



# 100 Mount Street, North Sydney (MP08-0241)

Section 75W - MOD 2  
Environmental Assessment Report

December 2013

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# 1 Introduction

This report accompanies a request to modify Major Project 08\_0241 pursuant to Section 75W of the *Environmental Planning and Assessment Act, 1979* (the Act) on behalf of the Proponent for the project, Laing O'Rourke Mount Street Pty Ltd.

This report provides:

- A description of the site and context.
- A description of the approved project.
- A description of the proposed modifications.
- Environmental assessment of the proposed modifications in relation to the Director General's Requirements issued for the major project.

This application seeks the following modification to MP08\_0241:

- Modification to the proposal's façade treatment including refinements of the façade treatment of the Levels 34 and 35 (signage zone), modification to the structural brace feature to the Walker Street façade and addition of windows to the screened spine running on the northern and southern elevations adjacent to the lift core;
- Modifications to the Plant Level (Level 34) and Plant Mezzanine (Level 35) to enable an additional space on the upper level and a roof terrace;
- Reconfiguration of the ground and lower ground levels with modified setback and interface with Mount, Walker and Spring Street. Modifications includes glazed enclosure of the ground floor for enhanced weather protection, reduction of the gradient of the Mount Street steps leading to the ground level lobby and removal of the Walker Street facing steps;
- Increase to the retail space on the lower ground level, facing Walker Street;
- Reconfiguration of basement levels for a more efficient use of space; and
- Addition of 472m<sup>2</sup> of gross floor area (GFA) to the overall approved floor space, mainly the result of enclosing the ground floor level for weather protection.

These amendments to the project will be implemented through modification of the following conditions of Major Project Approval MP08\_0241:

- Condition A2 - to include new plans for reference.
- Condition B5 Monetary Contributions – to be amended to reflect revised gross floor space.
- Condition B6 Railway Infrastructure – to be amended to reflect revised gross floor space.
- Condition B8 Required Infrastructure Works – to amend the public domain paving surface
- Condition B43 Transport Management Plan – to remove the requirement for a truck hoist to basement levels.
- Condition E1 Occupation Certificate to be Submitted – correction of typing error.
- Condition E6 Covenant for windows on the western elevation – removal of condition as there are no trees on this western elevation.
- Condition E23 Required Tree Planting – modification to number of street trees required for Walker Street.

The original Major Project was accompanied by a range of specialist consultant inputs, which have been updated as required to suit the proposed modifications.

This report includes reference to **Appendix A** – Skidmore Owings & Merrill LLP and Architectus, architectural drawings. Refer to **Section 5.3.5** for reference to replacement drawing numbers.



## 2 Background

### 2.1 APPROVED SCHEME

On the 25<sup>th</sup> May 2010 the Minister for Planning approved Major Project (MP 08\_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.”*

### 2.2 MAJOR PROJECT MP 08\_0241 - MOD 1

Major Project MP 10\_0027 MOD 1 was granted consent on 16 February 2012 to:

- *“Create the most efficient and flexible floor plate for the end user that moved the building from A grade to Premium grade;*
- *Improve the sustainability of the design;*
- *Create the ground floor plane with respect to the office vision and enhance ground floor amenity and human activation; and*
- *Enhance the general appearance.”*

### 2.3 CONSULTATION FOR MP 08\_0241 – MOD 2

Representatives from the Proponent, Architectus and Urbis met with Geoff Mossemeneer, Executive Planner at North Sydney Council on 10 October 2013.

The architect gave an overview of the proposed changes and explained the reasons for change.

Considering the changes were relatively minor in nature, Council supported the development and agreed that in principle changes were acceptable and improvements on the approved development.

Council did not consider it necessary to refer the proposed changes to the North Sydney Design Excellence Panel for comment. Council did also not consider it necessary to refer the proposed changes to a meeting of the full Council.

The Council were supportive of the proposed modification to the Condition B8 in relation to deletion of the requirement to provide new footpath pavements to Mount, Walker and Spring Streets, consistent with the North Sydney CBD Sandstone palette. Council advised they were supportive of having a consistent pavement in the in the street frontages and the private ground lobby area of the building.

Council indicated that it will provide comment to the Department as part of the formal exhibition and referral process.

## 3 The Site and Context

### 3.1 THE SITE

The site comprises two allotments, being 86-96 and 100 Mount Street (Lot 1 DP 702144 and SP76561 respectively).

The subject site is located on the corner of Mount Street, Walker Street and Spring Street within North Sydney CBD. It has the following characteristics:

- A total site area of 1,757m<sup>2</sup>.
- A southern frontage to Mount Street, eastern frontage to Walker Street, northern frontage to Spring Street, and western frontage to 80 Mount Street (existing commercial building).

The site is currently developed as two separate commercial and retail buildings:

- 100 Mount Street is a mixed commercial and retail building comprising ground floor retail space fronting Mount and Walker Streets with five storeys of commercial floor space above. Access to the commercial space is gained from Mount Street.
- 86-96 Mount Street is also a mixed commercial and retail building.

### 3.2 LOCAL CONTEXT

The site is located within the heart of the North Sydney CBD. Land uses surrounding the site are predominantly commercial office space in tall buildings, with ground and lower level retail shops and hotels. Buildings within the CBD step down from the centralised taller forms to the lower scale commercial and mixed use buildings on the fringe of the CBD. Residential development and open space is located on the fringe of the centre.

Streets within the vicinity of the site are characterised by high traffic volumes due to the proximity of on and off ramps from the Warringah Expressway.

Streets and laneways surrounding the site have a strong pedestrian focus, including Mount Street, Denison Street and Elizabeth Plaza.

Buildings surrounding the site range in height from 2 storeys across Spring Street (the heritage listed Firehouse Hotel), to taller buildings at the following locations:

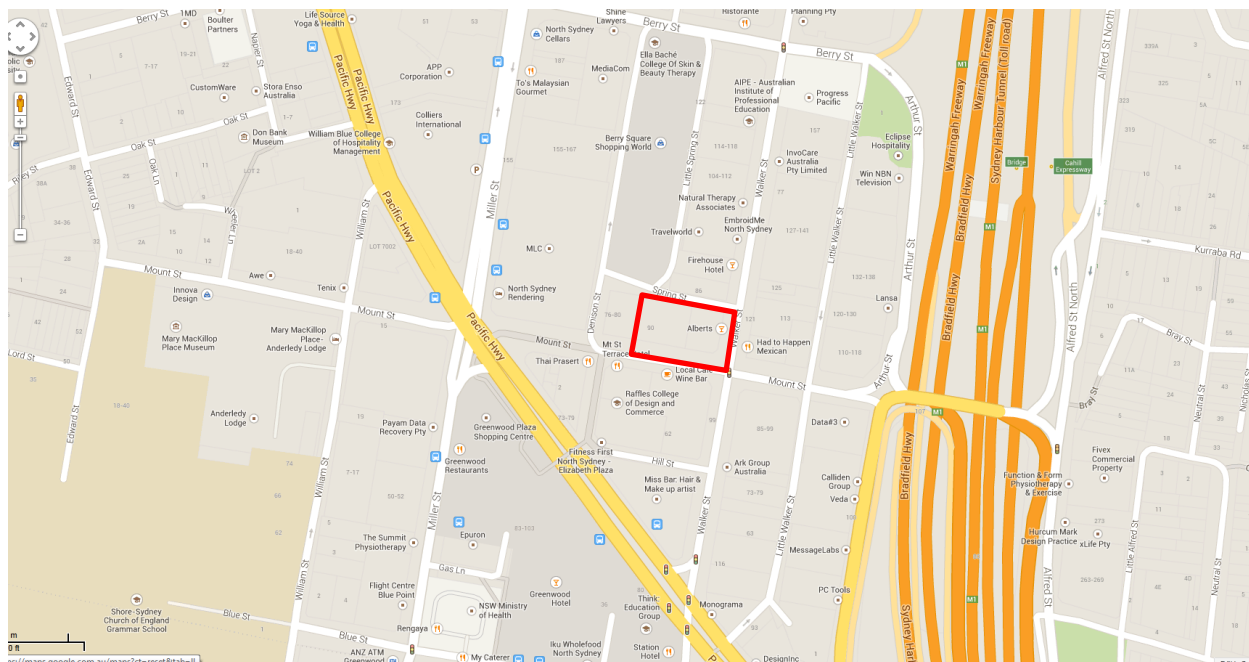
- Approximately 35 storeys on the south western corner of Walker and Mount Street.
- Approximately 40 storeys on the south eastern corner of Walker and Mount Street.
- Approximately 8 storeys on the north eastern corner of Walker and Mount Street.
- Other buildings fronting Walker Street, north of Mount Street, range in height to approximately 30 storeys.
- Buildings fronting Walker Street south of Mount Street range in height to approximately 20 storeys.

### 3.3 SURROUNDING DEVELOPMENT

A Part 3A application has been approved on the site known as 88 Walker Street and 77-81 Berry Street (**MP08\_0238**), adjacent to the subject site to the north. That approval includes a 35-40 storey commercial building at the Berry Street site and a 28-30 storey hotel building at the Walker Street site.



The site adjacent to the west of 100 Mount Street, known as 80 Mount Street, has the potential for further development and may be developed in the future. Various options for development were considered in the context of the original approval.



PICTURE 1 – SITE LOCATION

The site is shown bounded with a thin red line.

## 4 Proposed Modifications

### 4.1 OBJECTIVES FOR PROPOSED MODIFICATIONS

The proposed modifications were motivated by the following design objectives:

- An improved fit for tenant and investor market.
- Enhanced and more refined building façade treatment.
- Creation of an enhanced ground floor (lobby) with improved amenity and weather protection, whilst maintaining a through site link for pedestrians.
- The improvement of the proposal's interface with the public domain including the active street frontages and continuous access connecting private and public areas.
- Improving the retail activation and street alignment at the corner of Mount and Walker Street.
- More efficient configuration of basement and rooftop plant levels.

### 4.2 SUMMARY OF MODIFICATIONS

In summary, the proposed modifications include:

- Modification to the façade treatment on the north, east and south façade of the proposal, including:
  - Rationalization and refinement of the signage zone on the upper level of the façade through the extension of glazing to the uppermost point of the façade, enclosing plant and brace structure;
  - Removal of portion of louvres to form windows in the screened spine section of the north and south elevations; and
  - modification to the structural steel brace feature to the eastern elevation.
- Modifications to the plant level (Level 34), plant mezzanine level (Level 35), and roof top plant, including the addition of an additional upper level tenancy space and accompanying roof terrace space;
- Reconfigure ground levels to:
  - Modify public domain footpath surfaces to granite pavers, to match that of the proposal's ground floor / lobby area;
  - Enclose the ground floor lobby space to provide weather protection for enhanced amenity;
  - Increase and enhance the eastern portion of the outdoor lobby space to provide room for additional seating and landscaping;
  - Reduce of the gradient of the Mount Street steps leading to the ground level lobby;
  - Removal of Walker Street facing steps between retail and ground levels to better activate Mount Street; and
  - Addition of 28 outdoor bicycle parking spaces in the south western corner, and 10 spaces in the north western corner and of site.

- Reconfigure lower ground level to:
  - Modify public domain footpath surfaces to granite pavers, to match that of ground floor lobby flooring. The granite paving selection is to be discussed and agreed with North Sydney Council;
  - Increase area to retail / café space to align with Mount Street for improved activation by deleting stairs;
  - Modify alignment with Mount Street;
  - New doors to fire booster room added, opening on Walker Street elevation; and
- Reconfigure basement levels to rearrange plant and storage spaces, parking, bicycle parking and access.

