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DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000**

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The Secretary
NSW Department of Planning and Environment
23-33 Bridge Street,
Sydney NSW 2000

Dear Secretary,

100 MOUNT STREET, NORTH SYDNEY - PROPOSED S4.55(1A) MODIFICATION TO MAJOR PROJECT 08_0241

1. INTRODUCTION

On behalf of Laing O'Rourke Mount Street Pty Ltd, we seek to modify Major Project 08_0241 pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act). Specifically, this modification application seeks to:

- Convert an 8.83m² area of unused plant storage to retail for use as a coffee shop (takeaway only);
- Reconfigure the openings at the north-eastern corner of the building, with minor alterations to the northern and eastern elevations to create the coffee shop serving area; and
- Amend consent Conditions A2, B5 and B6 to account for the resultant changes to:
 - the approved architectural drawings; and
 - monetary contributions.

The objective of the proposed modification is to:

- Create street level activation at the frontage of the building; and
- Utilise and repurpose surplus plant area and at the lower ground level.

This correspondence provides a description of the site and context and of the approved project and subsequent modifications, together with a description of the proposed modifications and an Environmental assessment against the Director General's Requirements issued for the original major project application. This application is supported by the following:

- An amended set of Architectural Drawings (**Attachment A**); and
- BCA Statement (**Appendix B**).

2. BACKGROUND

On the 25 May 2010 the Minister for Planning approved Major Project, MP08_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.”*

Since this time, six subsequent modification applications have been sought with the Department of Planning and Environment (the Department) for various changes to the consent. **Table 1** below provides a summary of the past modifications sought to MP08_0241:

Table 1 i Modification Applications

Modification	Consent Date	Summary of Modification
MP 08-0241 MOD 1	16 February 2012	• Internal amendments to commercial floor space configuration and ESD performance of the building.
MP 08-0241 MOD 2	10 October 2014	• Façade amendments; • Relocation of plant levels; • Reconfiguration of ground and lower ground levels; • Increase to retail space fronting Walker Street • Addition of 472m² of GFA; and • Amend Conditions A2, B5, B6, B8, B43, E1, E6 and E23.
MP 08-0241 MOD 3	21 January 2015	• Extension of lapsing date by a period of 5 years from the date of determination.
MP 08-0241 MOD 4	23 March 2016	• Increase building height; • Relocation of end-of-trip facilities to basement;

Modification	Consent Date	Summary of Modification
		• Raise floor level of ground floor restaurant to accommodate lower ground floor mezzanine; • Enclosure of rooftop terrace on L34 and increase office tenancy. • Increase signage zone at top of building (N & S elevations); and • Amend Conditions A2, B5, B6 and E8 reflecting changes.
MP 08-0241 MOD 5	10 June 2016	• Extend ground floor restaurant and outdoor seating area to southern boundary; • Replace southern lobby entry door • Reconfigure basement levels to consolidate bicycle parking; • Relocation and reconfiguration and relocation of plant room; • Extend construction hours; and • Amend conditions to be flexible with Councils public domain strategy and rectify conflicts and minor errors.
MP 08-0241 MOD 6	4 May 2017	• Increase building height to relocate services level; • Provide outdoor terrace on level 35 with amenities; • Reorganise visitor bicycle parking; and • Amend Conditions A2, B5, B6 and B40 reflecting changes.

3. PROPOSED MODIFICATION

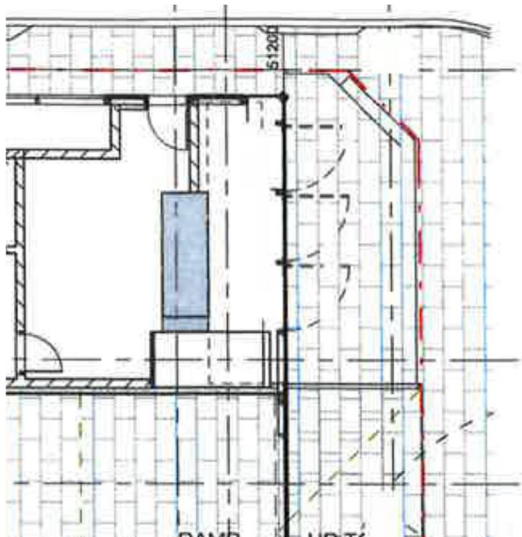
3.1. SUMMARY

Details of the proposed modification are shown in the plans prepared by Architectus attached at **Appendix A**. The plans are coloured and annotated to identify the proposed development as modified, compared to that approved. **Figure 1** and **Figure 2** compare these graphically.

