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SYDNEY NSW 2000**

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20 March 2017

Ms Amy Robertson

Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Amy,

MP 08_0241 MOD 6

We write in response to submissions received in regard to the Modification 6 application for Major Project 08_0241 at 100 Mount Street North Sydney. We have reviewed the submissions received in consultation with the proponents and provide the attached table of response on their behalf.

We trust that this information provided is sufficient for the completion of assessment of the application.

If you have any questions please don't hesitate to contact me on 02 8233 9900.

Yours sincerely,

A handwritten signature in black ink that reads "D Hosking".

Dean Hosking
Senior Consultant - Planning

Enc MP 08_0241 Mod 6 Response to Submissions Table

RESPONSE TO SUBMISSIONS MP 08_0241 MOD 6

Table 1 – MP 08_0241 Modification 6 – Response to Submissions

Submission	Issue/Comment	Response
Roads and Maritime Services RMS Letter Ref: SYD09/00235/06 (A16442636) 7 March 2017	No objection raised to Modification 6.	None Required.
North Sydney Council Letter Mount100.75Wlett5final 28 February 2017	No general objection to proposed modifications.	None Required.
	Height	None Required.
	No objection to the increase in height to RL 203.1 Bicycle Parking <i>The proposed basement visitor parking should be well sign posted and there is to be directional signs provided within the basement areas to make clear visitor bicycle parking is on basement level 2.</i>	The proponent has no objection to Council's request for adequate sign posting and directional signage to assist with way finding to and from the visitor bicycle parking provided on site. This may be confirmed as a condition of consent, to be satisfied prior to issue of occupation certificate.

Submission	Issue/Comment	Response
	Section 94 Contributions and Railway Infrastructure Council has noted the required contributions payable – only applicable to the proposed increase in GFA of 264m². Council asks that this be noted on the conditions of consent. This includes the application of S94 and Railway Infrastructure contributions. Council asks that the condition indicates what the contribution is based on so that the appropriate indexation can occur.	The proponent has no objection to Council's request. We note that the contributions are only applicable to the increase of GFA of 264m² as noted by Council. We ask that the conditions indicate payment of contributions at the appropriate stage of the development process, consistent with previous modification conditions of consent associated with MP_08_0241.
Willow Tree Planning on behalf of 77 Berry Street, North Sydney (Strata Plan 74602) "Beau Monde" building Submission Letter 24 February 2017	Height, Scale and Bulk <i>The aspect of the proposed modifications that is most concerning related to the addition of another storey and 3.4m...correspondingly, the bulk and scale of the proposed building will be exacerbated by an additional 264m² GFA.</i> <i>The proposed building height significantly contravenes the NSLEP2013.</i> <i>Surrounding buildings, including the Beau Monde building, will lose views, solar access and privacy as a result of the additional building height.</i>	Section 7.2.1.1 of the EA report notes that the additional height provides for the lift overrun and relocated building maintenance equipment. These elements of the building will not be readily identified or viewed from the street. The current approved development top of building sits at RL 199.7. The proposed modification has a top of building façade at RL 199.7, with the top of lift overrun at RL203.1 The additional GFA is contained wholly within the existing building envelope, therefore there is no increase in the appearance of bulk and scale. The height of the development as currently approved (RL 199.7) has contravened the NSLEP2013. Council has raised no objection to the additional height to accommodate the lift overrun and building maintenance facilities at RL 203.1. The increased height accommodating the lift overrun and building maintenance facilities are at a height beyond that of the Beau Monde building and therefore loss of view is

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	<i>Further to the above, it is noted that a maximum building height of 209m is nominated for the site in Council's (North Sydney) Capacity and Land Use Study... Given the exhibition period for the Study has only recently ended...the reliance of the proposed modification application on the contents of the Study is considered presumptuous and unjustified.</i>	likely restricted to sky airspace. There will be no impact on solar access or loss of privacy for residences of the Beau Monde building as a result of the additional height as: • the development is located south of the Beau Monde, and • the additional height accommodates the lift overrun and building maintenance facility only. As noted in section 7.2.1.1 of the EA report, the proposed modification notes that the North Sydney Capacity study is not yet a statutory consideration, and has not relied on its contents.
	Amenity Impact – General <i>Resulting from the proposed modification, a significant adverse amenity impact has been identified for the Beau Monde building...the importance of protecting the amenity of the Beau Monde building and existing residential development is emphasised in... the North Sydney Land Use and Capacity Study.</i>	Whilst the Study is not yet a statutory consideration, the proposed modification is consistent with the vision and 5 principles outlined in the Study being: 1. Employment land uses will take precedence in policy development. 2. A balance will be struck between growth and long – standing principles of protecting surrounding lands. 3. Commercial, educational and other non-residential land uses that contribute to the economic, cultural and social diversity of the Centre will be encouraged and supported. 4. An improved public domain for workers, residents and visitors that provides spaces for socialising and recreation is a priority for achieving the vision for the Centre. 5. North Sydney Council will take the lead role in facilitating and implementing positive change within the Centre.