A comparison between the approved MP08\_0241 and the proposal is as follows:

TABLE 1 – COMPARATIVE TABLE

	APPROVED SCHEME (MOD 1)	PROPOSED MODIFICATION
GFA	45,067m <sup>2</sup>	45,539m <sup>2</sup> (additional 472m <sup>2</sup> )
Net Lettable Area	40,893m <sup>2</sup>	41,106m <sup>2</sup> (additional 213m <sup>2</sup> )
Building Height	RL 199.7 (145.7 metres measured from existing ground below that point).	RL 198.
Retail tenancies	1 large retail space at lower ground (retail) level and café at the ground (lobby) level above.	1 large retail space at lower ground level (minor increase to MOD 1 area of 89m <sup>2</sup> ) and café at the ground (lobby) level above.
Storeys	Total 36 including: <ul style="list-style-type: none"> <li>• 1 retail</li> <li>• 1 plaza/ lobby level</li> <li>• 1 amenity level</li> <li>• 1 storey of plant at roof top</li> <li>• 32 storeys of commercial</li> </ul>	Total 38 including <ul style="list-style-type: none"> <li>• 1 retail</li> <li>• 1 plaza/ lobby level</li> <li>• 1 ground floor mezzanine level</li> <li>• 1 amenity level</li> <li>• 2 storeys of plant at roof top</li> <li>• 32 storeys of commercial</li> </ul>
Parking  (including accessible spaces)	6 parking levels  113 spaces	No change
Vehicle Access	One point of access from Walker Street.	No change

## 4.3 DETAILED DESCRIPTION OF PROPOSED MODIFICATIONS

This section provides a detailed description of proposed modifications to the proposal, including a description of façade modifications (**Section 5.3.1**) and those proposed for each level of the proposal (**Section 5.3.2**).

### 4.3.1 FAÇADE MODIFICATIONS

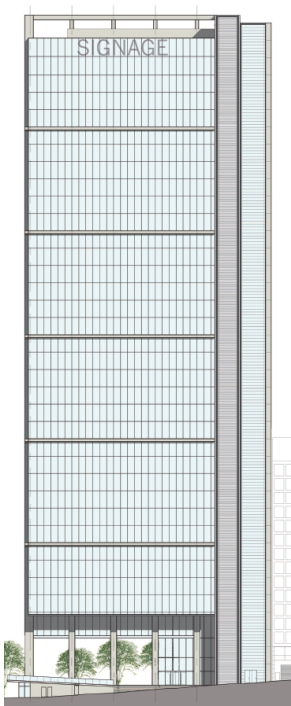
The building facades are proposed to be modified to improve the appearance and presentation of the building. Modification to the north, east and south elevations are as follows:

#### **North Elevation**

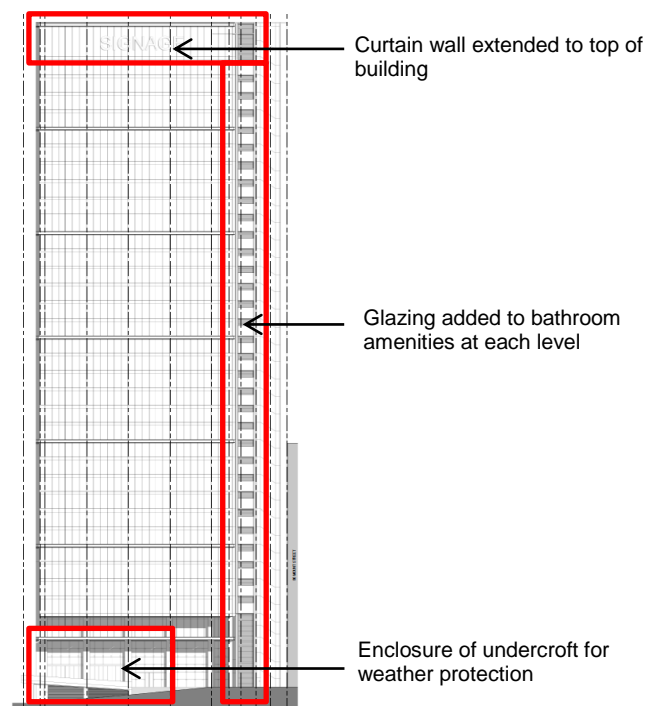
Proposed modification to the Northern façade include:

- Extension of the curtain wall screen to the uppermost point of the building to enclose plant and other structural building elements, previously exposed (refer to **Picture 2** below), for improved aesthetics;
- Removal of portions of louvres from the spine section of the north elevation running from the top to bottom of the façade. This forms windows for bathrooms, taking advantage of views and increasing light to the building; and
- Glazing introduced to ground floor lobby level to enclose space.

FIGURE 1 – NORTHERN FAÇADE

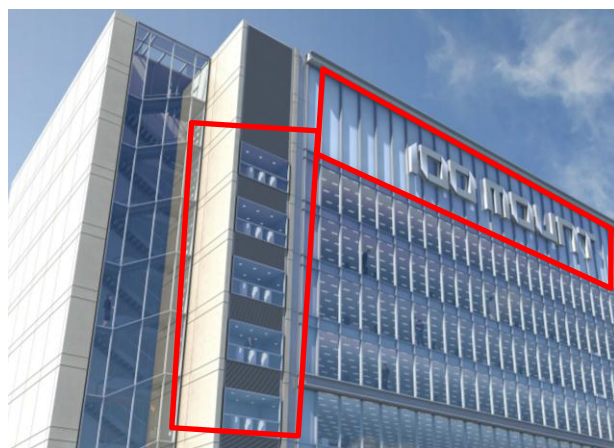


PICTURE 2 – APPROVED DESIGN (MOD1)



PICTURE 3 – PROPOSED DESIGN

FIGURE 2 – SCREENED SPINE AND UPPER TREATMENT ON NORTH & SOUTH ELEVATIONS

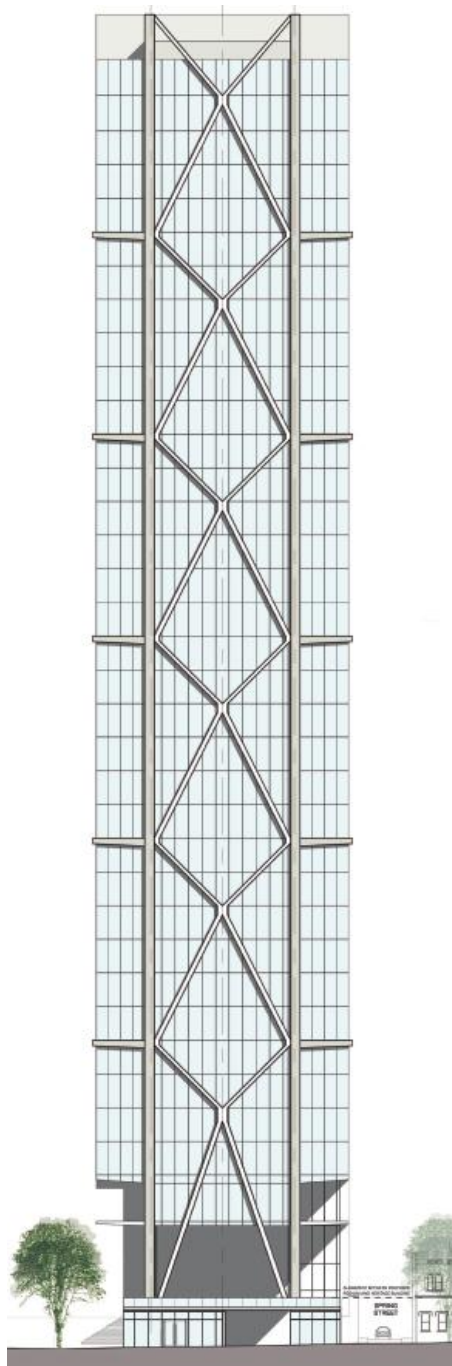


## East Elevation

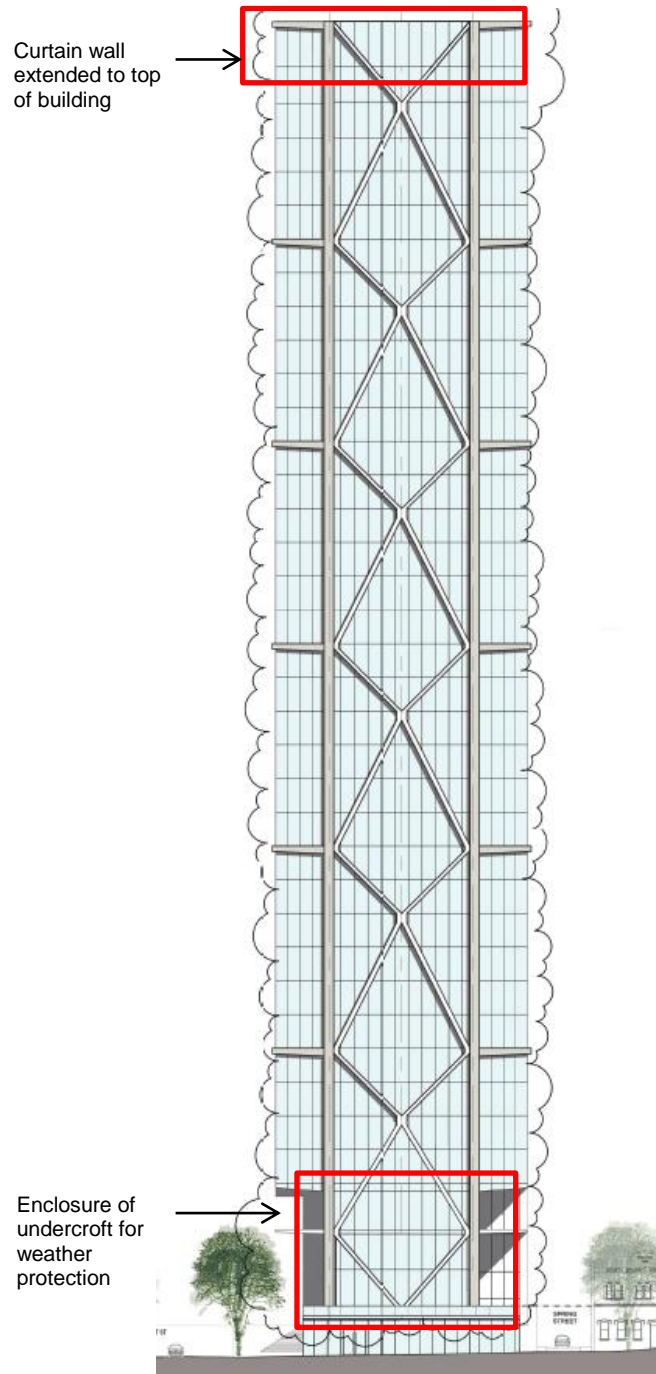
Proposed modifications to the Eastern façade include:

- The structural brace running from the ground floor to the roof on the east elevation modified to improve the design both structurally and aesthetically;
- Extension of the curtain wall screen to the uppermost point of the building to enclose plant and other structural building elements previously exposed to refine building aesthetics; and
- Additional glazed wall at ground level added to enclose undercroft space.