The modifications are summarised as follows:

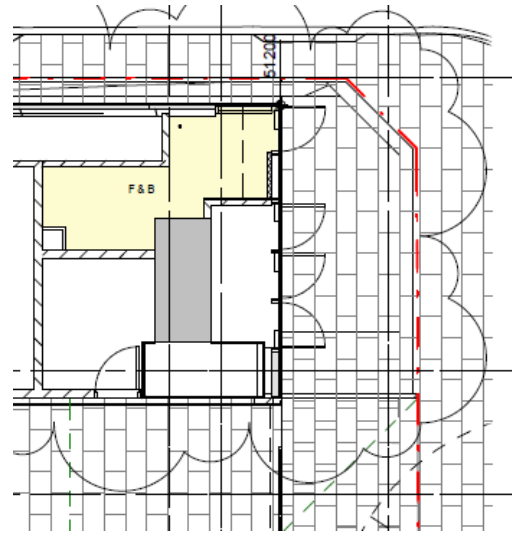
- Convert an 8.83m² area of unused plant storage to a café for takeaway use only;
- Reconfigure the openings at the north-eastern corner of the building, with minor alterations to the northern and eastern elevations to create the coffeeshop server area; and
- Amend consent conditions A2, B5 and B6 to account for the resultant changes to:
 - the approved architectural drawings; and
 - monetary contributions.

Figure 1 ĩ Floor Plan



Picture 1 ĩ Approved

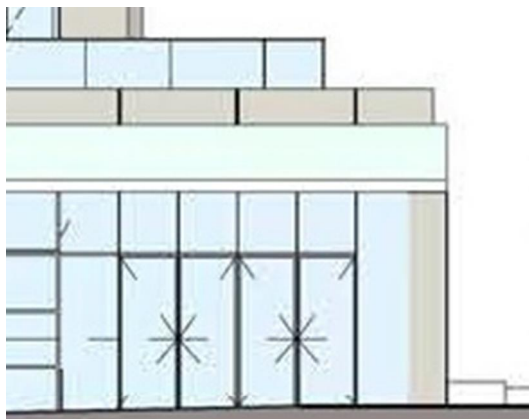
Source: Architectus



Picture 2 ĩ As proposed to be Modified

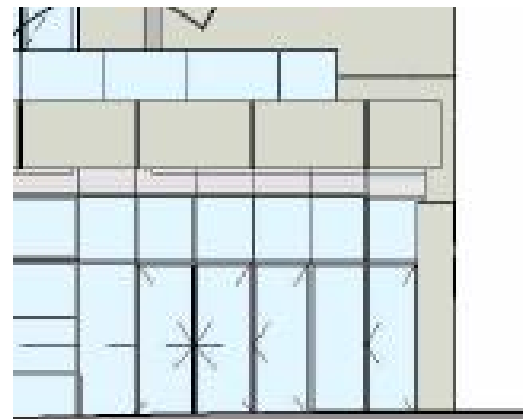
Source: Architectus

Figure 2 ĩ Eastern Elevation



Picture 3 ĩ Approved

Source: Architectus



Picture 4 ĩ As proposed to be Modified

Source: Architectus

3.2. LAND USE AND FLOOR AREA

Although the building envelope will be consistent with the approved development, the proposed modifications will result in an increase of GFA from 47,450m² to 47,458.83m² (additional 8.83m²) and increase to the NLA from 42,117m² to 42,125.83m².

This increase in GFA, does not result in an increase to the building footprint, rather, it repurposes an unused area, which was not previously included in GFA. This will provide for an 8.83m² retail space for use as a takeaway coffeeshop.

The increase in GFA will have no perceivable difference to the bulk and scale of the building when viewed from the street.

The proposed land use mix will not be changed from the approved concept, including a mix of retail and commercial uses.

The space will increase the amenity and value of the lower level retail offering and activate the building frontage at street level.

3.3. HOURS OF OPERATION

Operation hours will be the same as the lobby café.

3.4. BCA / ACCESS CAPABILITY

As detailed in Appendix B the proposal has been reviewed by Phillip Chun Building Compliance. The advice found that *'the additional retail space will be capable of compliance with the BCA and Accessibility provisions appropriate to its location and geometry'*.

