conditions. The Commission has reviewed the Department's assessment of these matters and is satisfied with its recommendations, which are that:

- the increased gross floor area and roof height will not significantly change the overall bulk and scale of the approved development. Council and Sydney Airport did not raise any objection to these design outcomes;
- there is adequate space within the development to provide the 330 bicycle parking spaces required under the original approval;
- an additional two car parking spaces is adequate to accommodate the increase in gross floor area. The amended number of car, motorcycle and motorbike courier parking spaces is in keeping with Council's controls;
- conditions relating to the public domain design should be modified to allow for flexibility in the timing for approval of the stages and consultation with Council;
- an updated wind impact assessment must be prepared to ensure the outdoor terrace and footpaths surrounding the site achieve a suitable pedestrian comfort level;
- impacts relating to construction traffic can be managed under the existing conditions; and
- conditions should be updated to reflect administrative changes relating to developer contributions, the location of the garage security shutter, the servicing of the site by a private waste collection contractor, reference to the Green Star assessment tool and the confirmation of the street address.

The Commission accepts the Department's recommendation that this proposal be approved, subject to changes to the type of works permitted in the extended construction hours as explained. Consequently, the Commission has determined to grant consent to the modification request, subject to the conditions set out in the notice of modification, as amended by the Commission.



Ms Lynelle Briggs AO
Chair of the Commission



Mr David Johnson
Member of the Commission

cc. The Hon. Rob Stokes, MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001

**APPENDIX 1
NOTES OF BRIEFING FROM NORTH SYDNEY COUNCIL**

This meeting is part of the determination process.		
Meeting note taken by Jade Hoskins	Date: 11 January 2017	Time: 2pm
Project: 86-96 and 100 Mount Street, North Sydney (MP 08_0241 MOD 5)		
Meeting place: PAC Office		
Attendees: Commission Members: Lynelle Briggs AO (Chair) and David Johnson Commission Secretariat: David Mooney (Team Leader) and Jade Hoskins (Senior Planning Officer) Representatives from North Sydney Council (Council): Stephen Beattie (Manager Development Services) and Geoff Mossemenear (Executive Assessment Planner)		
The purpose of the meeting: For Council to brief the Commission on their views on the modification request.		
Council informed the Commission of the level of development planned for or underway in the vicinity of Mount Street, and explained where commercial and residential buildings were located relative to the site. Council raised the following matters: <ul style="list-style-type: none"> • Demolition works on the site are complete. • It is important to ensure adequate amenity for residents that live within the North Sydney CBD. • Other sites within the North Sydney CBD have extended construction hours to enable small works. Council is prepared to agree to the extended construction hours as long as the conditions are consistent with other approvals in the area. • The Proponent has agreed to provide 330 bicycle spaces, as required under the original approval. • Council requested that the Commission update condition B8 to require the Proponent to reconstruct the kerb and gutter of both sides (northern and southern) of Spring Street, rather than just the southern side. This is to ensure that the levels on the street are similar and that any damage to the northern side would be rectified. 		
Documents [tabled at meeting]: Correspondence from Council to the Proponent with proposed conditions relating to construction hours.		
Outcomes/Agreed Actions: n/a		
Meeting closed at 2:30pm		

NOTES OF BRIEFING FROM THE PROPONENT

This meeting is part of the determination process.		
Meeting note taken by Jade Hoskins	Date: 11 January 2017	Time: 3pm
Project: 86-96 and 100 Mount Street, North Sydney (MP 08_0241 MOD 5)		
Meeting place: PAC Office		
Attendees: Commission Members: Lynelle Briggs AO (Chair) and David Johnson Commission Secretariat: David Mooney (Team Leader) and Jade Hoskins (Senior Planning Officer) The Proponent: Perry Milledge (Laing O'Rourke), Michael Marshall (Laing O'Rourke), Victor Fattoretto (Acoustic Logic), David Louisick (Senior Consultant – Urbis) and Murray Donaldson (Director – Urbis)		
The purpose of the meeting: For the Proponent to brief the Commission on the project and their views on the Department's assessment report.		
<p>The Proponent explained that development hours of operation conditions should mirror those in the City of Sydney. The Proponent requested the following changes to the Department's recommended conditions:</p> <ul style="list-style-type: none">• In D1(6), remove the sentence <i>"The use of jackhammers and other noise generating machinery is strictly prohibited for building construction works after 6pm on weekdays and 1pm on Saturdays"</i>. The Proponent is of the view that jackhammering could be permitted as long as it is under the maximum noise level of 5dB(A) above the background noise level measured at the nearest residential receiver.• Deliveries, crane, hoist and external elevator operations should be permitted in the extended hours as they are low noise generating activities.• More generally, noise limitations should be set at up to 10dB(A) above the background noise levels. <p>The Proponent raised the following matters:</p> <ul style="list-style-type: none">• Demolition works are complete. There is another 8 weeks of excavation work to go before construction commences.• The Proponent is able to provide 330 bicycle parking spaces.• The Proponent is of the view that it should only reconstruct the kerb and gutter on the southern side of Spring Street as the site on the northern side is likely to be redeveloped in the future.		
Documents [to be provided]: The Proponent to provide the Commission with a copy of the court orders relating to the demolition and construction of the site and further information about the specified background noise levels in the acoustic report.		
Outcomes/Agreed Actions: n/a		
Meeting closed at 3:45pm		