FIGURE 3 – EASTERN ELEVATION



PICTURE 4 – APPROVED DESIGN (MOD1)



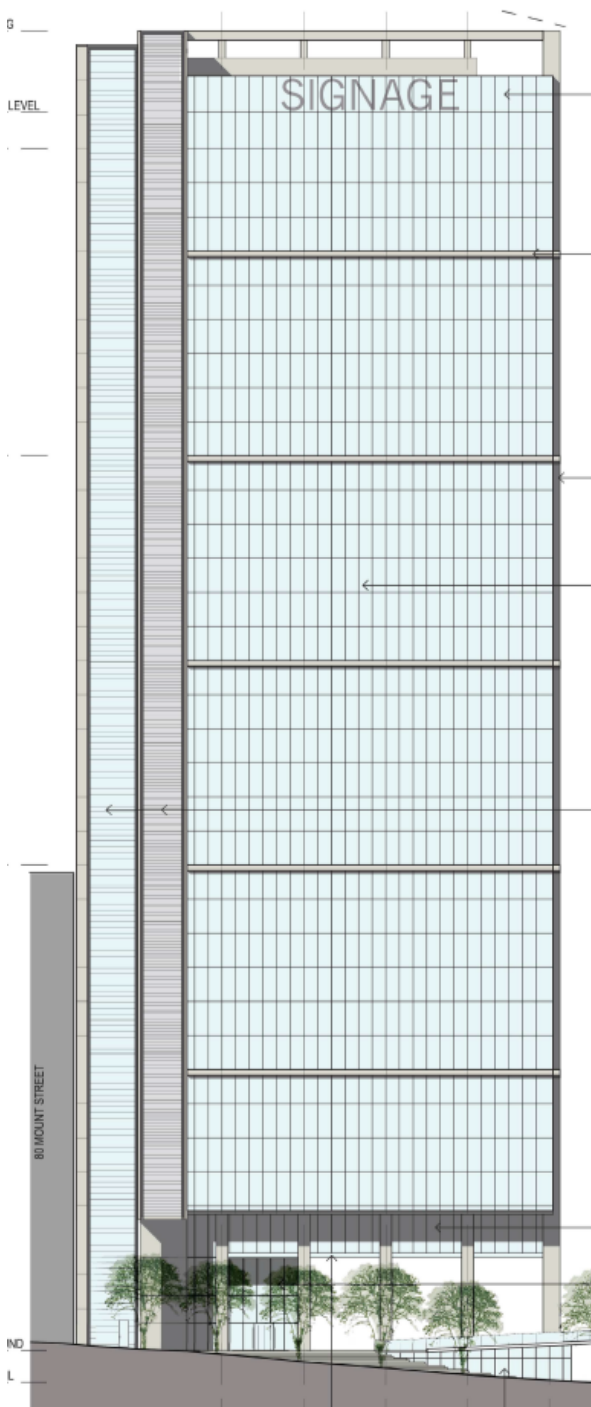
PICTURE 5 – PROPOSED DESIGN

## South Elevation

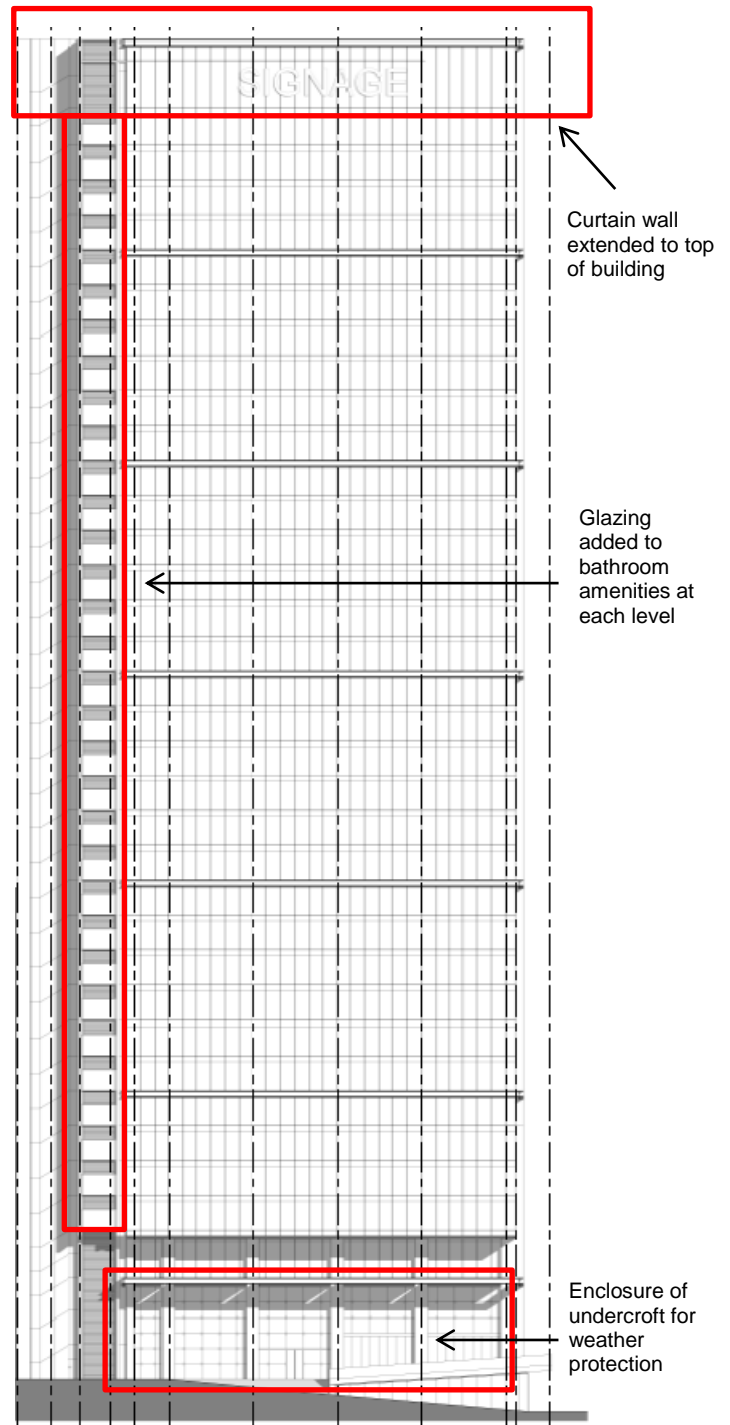
Proposed modifications to the Southern façade include:

- Extension of the curtain wall screen to the uppermost point of the building to enclose plant and other structural building elements previously exposed, creating a sleeker aesthetics; and
- Removal of portions of louvres from the spine section of the north elevation running from the top to bottom of the façade. This forms windows for bathrooms, taking advantage of views and increasing light to the building.

FIGURE 4 – SOUTHERN FACADE



PICTURE 6 – APPROVED DESIGN (MOD1)



PICTURE 7 – PROPOSED DESIGN



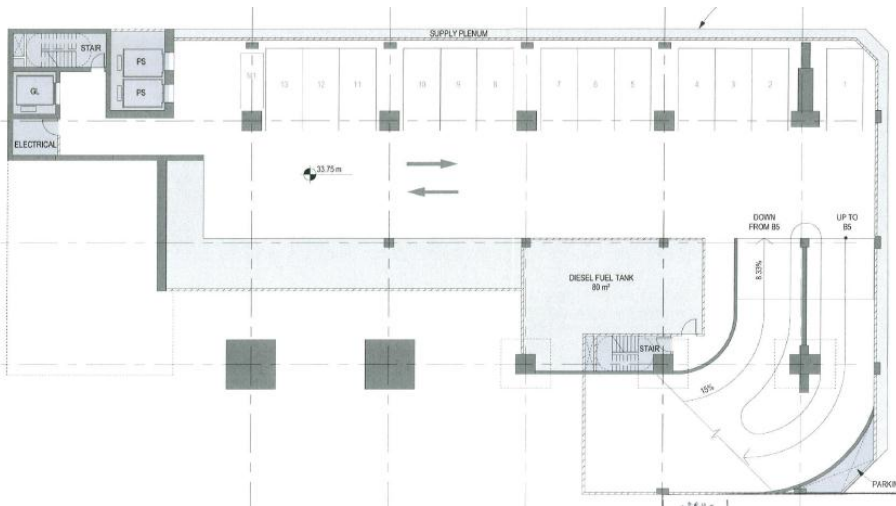
## 4.3.2 PROPOSED MODIFICATION BY LEVEL

### LEVEL B6 MODIFICATION

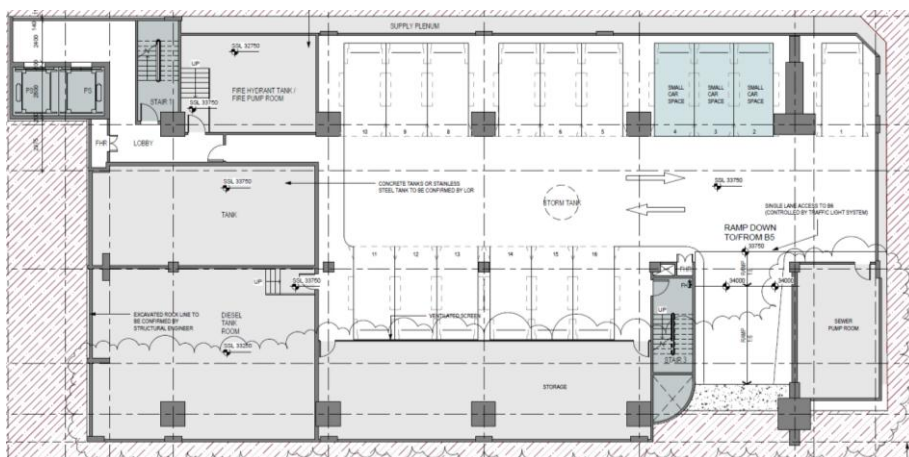
The following modifications are proposed for Level B6:

- Additional excavation to enlarge the southern portion of level B6 and provide additional storage rooms / space and allowing for the modifications listed below;
- Enlargement and relocation of the diesel fuel tank to the south western corner of this level;
- Access ramp relocated with a new sewer pump room located in former ramp location;
- Enlarged diesel tank room relocated to the south western corner of this level;
- New fire hydrant tank / fire pump room and tank rooms added to north western corner;
- Lifts reconfigured; and
- Car parking on this level increased from 13 to 16 spaces.

FIGURE 5 – LEVEL B6



PICTURE 8 – APPROVED LAYOUT (DRAWING NO: DA123)



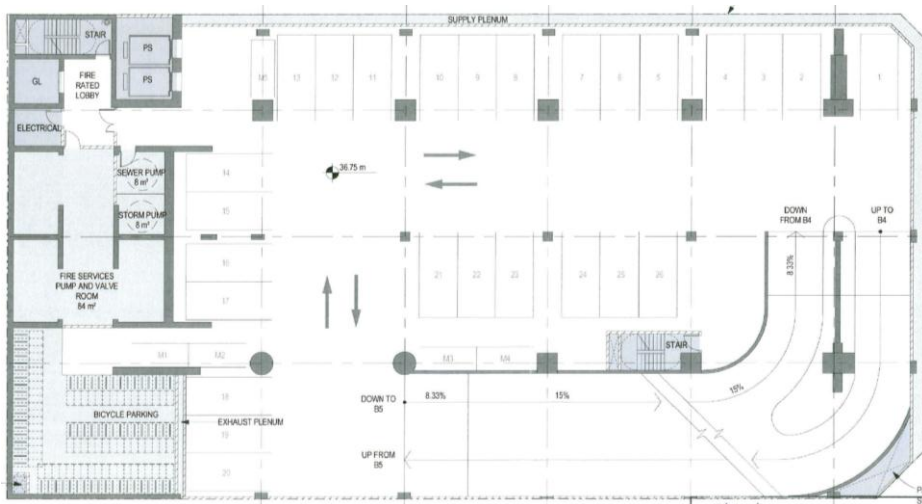
PICTURE 9 – PROPOSED LAYOUT (DRAWING NO: DA123)

## LEVEL B5 MODIFICATION

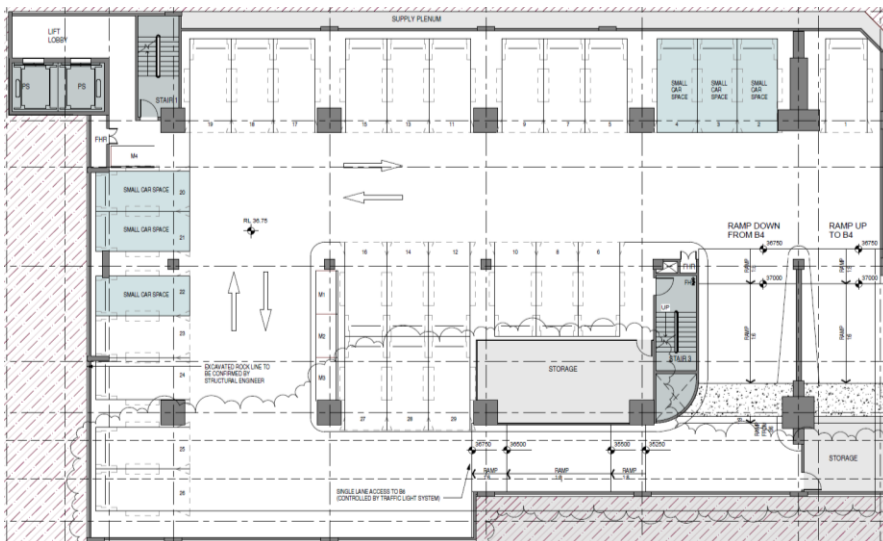
The following modifications are proposed for Level B5:

- Modification to car parking layout and shape;
- Reduction in excavation to south eastern corner To suit CBD Rail Link excavation requirements;
- Narrowing of vehicle ramp to a single lane to be controlled by a traffic light system;
- Relocation of bicycle parking from the south west portion of this level to Level B2;
- Two additional storage rooms added;
- Fire services pump / valve room relocated to Level B6;
- Lifts reconfigured; and
- Parking increased on this level from 26 to 29 spaces.