3.5. MODIFICATION TO CONSENT 08_0241 MOD 6

3.5.1. Condition A2

It is proposed to modify the development consent conditions to replace the architectural drawings called up in Schedule 2 Condition A2. The modified plans are incorporated in the modified version of Condition A2 below, with new text in **red** and deleted text in ~~strikethrough~~.

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP 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 as amended by:

- (a) MP08_0241 MOD 1, the Section 75W Modification prepared by Urbis dated September 2011 (as amended by correspondence dated 21 November 2011 and the drawings prepared by Architectus);
- (b) MP08_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013;
- (c) MP08_0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015, and Response to Submissions dated 25 February 2016;

- (d) MP08_0241 MOD 5, the Section 75W Modification prepared by Urbis dated June 2016, and Response to Submissions dated 22 August 2016;
- (e) MP08_0241 MOD 6 the Section 75W Modification prepared by Urbis dated December 2016 and Response to Submissions dated 20 March 2017; ~~and the following drawings:~~
- (f) **MP08_0241 MOD 7 the Section 4.55(1A) Modification prepared by Urbis dated March 2018; and the following drawings:**

Architectural (or Design) Drawings prepared Skidmore, Owings & Merrill LLP and Architectus Sydney Pty Ltd

Drawing No.	Rev	Name of Plan	Date
DA 100	F G	Cover Sheet	08.12.16 09.03.18
DA 104	A	Existing Site Survey	12.08.11
DA 107	E	Ground Plane	18.05.16
DA 109	D	Site Plan	18.05.16
DA 116	F	Ground Floor Plan	08.12.16
DA 116-1	B	Plan - Retail Mezzanine	18.05.16
DA 117	E F	Retail Level Plan	18.05.16 09.03.18
DA 118	D	Plan - B1 Level	18.05.16
DA 119	D	Plan - B2 Level	18.05.16
DA 120	D	Plan - B3 Level	18.05.16
DA 121	D	Plan - B4 Level	18.05.16
DA 122	E	Plan - B5 Level	18.05.16
DA 123	E	Plan - B6 Level	18.05.16
DA 124	D	General Arrangement Plan - Ground Mezzanine (Management Office)	18.05.16
DA 124-1	D	General Arrangement Plan - Level 1 (Amenities)	18.05.16
DA 124-2	B	Level 1 Mezzanine - Plant	18.05.16

DA125	C	Plan - Typical Low Rise Level	16.12.15
DA 126	C	Plan - Typical Mid Rise Level	16.12.15
DA 127	C	Plan - Typical High Rise Level	16.12.15
DA 127-1	D	Plan - Level 34	08.12.16
DA 128	F	Plan Level 35	08.12.16
DA 128-1	F	Plan - Level 36	08.12.16
DA 128-2	B	Plan Level 37	08.12.16
DA 129	E	Roof Plan	08.12.16
DA 130	F G	North + East Elevations	08.12.16 09.03.18
DA 130-1	F	Contextual Elevation - North	08.12.16
DA 130-2	F G	Contextual Elevation - East	08.12.16 09.03.18
DA 131	F	South + West Elevations	08.12.16
DA 131-1	F	Contextual Elevation - South	08.12.16
DA 132	G	Building Sections	08.12.16
DA 133	F	Roof Sections	08.12.16
DA 134	D	Roof Rendering	08.12.16
DA 135	D	Basement Sections	18.05.16
DA 139	I J	Area Schedule	08.12.16 09.03.18
DA 140	B	Material Board	16.12.11

3.5.2. Condition B5

B5 Monetary Contributions

The Applicant invites Council to amend Condition B5 to reflect the amended contributions required under Section 7.11 of the Act and in accordance with North Sydney Council's Section 94 Contributions Plan.

3.5.3. Condition B6

The Applicant invites Council to amend Condition B6 to reflect the amended contributions required for rail infrastructure.

4. SECTION 4.55(1A) ASSESSMENT

4.1. POTENTIAL ENVIRONMENTAL IMPACT

The proposed modification is for minor changes to MP 08_0241, which do not alter the context, scale, or built form of the approved development. The works relate to a very small area of the lower ground façade that do not have any built form impacts.

The proposed modification will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application and subsequent modifications.

Potential impacts in terms of streetscape and public domain, of the takeaway café use are addressed in detail in Section 5.2 of this submission.

