

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF CONCEPT PLAN

MP 08_0241

**DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A MIXED USE
COMMERCIAL AND RETAIL DEVELOPMENT AT 86-96 MOUNT STREET AND
100 MOUNT STREET, NORTH SYDNEY**

(FILE NO. 10/03554-1)

I, the Minister for Planning, determine:

- (a) to **approve** the Concept Plan for the Project referred to in Schedule 1, subject to the terms of approval in Schedule 2 and subject to the Proponent's Revised Statement of Commitments in Schedule 3, pursuant to Section 75O of the *Environmental Planning and Assessment Act, 1979* (the Act);
- (b) that, pursuant to Section 75P(1)(c) of the Act, the Project requires no further environmental assessment; and,
- (c) that, pursuant to Section 75P(1)(b), all future development on the site be subject to Part 4 or Part 5 of the Act (whichever is applicable).



The Hon Tony Kelly MLC
Minister for Planning

Sydney,

25 MAY 2010

2010

SCHEDULE 1

PART A — TABLE

Application made by:	Delmege Commercial and Laing O'Rourke Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 08_0241
On land comprising:	Lot 1 in DP 702144 (86-96 Mount Street, North Sydney) and Lot 100 in DP 624581 (100 Mount Street, North Sydney)
Local Government Area	North Sydney Council
For:	Demolition of the existing buildings, excavation of the site, and, the construction and use of a mixed use commercial/retail building
Estimated Cost of Works	\$145 Million
Type of development:	Concept Plan approval under Part 3A of the Act
S.119 Public inquiry held:	No
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless the Project is physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 08_0238

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department (or his nominee).

Environmental Assessment (EA) means the Environmental Assessment prepared by Urbis and dated July 2009.

Minister means the Minister for Planning.

Preferred Project Report (PPR) means Preferred Project Report prepared by Urbis and dated December 2009.

Project means the development the subject of major project application number MP 08_0241 and as described in the Environmental Assessment and the Preferred Project Report.

Proponent means Delmege Commercial and Laing O'Rourke Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

SCHEDULE 2

TERMS OF APPROVAL FOR CONCEPT PLAN 08_0241

A1 *Development Description*

(1) Concept Plan approval is granted only to the development described in detail below:

- **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.

SCHEDULE 3

CONCEPT PLAN 08_0241

MIXED USE COMMERCIAL AND RETAIL BUILDING

86-96 MOUNT STREET & 100 MOUNT STREET, NORTH SYDNEY

REVISED STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)

9 Revised Statement of Commitments

Table 1 – Statement of Commitments

Subject	Commitment	Approval Authority (where applicable)	Timing
BCA and Australian Standards	The building will meet all relevant requirements of the BCA and Australian Standards (where applicable). This shall be detailed and certified prior to issue of Construction Certificate.	PCA	Prior to CC issue
Demolition	The demolition work shall comply with the provisions of AS2601:2001 The Demolition of Structures. The work plans required by AS2601:2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.		Prior to CC issue
Excavation	The Construction Management Plan shall address excavation methodology in detail, including how land stability of the site and adjoining land will be maintained, how natural drainage patterns will be protected, and how adverse impacts on surrounding properties will be minimised.		Prior to CC issue
Pedestrian Access during Construction	Pedestrian walkway access shall be retained along Walker Street and Mount Street during construction.		During construction
Accessibility	The proposal will meet requirements of relevant Australian Standards, the BCA and intent of the DDA in relation to access.		Prior to CC issue
Public Domain Works	A Public Domain Plan will be prepared detailing the upgrading of public spaces in the vicinity of the site. The Plan shall be signed off to Council's satisfaction prior to issue of a Construction Certificate for the site. Reconstruction shall be undertaken of the kerb/gutter, crossings, full frontage, footpath pavement and transition works directly adjacent to the sites street property boundary.	Council	Prior to CC issue
Construction Hours	Construction hours shall be limited to between 7am and 6pm weekdays, and 8am and 6pm on Saturdays.		