FIGURE 6 – LEVEL B5



PICTURE 10 – APPROVED LAYOUT (DRAWING NO: DA122)



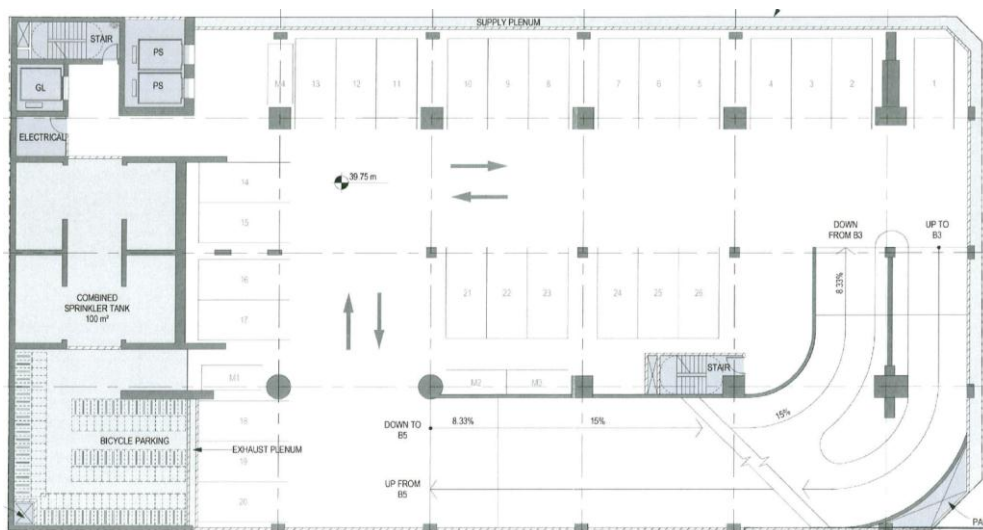
PICTURE 11 – PROPOSED LAYOUT (DRAWING NO: DA122)

## LEVEL B4 MODIFICATION

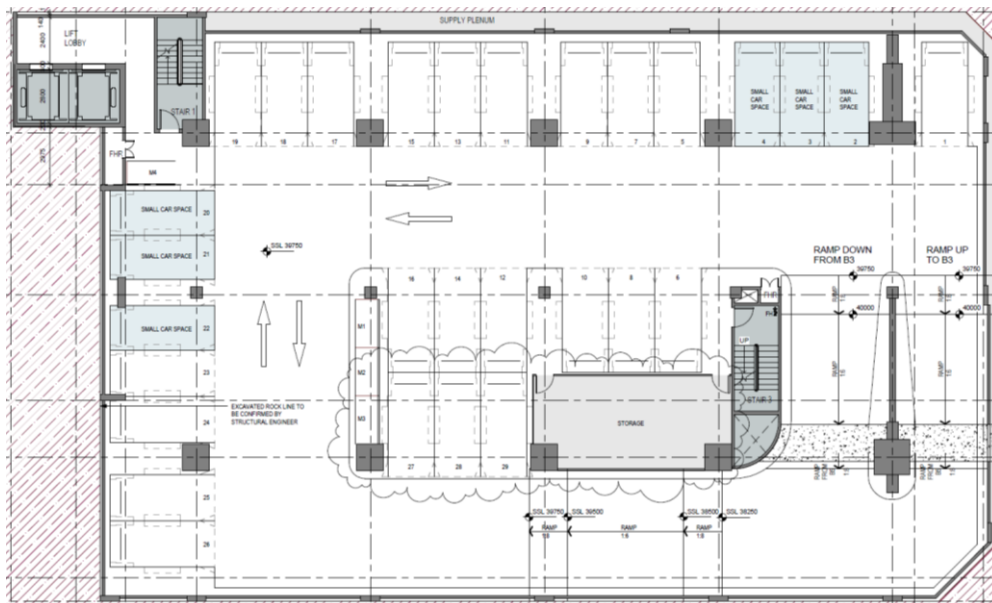
The following modifications are proposed for Level B4:

- Reduction in excavation to south eastern corner to suit CBD Rail Link excavation requirements;
- Additional storage room added;
- Bicycle parking relocated to Level B2;
- Sprinkler tank relocated to Level B6;
- Lifts reconfigured; and
- Parking increased on this level from 26 to 29 spaces.

FIGURE 7 – LEVEL B4



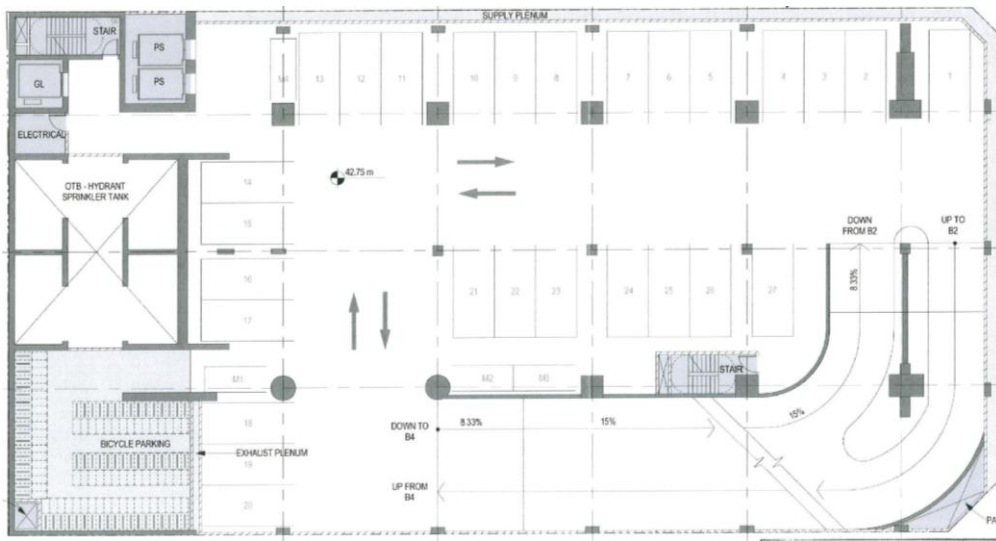
PICTURE 12 – APPROVED LAYOUT (DRAWING NO: DA121)



PICTURE 13 – PROPOSED LAYOUT (DRAWING NO: DA121)

The following modifications are proposed for Level B3:

- FIGURE 8 – LEVEL B3

[illegible]

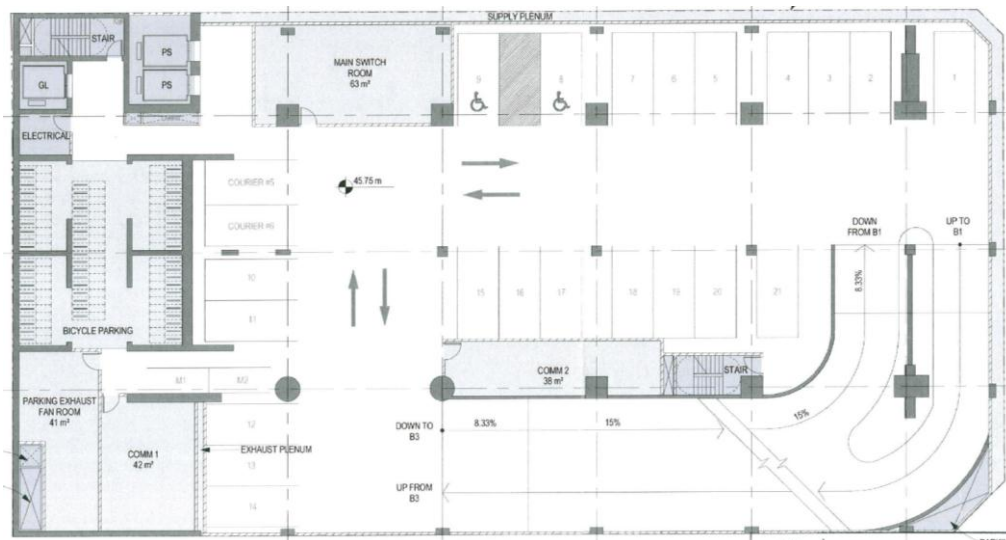
## 14 PROPOSED MODIFICATIONS

## LEVEL B2 MODIFICATION

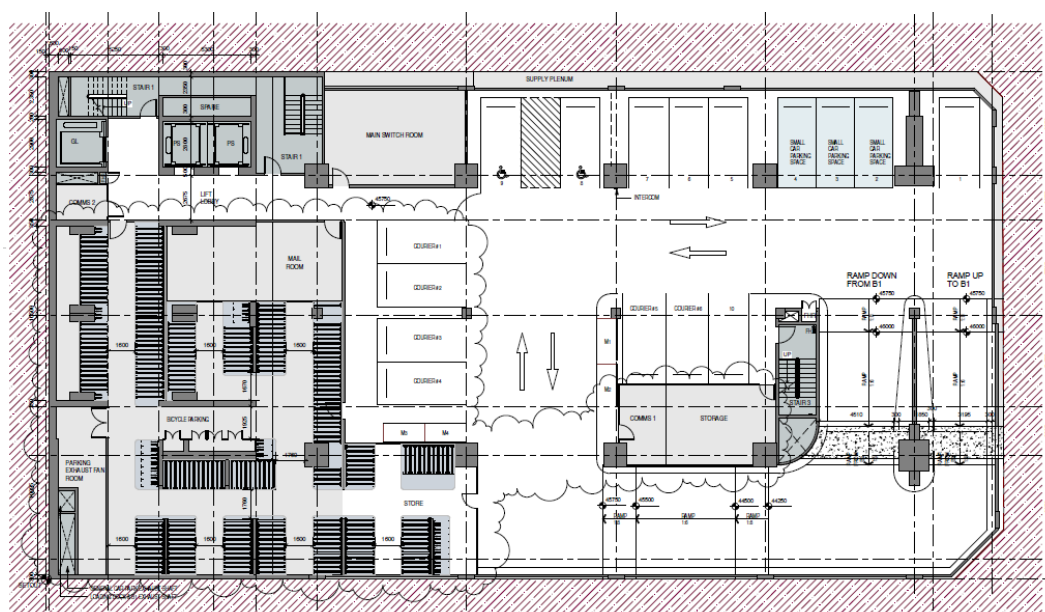
The following modifications are proposed for Level B2:

- New enlarged bicycle parking area, absorbing bicycle parking from levels B3, B4 & B5;
- Parking exhaust fan room and one of the communication rooms replaced by mail and store rooms; and
- 21 parking spaces reduced to 10, and 2 courier spaces increased to 6.