4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed development, as modified, will be substantially the same development as that originally approved in MP08_0241 as there are no changes to:

- Approved use or operational parameters of the building;
- Staff numbers, opening hours or other management processes proposed;
- Approved site layout or building envelope
- Parking numbers remain unchanged; or
- The level of environmental impact is minimal and substantially the same as the impacts of the approved development.

4.3. PUBLIC NOTIFICATION AND SUBMISSIONS

The Section 4.55 (1A) modification may be publicly notified in accordance with the provisions of *DCP 2013 – Notification* and any third-party submissions will need to be assessed by Council.

5. SECTION 4.15 ASSESSMENT

The matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 also need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal is assessed overleaf:

Table 2 i Section 4.15 Compliance

Section 4.15 relevant extract	Summary of Compliance
<i>(a)(i) any environmental planning instrument</i>	The proposed modification has been assessed in accordance with the relevant planning controls. The application has been submitted in accordance with the requirements of Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979. The proposed amendment does not impact on compliance of the development with any other provisions of the state, regional and local planning controls. Refer to the Section 5.1 below.
<i>(a)(ii) any proposed instrument that is or has been the subject of public consultation</i>	None relevant to the proposal.
<i>(a)(iii) any development control plan</i>	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 compliant with the NSDCP 2013 from the approved scheme, MP08_0241 MOD 6.
<i>(a)(iiia) any planning agreement or any draft planning agreement</i>	None relevant to the proposal.
<i>(a)(iv) the regulations</i>	None relevant to proposal.
<i>(a)(v) any coastal zone management plan</i>	None relevant to the proposal.
<i>(b) the likely environmental, social and economic impacts</i>	The proposed minor amendment to the project staging will not result in any significant environmental, social or economic impacts. A summary is provided below in Section 5.2 .
<i>(c) the suitability of the site</i>	The proposed modification will not result in any changes that would affect the suitability of the site to accommodate the proposed development.

Section 4.15 relevant extract	Summary of Compliance
(d) any submissions	It is acknowledged that any submissions arising from the public notification of the Section 4.55 (1A) application will need to be assessed by Council.
(e) the public interest	It is considered that the proposed modification does not contravene the public interest.

5.1. STATUTORY PLANNING ASSESSMENT

5.1.1. State Environmental Planning Policy (State and Regional Development) 2011

The original Part 3A approval had regard to the Director General's Environmental Assessment Requirements (DGRs) issued 30 April 2009, with the subsequent six modification applications also having regard. This modification application does not modify the level of adherence achieved and as demonstrated in previous applications and remains consistent.

5.1.2. North Sydney Local Environmental Plans 2001 and 2013

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 proposed modifications do not alter the level of compliance with the NLEP 2001 objectives from the approved original scheme because there are no changes to the built form, height or level of external impact.

The *North Sydney Local Environmental Plan 2001* has been superseded by the *North Sydney Local Environmental Plan 2013* (NLEP 2013). The proposal remains consistent with the objectives of the NLEP 2013.

5.2. ENVIRONMENTAL IMPACT CONSIDERATIONS

The proposed modifications have the following environmental impacts:

5.2.1. Streetscape and Public Domain Impact

At street level, an increased level of activation will occur creating a more vibrant streetscape and active frontage to the built form.

This modification does not propose to change the built form or height, nor the mix of land uses proposed or high-quality materials identified compared to the approved development. The building will

continue to be interpreted as an elegant, contemporary and positive addition to the North Sydney Centre.

5.2.2. Parking and Traffic Generation

The minor addition of GFA on the lower ground floor is for a takeaway coffeeshop to support the approved restaurant. The takeaway only facility means that no additional car parking is required to service the shop. As a result, there will be no additional traffic generation from the proposal and no requirement for additional parking.

5.2.3. Restaurant and Café Management

Operation hours will be the same as the lobby café. The addition of a café for takeaway use only does not introduce any addition land use compared to the original approval. As such the resultant impact is considered to be neutral. Further, the coffee shop is for takeaway only and the customer base will be drawn from walk-by traffic.

6. CONCLUSION

The proposed modification includes the conversion of an 8.83m² area of unused plant storage to retail for a coffeeshop (takeaway use only). The proposed works includes minor alterations to the northern and eastern elevations to create the coffeeshop servery area and the coffeeshop will operate as part of the approved restaurant.

The modified proposal has been assessed against the relevant planning provisions under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. While there is a minor increase in the gross floor area of the building, there is no change to built form, height, or scale compared to the approved development.

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



ATTACHMENT A



ATTACHMENT B