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	Views <i>The proposed development...is considered to significantly obstruct the views of the Beau Monde building.</i>	The proposed development which includes an additional 3.4m in height to accommodate the lift overrun and building maintenance facility will not significantly obstruct the views of the Beau Monde building. The existing bulk and scale of the building to the top of building façade remains unchanged at RL199.7.
	Solar Access <i>Although, it is acknowledged that the Beau Monde building, being located north of the development site, will not be the subject of overshadowing, this submission seeks also to articulate the wider public interest...the additional building height will further increase overshadowing with negative implications for many properties located to the south of the site.</i>	The proposal will not overshadow the Beau Monde building which is located north of the site. Shadow analysis diagrams provided with the application show that no new properties are impacted by the additional 3.4m in height. No adverse impact on solar access will result from the proposal.
	Privacy <i>The greater building height creates new opportunities for overlooking.</i>	The additional 3.4m in height which provides for the lift overrun and building maintenance facility will not impact on privacy.
	Sense of Enclosure <i>The expanded development of the site will adversely impact on the sense of enclosure experienced by adjoining properties, This impact is particularly consequential for residents of the Beau Monde building given the</i>	The proposal largely retains the existing approved bulk and scale with additional floor space accommodated wholly within the approved building envelope. Therefore, there will be little to no impact on any sense of enclosure of other buildings. The proposal will not have any adverse impact on the residential amenity of the Beau Monde building as there is significant building separation between the buildings

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	<i>contravention of residential amenity to be inflicted.</i>	(approximately 100m), maintaining amenity (as outlined in Part 4 of the Apartment Design Guide) including daylight access, natural ventilation, acoustic and visual privacy.
	Streetscape and Character of Area <i>...the height, scale and bulk of the proposed development are considered inconsistent with the character of the area...desired future character is further reinforced by the North Sydney Land Use and Capacity Study...the proposed development diminishes the attractiveness and sustainability of North Sydney instead promoting a mono-use character with low levels of amenity.</i>	The height, scale and bulk of the proposal which remains largely unchanged from the current approved development is consistent with the current and desired future character of the North Sydney Centre as outlined above by the 5 principles for the centre. The proposal is consistent with the vision outlined in the Study being: <i>North Sydney Centre will become a more prosperous, resilient and vibrant commercial and mixed use centre.</i> <i>By building upon its existing strengths and acknowledging its challenges, Council is working to foster a new narrative for North Sydney - helping to create a more engaging and economically sustainable Centre that offers a range of activities and unique public spaces to its workers, residents and visitors.</i> The character of the proposal promotes amenity through active ground floor uses including terrace and café spaces to compliment the commercial office uses above. This is in line with the strategic objectives for North Sydney Centre.
	Traffic Generation <i>The proposed development...is considered likely to generate more demand for car parking and loading facilities, and in association additional traffic movements.</i>	The proposed development promotes a range of transport options beyond car parking including public transport and cycling.

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		Roads and Maritime Services and North Sydney Council have raised no concerns with the proposed modifications nor raised any request for additional assessment of traffic generation.
	Changes to the operation of laneways <i>More detailed consideration ...is also considered necessary particularly owing to proposed changes to the operation of laneways.</i>	The modification application does not propose any changes to the operation of laneways.
	Precedence <i>The proposed development has disregarded the objectives and provisions of the NSLEP2013, particularly as they relate to building height.</i>	Section 7.2 of the EA report has given consideration to the provisions of the <i>North Sydney Local Environmental Plan 2013</i> as well as the <i>North Sydney Development Control Plan 2013</i> .