FIGURE 9 – LEVEL B2



PICTURE 16 – APPROVED LAYOUT (DRAWING NO: DA119)



PICTURE 17 – PROPOSED LAYOUT (DRAWING NO: DA119)

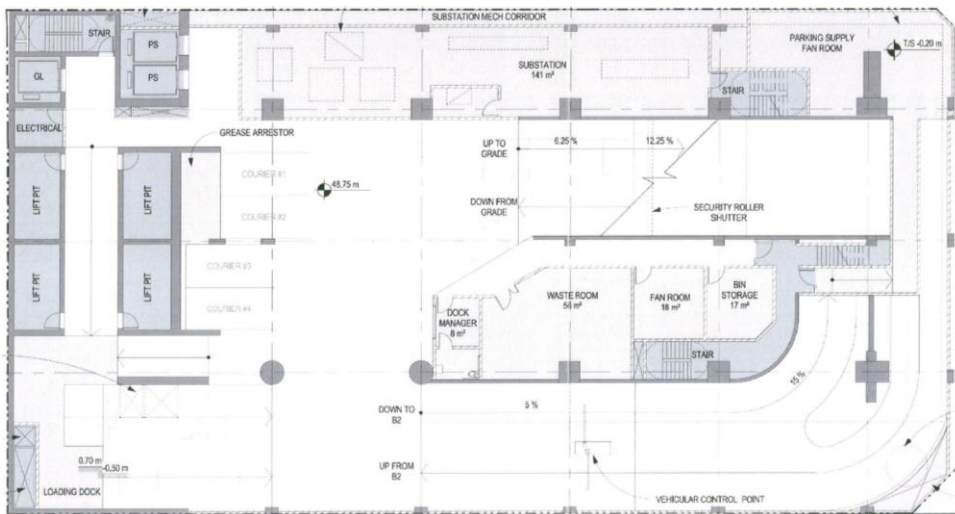


## LEVEL B1 MODIFICATION

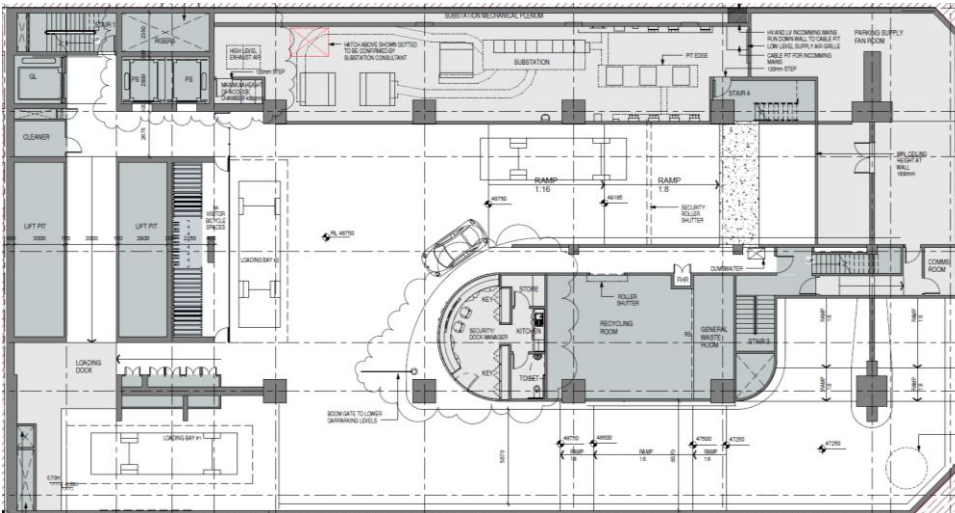
The following modifications are proposed for Level B1:

- 4 x Courier car parking spaces replaced with 2<sup>nd</sup> truck loading bay;
- Additional visitor bicycle storage bay added;
- Boom gate added to restrict access to lower car parking levels;
- New security / dock manager space and amenities added adjacent to proposed boom gate;
- Lifts reconfigured; and
- Plant including risers and exhaust intake modified in the north western corner of this level.

FIGURE 10 – LEVEL B1



PICTURE 18 – APPROVED LAYOUT (DRAWING NO: DA118)



PICTURE 19 – PROPOSED LAYOUT (DRAWING NO: DA118)

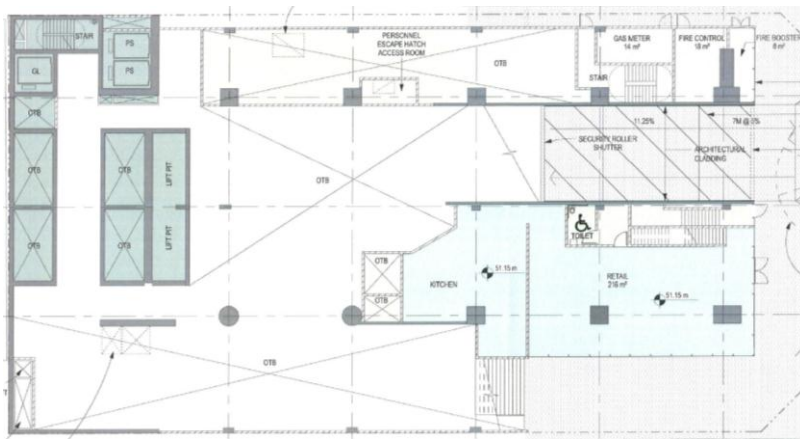


## LOWER GROUND LEVEL MODIFICATION

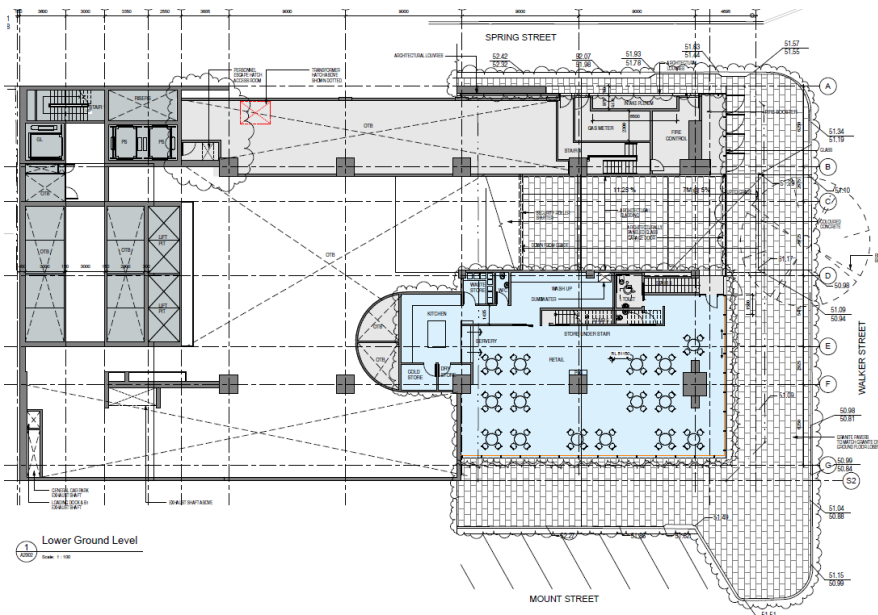
The following modifications are proposed for the lower ground level:

- Minor realignment of the south eastern corner of the ground floor level;
- Removal of stairs along Mount Street, facing Walker Street, leading between the lower ground and ground floor levels. These stairs are redundant, due to increased gradient of stairs to lobby at ground level from Mount Street;
- Increase in the size of the retail/café area;
- Replacement of a portion of the café's glass roof with a solid roof to accommodate additional seating above on the ground level;
- New door openings proposed to fire control room; and
- Granite pavers of public domain (Walker, Spring and Mount Street pavements) to match that of the ground floor lobby paver surface to integrate these spaces. The granite paving selection is to be discussed and agreed with NSC.

FIGURE 11 – LOWER GROUND LEVEL



PICTURE 20 – APPROVED LAYOUT (DRAWING NO: DA117)



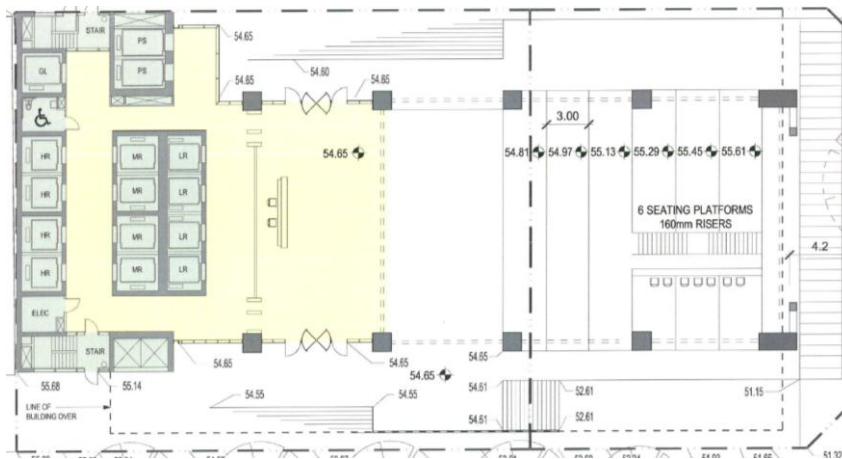
PICTURE 21 – PROPOSED LAYOUT (DRAWING NO: DA117)

## GROUND FLOOR MODIFICATIONS

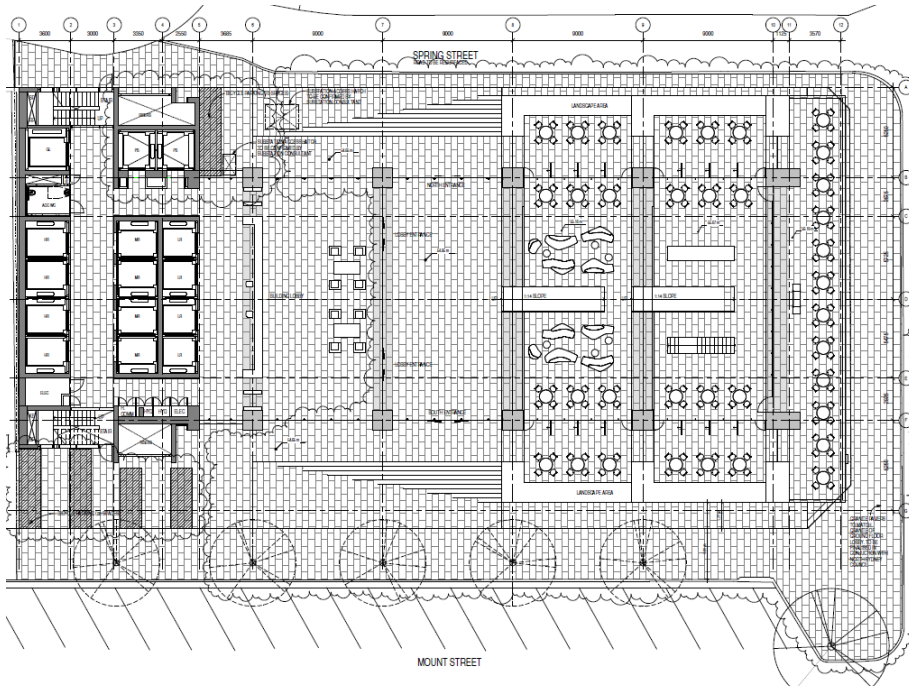
The following modifications are proposed for the Ground Floor Level:

- The ground floor level is extended outwards in the eastern portion of this level to provide additional space for seating and landscaping to enhance the public / commercial space and encourage its use. The modification will improve this space and make it more defined, integrated and accessible;
- Enclosure of the ground floor café and through site link with glazing for weather protection will assist in making it a more pleasant and useable space all year round. Access to this level through large doors from Mount and Spring Streets will ensure the maintenance of the through site access. The ground level façade is proposed to have bifold type doors on the north and south sides of the café, so that the external terraces can be fully utilised. This operable façade to the café terrace will activate the facades and maintain the openness of the through site link.
- Removal of stairs running along Mount Street and facing Walker Street, leading between the lower ground retail and ground floor levels. The Mount Street facing stairs are to be enhanced by increasing the number of risers and replicate those stairs facing Spring Street. The gradient of the modified Mount Street facing stairs are reduced to enable enhanced movement between levels;
- 28 external bicycle spaces added to the south western corner of the site, while 10 spaces added to the north western corner of this level. This will provide public bicycle parking;
- Public domain granite pavers will match that of the ground floor / lobby surface, integrating these spaces. The granite paving selection is to be discussed and agreed with North Sydney Council; and
- The carpark lifts are modified to open southwards rather than eastwards as was approved.