REVISED STATEMENT OF COMMITMENTS



Construction Management	PCA	During Construction
Commit to communicating key construction milestones with surrounding neighbours in particular in relation to potential disruption during demolition, excavation and construction. The CMP will include the following: ▪ Sound reducing hoardings should be constructed across the Walker, Mount and Spring Street alignments providing a base for site sheds. Where the hoarding and sheds are made continuous with appropriate plywood infill, this will provide a substantial noise reduction (for activities up to say 1st – 2nd levels) to lower level receptors. ▪ The retaining walls for the basement level should where practical reuse the existing basement walls. If this is not possible, in-situ concrete, masonry or pre-cast concrete will be used. This will substantially mitigate noise impacts from this process. ▪ Bulk excavation should be carried out by bulldozer and ripper attachments, with breaking limited to the sandstone bedrock. Where the excavation can exclude breaking to the greatest extent possible, noise and vibration impacts can be minimised. ▪ Work carried out inside the building façade, once installed, should not impose further impacts.		

REVISED STATEMENT OF COMMITMENTS



ESD	The proposed development commits to achieve a 5 Green Star Office Design rating and a minimum 5 Star NABERS Energy rating (Base Building) Prior to construction of the building an ESD strategy will be prepared outlining measures to be incorporated into the building designs to achieve the desired ratings. The strategy will include, but may not be limited to the following: ▪ Efficiency of central plant ▪ Natural ventilation to selected areas ▪ Integrated building management system ▪ Stormwater harvesting and re-use ▪ Façade thermal performance ▪ Façade shading ▪ Energy monitoring ▪ Water monitoring ▪ Air-conditioning system management	PCA	Prior to Occupation
Noise	The managing contractor must prepare a Noise Management Plan prior to construction in order to manage and mitigate noise and vibration impacts on the adjacent 80 Mount Street and the distant residential properties. The project must be designed such that operational noise is limited to within acceptable limits imposed by the consent authority. This could be carried out by the principal during the developed design phases or by the managing contractor as part of an enhanced Design and Construct specification.	PCA	Prior to CC issue
Lighting	All selected light is to comply with the requirements of relevant Australian Standards.	PCA	Prior to CC issue
Contributions Framework	S94 Contribution at a rate of \$14,322.98/100m2 is to be paid or works to this value to be undertaken in lieu of monetary payment. This payment will cover: ▪ Administration ▪ Child care facilities ▪ Community centres	Council	Prior to CC issue

REVISED STATEMENT OF COMMITMENTS

	- Library acquisition - Library premises and equipment - Multi-purpose indoor sports facility - Open space acquisition - Open space increased capacity - Olympic pool - Public domain improvements - Traffic improvements		
Railway Deed	The proponent shall enter into a deed in relation to the retrospective contributions to the upgrade of the North Sydney Railway Station, in accordance with the prescribed form and costing schedule.		
Utilities	Upgrading of utilities shall occur as per the requirements of the relevant agency.	PCA	Prior to CC issue
Wind	The following set of treatments are to be included in the design: - The addition of an awning above the street level along the eastern and southern aspects of the development; - Strategic placement of portable 1.2m high impermeable screens within and around the development site; - Maintaining existing 1.5m high shrub at the corner of Denison and Mount Streets and 1.2m high Garden Wall at the corner of Denison and Spring Streets; - Densely foliating trees capable of growing to a height of 5 metres with a 6 metre canopy on Mount and Walker Streets, and a 6 metre high tree with an 8 metre canopy on the corner of Walker and Mount Street. 1.5m high impermeable balustrades along the perimeter of the Level 8 (retail roof) Roof Garden terrace areas; 1.5m high impermeable balustrade along the perimeter of the Level 20 Sky Garden terrace area, setback from the edge. A densely foliated tree is also recommended for this area.		

REVISED STATEMENT OF COMMITMENTS

Safety and Security	A security management plan will be prepared for the building prior to its occupation.	PCA	Prior to occupation
Travel Demand Incentives	Travel demand incentives such as a workplace travel plan and travel access guides shall be prepared and distributed to future tenants.	MoT	Prior to occupation
Civil/traffic signal design	Plans of proposed civil and traffic signal upgrades shall be submitted to the RTA	RTA	Prior to construction of civil/traffic signal works
Reflectivity	Reflectivity levels of proposed external surfaces shall be no greater than 20%	PCA	Prior to CC issue
CBD rail link	Further geotechnical investigation shall be undertaken throughout the construction to confirm findings that the proposal will not have any significant impact upon the proposed rail corridor	PCA	During construction