



**TOWER 2, LEVEL 23
DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000**

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30 May 2018

Mr Bredon Roberts
NSW Department of Planning and Environment
23-33 Bridge Street,
Sydney NSW 2000

Dear Brendon,

100 MOUNT STREET, NORTH SYDNEY – REQUEST TO AMEND CONDITION MP08_0241 MOD 7

On behalf of Laing O'Rourke Mount Street Pty Ltd (the Applicant), a request was lodged to modify Major Project 08_0241 pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) dated 16 April 2018. This modification application (MP08_0241 MOD 7) sought 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.

Since lodgement, the application has undergone notification and no objections were received. The Applicant has also been reviewing the delivery of this project and is seeking to amend Condition E8 of MP08_0241, additional to the above listed modification. This correspondence details:

- the extent of the additional amendment sought as part of MP08_0241 MOD 7;
- provides a brief assessment against Section 4.55(1A); and
- concludes that it is not necessary to renotify this application on the basis that the amendment is minor and does not result in any further environmental, social or economic impact, above that already approved.

EXTENT OF AMENDMENT

The extent of this amendment relates to Condition E8, regarding public art.

Note: new text in red and any deleted text in ~~strikethrough~~.

The amended condition is to read as follows:

E8 Public Art

The applicant shall submit an Arts Plan for the proposed development to Council's Arts and Culture Officer for approval.

*The applicant shall consult with Council's Arts and Culture Officer in the design and execution stages of the Art Plan. The Artwork shall be installed in accordance with the approved Art Plan prior to completion and issue of any interim Occupation Certificate **at ground floor**.*

A copy of the approved Public Art Plan is **enclosed** for the Department's reference.

SECTION 4.55(1A) ASSESSMENT

The following is provided as a brief assessment against Section 4.55(1A):

- Amending Condition E8, will not alter the context or scale of the approved built form outcome and will have no environmental impacts over and above that which have already been assessed.
- The proposed development, as modified, will be substantially the same development as that originally approved in MP08_0241 as there are no changes to the built form, approved site layout or building envelope, operational management or approved use land.
- The proposed amendment does not impact on compliance of the development with any other provisions of the state, regional and local 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 modifications remain compliant with the North Sydney LEP 2013 and North Sydney DCP 2013 from the approved scheme and as modified in MP08_0241 MOD 6.
- The amendment proposed is minor and will not result in any significant environmental, social or economic impacts.
- It is considered that the proposed modification does not contravene the public interest.

PUBLIC NOTIFICATION AND SUBMISSIONS

The Section 4.55 (1A) modification has already been publicly notified in accordance with the provisions of *DCP 2013 – Notification*. Third-party submissions were received with no objections to the modification as lodged. As this modification relates solely to the timing and delivery of the project it will have no material impact on that of the wider public, government agencies or Council and therefore does require renotification.



CLOSING

The proposed subsequent modification to MP08_0241, to amend Condition E8 results in a development that is generally consistent with the consent and does not result in any additional impacts above to that already approved.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Murray Donaldson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Murray Donaldson
Director

Enc: Public Art Plan