FIGURE 12 – GROUND FLOOR



PICTURE 22 – APPROVED LAYOUT (DRAWING NO: DA116)

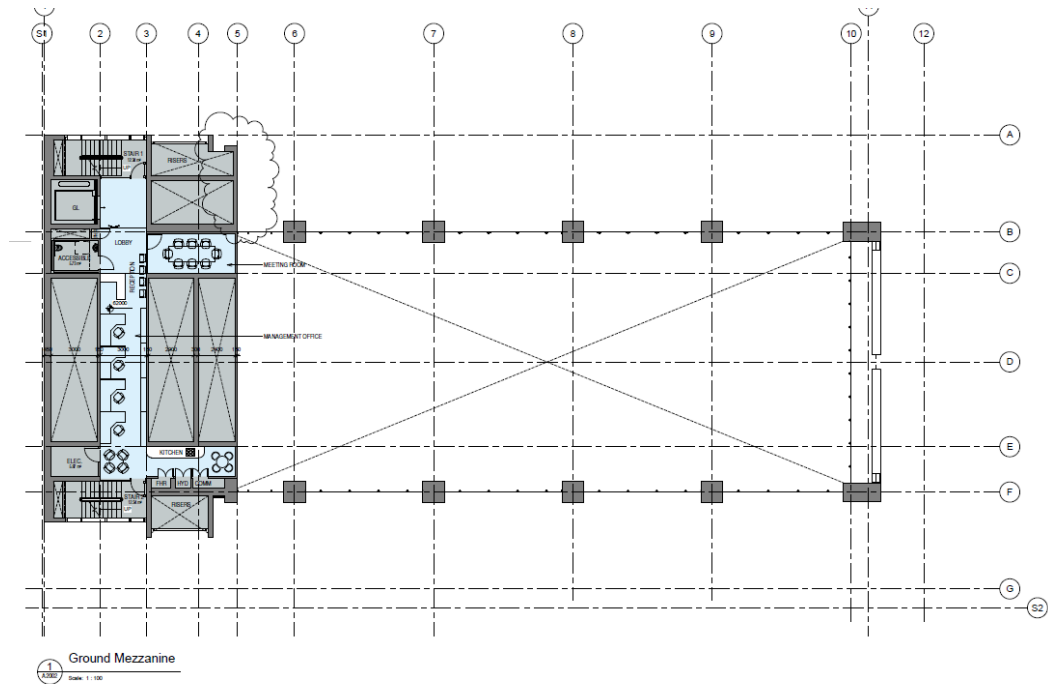


PICTURE 23 – PROPOSED LAYOUT (DRAWING NO: DA116)

## GROUND FLOOR MEZZANINE MODIFICATIONS

A Ground Floor Level Mezzanine is proposed to be introduced to accommodate a building manager's office on the western side of the building.

FIGURE 13 – GROUND FLOOR

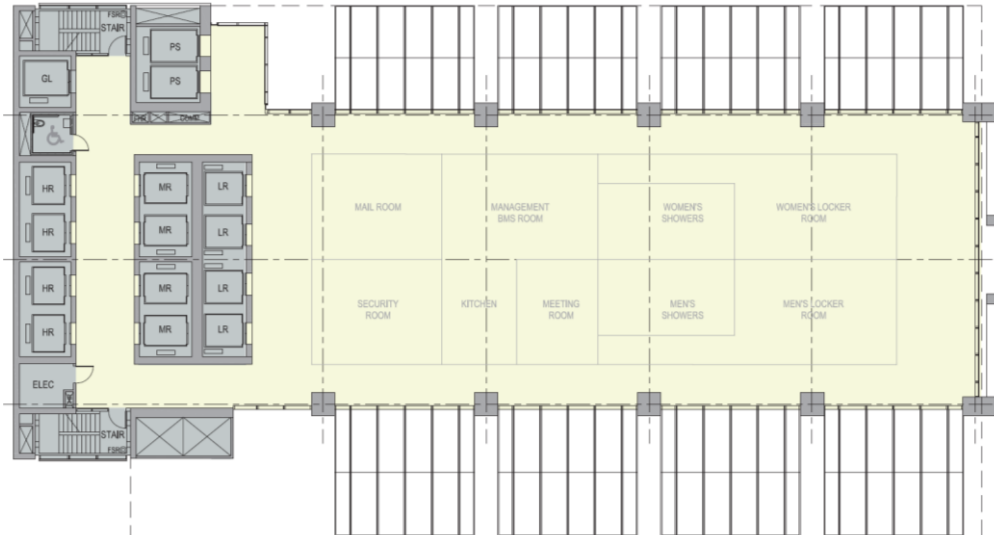


## LEVEL 1 / AMENITIES MODIFICATION

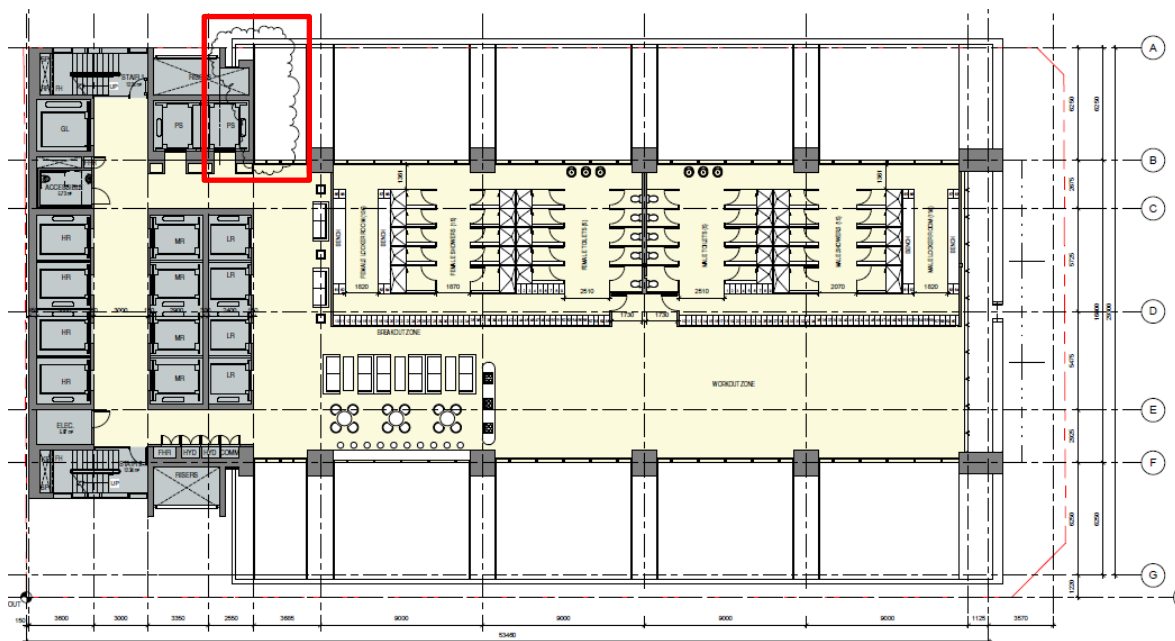
The following modifications are proposed for the Level 1 / Amenities level:

Lifts in the north western corner of this level are realigned with their doors facing southwards rather than eastward as approved. This enables the removal of a redundant lift lobby landing area.

FIGURE 14 – LEVEL 1 AMENITIES



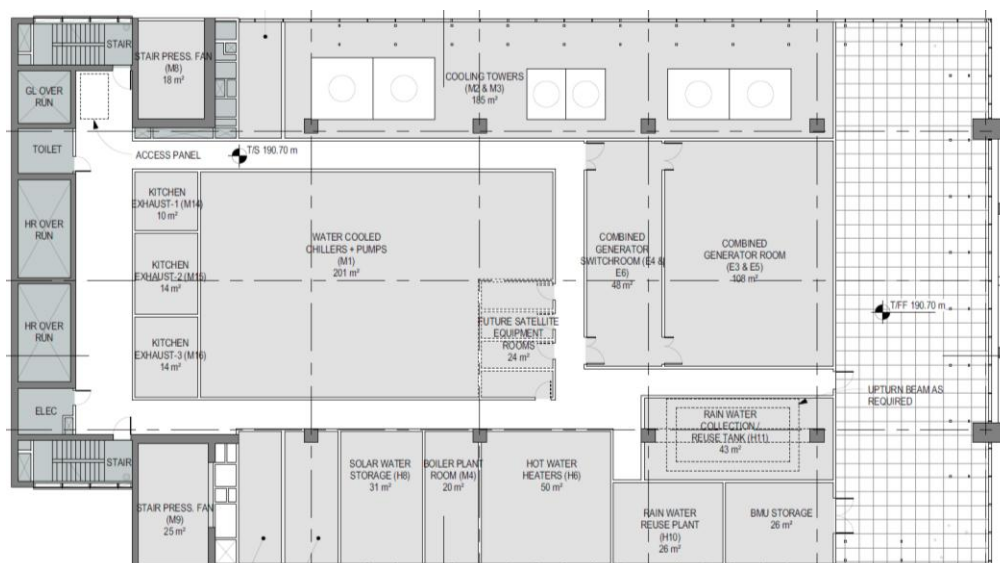
PICTURE 24 – APPROVED LAYOUT (DRAWING NO: DA116)



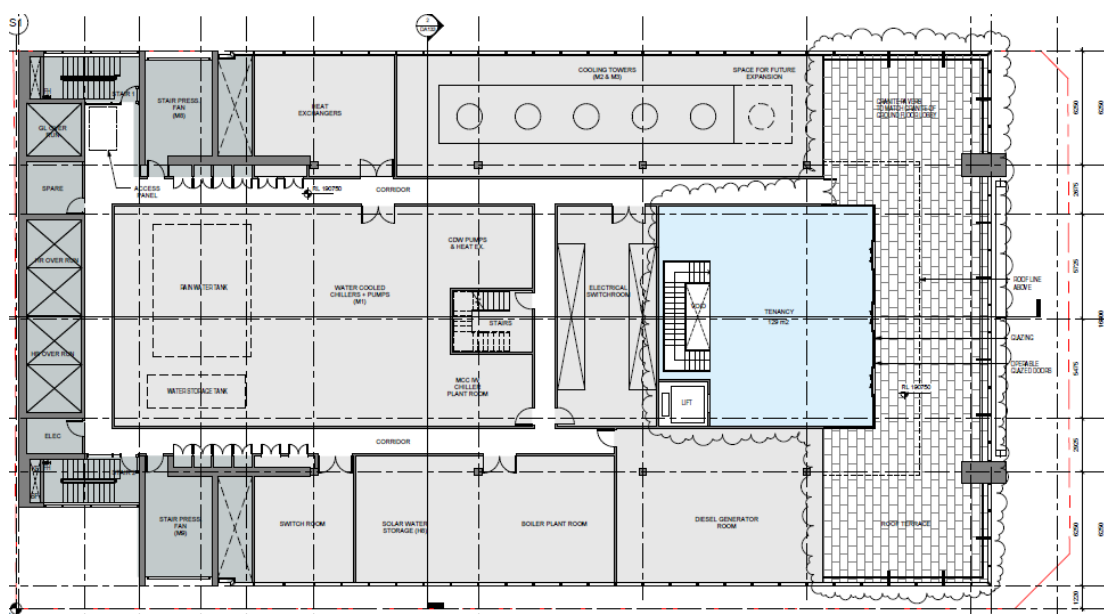
PICTURE 25 –PROPOSED LAYOUT (DRAWING NO: DA116)

The following modifications are proposed for the plant level:

- FIGURE 15 – PLANT LEVEL



PICTURE 26 – APPROVED LAYOUT (DRAWING NO: DA128)



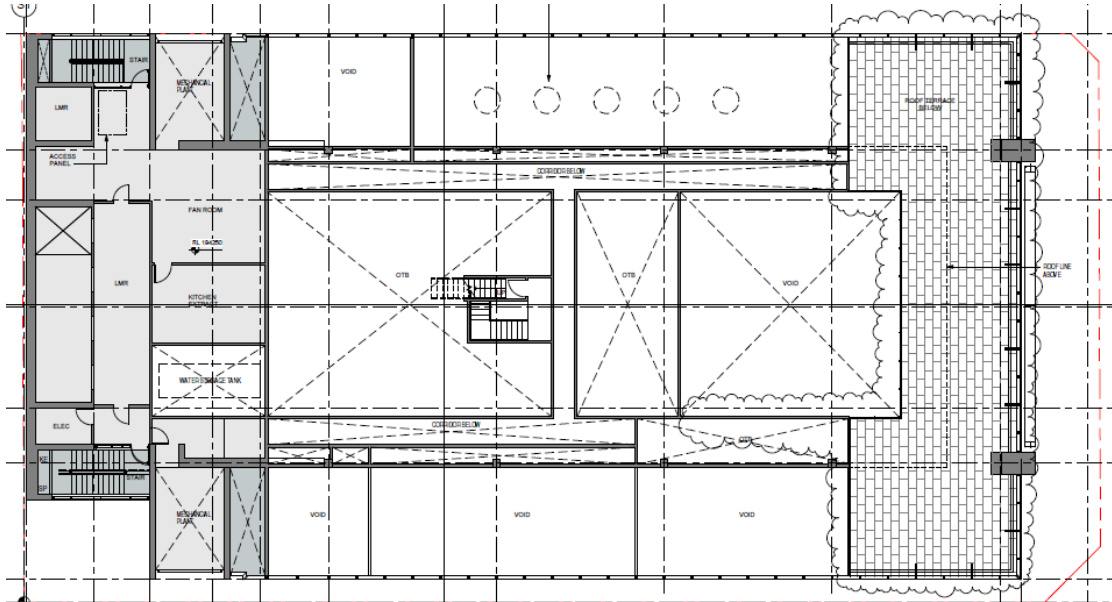
PICTURE 27 – PROPOSED LAYOUT (DRAWING NO: DA128)



## PLANT MEZZANINE LEVEL

A new mezzanine level proposed to the building. This level will include additional plant rooms and voids (creating double volume for the new proposed plant level tenancy) above certain portions of the plant room level below. This is required due to the spacing requirement of the plant equipment selected. The roof terrace will not include any structures above it and will be open to the sky.

FIGURE 16 – PROPOSED PLANT MEZZANINE LEVEL



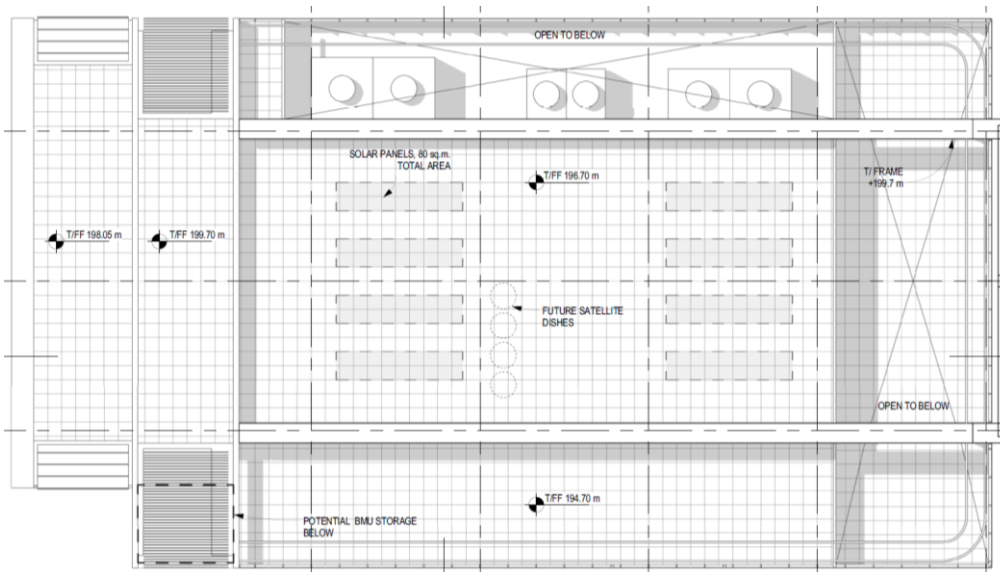
PICTURE 28 – PROPOSED LAYOUT

## ROOF PLAN MODIFICATION

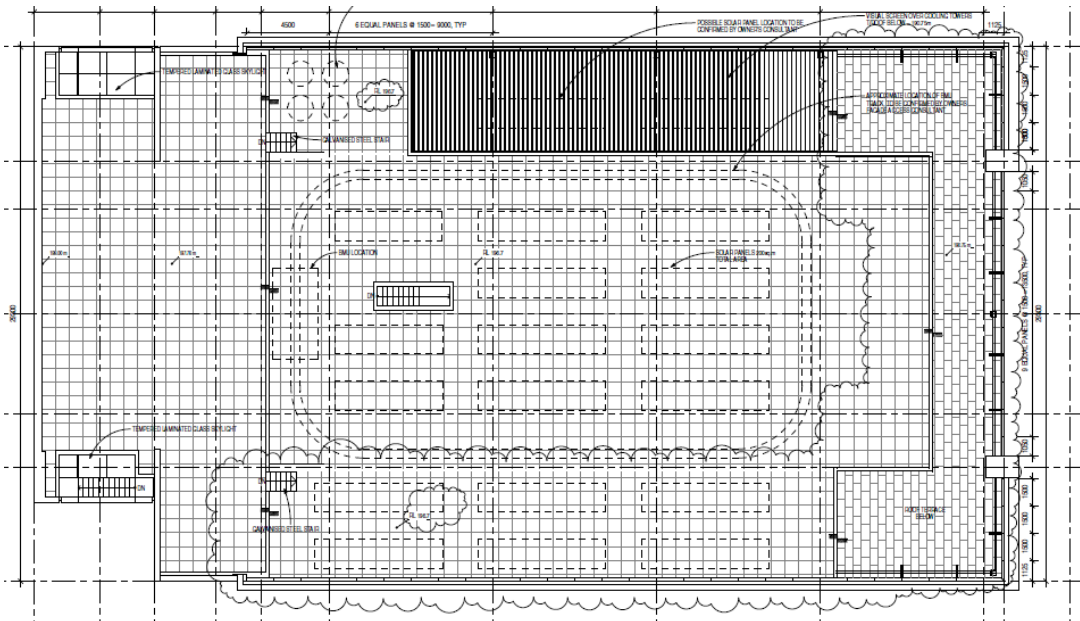
The following modifications are proposed for the roof:

- Portion of roof area to be raised from approved RL194.70 to RL196.7, but remains below the maximum approved height of RL199.7. It is noted the maximum height of the approved development is proposed to be reduced to RL198;
- New staircases added to provide access to the roof;
- New BMU track to allow for cleaning of the facade;
- New screens to be provided to cooling towers; and
- Plant and frame structure to be removed from over the new roof terrace area to provide for a more attractive and functional outdoor terrace space.

FIGURE 17 – ROOF PLAN



PICTURE 29 – APPROVED LAYOUT (DRAWING NO: DA129)



PICTURE 30 – PROPOSED LAYOUT (DRAWING NO: DA129)

### 4.3.3 LAND USE AND FLOOR AREA

Although the building envelope will be largely consistent with the approved concept plan, the proposed modifications will result in an increase of GFA from 45,067m<sup>2</sup> to 45,539m<sup>2</sup> (additional 472m<sup>2</sup>) and nominal net lettable area from 40,893m<sup>2</sup> to 41,106m<sup>2</sup> (additional 213m<sup>2</sup>). This increase in GFA is primarily due to the proposed enclosure of the ground floor lobby area for enhanced weather protection of this area, and the additional roof top tenancy. While increasing the GFA, the net lettable area is only marginally increased.

The proposed land use mix will not be changed from the approved concept, including a mix of retail and commercial uses, however the revised ground level plan enhances the areas amenity.

Additional commercial space is provided on the plant level through effective consolidation of plant. This consolidation also provides a better use of the building's roof terrace, a design feature which would otherwise be underutilised in its approved form.

The enlarged café/retail space on the retail level will provide a more useable space and provide greater active surveillance for the street level and general public domain.

### 4.3.4 VEHICLE ACCESS AND PARKING

#### VEHICLE ACCESS

Vehicle access to the site remains largely unchanged to that proposed in MP08\_0241 MOD 1. The proposal however seeks the introduction of a boom gate at Level B1 to restrict entry to the lower parking levels. An improved security / dock manager check point is introduced to man this boom gate, with additional amenities included. This boom gate and security checkpoint will enhance security for the building's tenants.

Access to the Level B5 is modified to provide single rather than double lane access to this level, controlled by way of a traffic signal. This lane reduction is necessary due to a reduction in size of the south eastern corner of this level as a result of consultations with RailCorp over the future CBD rail tunnel corridor.

#### PARKING

Overall, the proposal will result in more efficient utilisation of the approved basement area by minimising the area dedicated to circulation and plant room and removing the amenities area from the basement level.

While the numbers of car parks, courier spaces, loading docks, motorcycle spaces and bicycles spaces remain unchanged, the location of the parking has been reconfigured as follows:

TABLE 2 – CAR PARKING

LEVEL	MOD 1	PROPOSED
<b>Level B6</b>		
Car Parking	13	16
Motorcycle Parking	1	N/A
<b>Level B5</b>		
Car Parking	26	29
Motorcycle Parking	5	4
Bicycle Parking	58	N/A

LEVEL	MOD 1	PROPOSED
<b>Level B4</b>		
Car Parking	26	29
Motorcycle Parking	4	4
Bicycle Parking	70	N/A
<b>Level B3</b>		
Car Parking	27	29
Motorcycle Parking	4	4
Bicycle Parking	70	N/A
<b>Level B2</b>		
Car Parking	21	10
Courier Parking	2	6
Motorcycle Parking	2	4
Bicycle Parking	64	241
<b>Level B1</b>		
Courier Parking	4	N/A
Loading Dock	2	N/A
Bicycle Parking	N/A	34

#### 4.3.5 PROPOSED MODIFICATION TO THE EXISTING CONSENT CONDITIONS

The proposed modifications will result in amendments to the following approval conditions of MP 08\_0241 as shown below.

**Note:** Deleted sections of Plans are ~~struck through~~, while new sections highlighted in **red**.

#### CONDITION A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

Amendment to Condition A2 of MP 08\_0241 to include the insertion of the following words:

*The development will be undertaken in accordance with MP No. 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 additional information, plans and reports provided with the Preferred Project Report, and the drawings prepared by Rice Daubney; as amended by MP08\_0241 MOD1, the Section S75W Modification prepared by Urbis dated September 2011 and; as amended by MP08\_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013 and the following drawings prepared by Skidmore, Owings & Merrill LLP and Architectus:*

**Note:** Deleted sections of Plans are ~~struck through~~, while new sections highlighted in **red**.

**Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 2 and as listed below**

Drawing Number	Revision	Name of Plan	Prepared by	Date
DA 100	A <b>C</b>	Cover Sheet	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 101	A <b>B</b>	Photo Montage – District View	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 102	A	Vehicular Traffic Analysis	SOM/Architectus	12.08.11
DA 103	A	Pedestrian Traffic Analysis	SOM/Architectus	12.08.11
DA 104	A	Existing Site Survey	SOM/Architectus	12.08.11
DA 105	A	Solar Radiation Study	SOM/Architectus	12.08.11
DA 106	A	Solar Radiation Study	SOM/Architectus	12.08.11
DA 107	A <b>C</b>	Ground Plane	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 107-1	A <b>B</b>	Walker Street View	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 107-2	A <b>B</b>	Mount Street View	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 108	A <b>B</b>	Plaza Perspective	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 109	A <b>B</b>	Site Plan	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 109-1	A <b>B</b>	Site Diagram – Pedestrian Path under Canopy	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 109-2	A <b>B</b>	Site Diagram – Through Site Link	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 110	A <b>C</b>	Plaza Topography Diagram	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 111	A <b>B</b>	Plaza Topography Diagram	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 112	B	Plaza Sections	SOM/Architectus	12.08.11
DA 113	A <b>C</b>	Plaza – Southeast Perspective	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 114	A <b>C</b>	Plaza – Northeast Perspective	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 115	A	Typical Floor Design	SOM/Architectus	12.08.11
DA 116	A <b>C</b>	General Arrangement Plan Ground Floor Plan	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 117	A <b>C</b>	Retail Level Plan	SOM/Architectus	<del>41.11.14</del> <b>25.10.13</b>
DA 118	A <b>B</b>	Plan – B1 Level	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 119	A <b>B</b>	Plan – B2 Level	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 120	A <b>B</b>	Plan – B3 Level	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 121	A <b>B</b>	Plan – B4 Level	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 122	A <b>B</b>	Plan – B5 Level	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 123	A <b>B</b>	Plan – B6 Level	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
DA 124	A <b>B</b>	<del>Plan – Level 1 Amenities</del> <b>General Arrangement Plan – Ground Mezzanine (Management Office)</b>	SOM/Architectus	<del>42.08.14</del> <b>25.10.13</b>
<b>DA 124-1</b>	<b>B</b>	<b>General Arrangement Plan -</b>	<b>SOM/Architectus</b>	<b>25.10.13</b>

**Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 2 and as listed below**

Drawing Number	Revision	Name of Plan	Prepared by	Date
		<b>Level 1 (Amenities)</b>		
DA 125	A B	Plan – Typical Low Rise Level	SOM/Architectus	12.08.11 <del>25.10.13</del>
DA 126	A B	Plan – Typical Medium Rise Level	SOM/Architectus	12.08.11 <del>25.10.13</del>
DA 127	A B	Plan – Typical High Rise Level	SOM/Architectus	12.08.11 <del>25.10.13</del>
DA 128	A B	Plant Level Plan	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
<b>DA 128-1</b>	<b>B</b>	<b>Plant Mezzanine Level</b>	<b>SOM/Architectus</b>	<b>16.10.13</b>
DA 129	A B	Roof Plan	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 130	A B	North + East Elevations	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 130-1	A B	Contextual Elevation - North	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 130-2	A B	Contextual Elevation - East	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 130-3	A	Contextual Elevation – Walker Street Awning & Fire House Facade	SOM/Architectus	11.11.11
DA 131	A B	South + West Elevations	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 131-1	A B	Contextual Elevation – South	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 132	A B	Building Sections	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 132-1	A B	Contextual Section – Section 1 North / South	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 132-2	A B	Contextual Section – Section 2 West / East	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 133	A B	Roof Sections	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 134	A B	Roof Rendering	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 135	A B	Basement Sections	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 136	A-C	Facade Design	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 137	A	Façade – Closed Cavity Façade Southeast perspective	SOM/Architectus	12 August 2011
DA 138	A B	Core Wall Façade Southwest Perspective	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 139	A B	Area Schedule	SOM/Architectus	<del>12.08.11</del> <del>25.10.13</del>
DA 140	A	Material Board	SOM/Architectus	12.08.11
DA 141	A-C	Comparison with Approved Scheme – Retail Level + Ground Floor	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>
DA 142	A-C	Comparison with Approved Scheme – Void Above Ground Floor	SOM/Architectus	<del>11.11.11</del> <del>25.10.13</del>



**Architectural (or Design) Drawings prepared by Skidmore, Owings & Merrill LLP and Architectus at Appendix A of the Section 75W Application MOD 2 and as listed below**

Drawing Number	Revision	Name of Plan	Prepared by	Date
DA 143	A B	Comparison with Approved Scheme – Level 1 + Level 2-3	SOM/Architectus	<del>31 August 2014</del> 25.10.13
DA 144	A B	Comparison with Approved Scheme – Level 4-11 +Level 12	SOM/Architectus	<del>31 August 2014</del> 25.10.13
DA 145	A B	Comparison with Approved Scheme – Level 13 + Level 14-23.	SOM/Architectus	<del>31 August 2014</del> 25.10.13
DA 146	A B	Comparison with Approved Scheme – Level 24-25 + Level 26-33	SOM/Architectus	<del>31 August 2014</del> 25.10.13
DA 147	A B	Comparison with Approved Scheme – Plant Levels	SOM/Architectus	<del>31.08.14</del> 25.10.13
DA 148	A B	Comparison with Approved Scheme - Roof	SOM/Architectus	<del>31.08.14</del> 25.10.13
DA 149	A B	Comparison with Approved Scheme - Sections	SOM/Architectus	<del>31.08.14</del> 25.10.13

#### CONDITION B5 MONETARY CONTRIBUTIONS

Condition B5 pertaining to monetary contributions in accordance with the North Sydney Section 94 Contributions Plan should be amended to reflect the revised GFA. See calculation at **Section 6.4**.

#### CONDITION B6 RAILWAY INFRASTRUCTURE

Condition B6 pertaining to a Railway Infrastructure Contribution totalling \$3,884,107.70 should be amended to reflect the revised GFA of the proposal, measuring 45,539m<sup>2</sup>.

#### CONDITION B8 REQUIRED INFRASTRUCTURE WORKS – SUBMISSION AND APPROVAL OF PLANS UNDER ROADS ACT 1993

Condition B8 pertains to building works at or above ground floor level which much be prepared by a qualified civil design engineer to specifications suitable for construction issue purposes. Condition 8 should be amended as follows:

“Mount Street

b)) Construction of a fully new footpath over entire site frontage, to be constructed in ~~North Sydney Council's CBD Sandstone~~ **granite pavers to match that of the ground floor lobby area of the proposal**. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.

Walker Street

b)) Construction of a fully new footpath over entire site frontage, to be constructed in ~~North Sydney Council's CBD Sandstone~~ **granite pavers to match that of the ground floor lobby**

*area of the proposal. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.*

#### Spring Street

*b)) Construction of a fully new footpath over entire site frontage, to be constructed in ~~North Sydney Council's CBD Sandstone~~ granite pavers to match that of the ground floor lobby area of the proposal. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.*

The modification to Condition B8 seeks the replacement of the Sydney Council CBD Sandstone with granite pavers on the Mount, Walker and Spring Street footpaths to match that of the existing foyer of the ground floor lobby area. This modification will result in an aesthetic improvement with a uniformed surface extending from the public domain footpaths through the site. It will encourage the public to utilise the site's ground floor spaces and through site link. The granite paving selection is to be discussed and agreed with North Sydney Council.

**From discussions with North Sydney Council it is understood this change is acceptable.**

### CONDITION B43 TRANSPORT MANAGEMENT PLAN

Condition B43 concerns a transport management plan for service delivery and garbage vehicles accessing the site. Condition B43 should be amended as follows:

*A Transport Management Plan for service, delivery and garbage vehicles accessing the site shall be submitted and approved by the North Sydney Traffic Committee prior to the issue of any the relevant Construction Certificate. ~~and shall include details of a management strategy for the operation of the truck hoist to minimize queuing of delivery vehicles/trucks in the local road network.~~*

The requirement of a management strategy for the truck hoist should be removed as a hoist is no longer included in the proposal.

### CONDITION E1 OCCUPATION CERTIFICATE TO BE SUBMITTED

Condition E1 deals with requirements for obtaining an Occupation Certificate from the Certifying Authority and submission of this certificate with the Department and Council. The following modification is proposed for Condition E1:

*The following documents should be forwarded to the Department and council within two (2) days of the date of the Certificate being determined:*

- (1) A copy of the determination;*
- (2) Copies of any documents that were lodged with the Occupation Certificate application;*
- (3) A copy of Occupation Certificate, if it was issued;*
- (4) A copy of the record of all critical stage inspections and any other inspection required by the PCA;*
- ~~(5) by the PCA;~~*
- (6) A copy of any missed inspections; and*
- (7) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.*

Point 5, "by the PCA", appears to be a typing error as it should be included with point 4 rather than as a stand-alone point. This amendment clarifies the meaning of this Condition.

#### CONDITION E6 COVENANT FOR WINDOWS ON THE WESTERN ELEVATION

Condition E6 deals with a covenant for windows on the western elevation of the proposal. This condition is proposed for removal:

~~"E6 Covenant for windows on the western elevation~~

~~A covenant pursuant to the provisions of Part 6, Division 4 of the Conveyancing Act shall be placed on title indicating that the windows on or near the western boundary are not protected from any redevelopment of the adjoining property at No.84 Mount Street that may be allowed to build to the boundary and these windows could be blocked off. North Sydney Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate."~~

As there is no windows proposed for the western elevation of the approved scheme, this covenant is unnecessary and this condition should be removed.

#### CONDITION E23 REQUIRED TREE PLANTING

Condition E23 pertains to street tree planting and should be modified as follows:

*Trees in accordance with the schedule hereunder shall be planted in Council's nature strip/footpath prior to the issue of the final Occupation Certificate required on completion of works:-*

##### **Schedule**

TREE SPECIES	LOCATION	POT SIZE
3 x <i>Platanus acerifolious</i>	Mount Street footpath area	200 litre
<del>3</del> 2 x <i>Platanus acerifolious</i>	Walker Street footpath area	200 litre

*The installation of such trees, their current health and their prospects for future survival shall be certified upon completion and prior to the issue of any Occupation Certificate, by an appropriately qualified horticulturalist.*

The required street trees on Walker Street is proposed to be reduced from three to two to make allowance for car park driveway crossover to the site. This clause was part of the original consent in 2010 when there was no driveway entrance to Walker Street and three trees was appropriate. Since the introduction of the driveway two trees is appropriate to provide adequate landscaping to the streetscape and shade for pedestrians while ensuring adequate sight lines of vehicles exiting the parking area. It would also prevent overcrowding of the tree canopy on the footpath due to lack of space.

## 5 Statutory Context

### 5.1 PART 3A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

As part of the repeal of Part 3A of the EP&A Act, Schedule 6A of the EP&A Act was created to allow the application of the repealed Part 3A provisions to certain projects that were approved or undetermined under Part 3A. These projects are known as “Transitional Part 3A projects” and approved major projects may be modified under the previous Section 75W modification framework.

Major Project No. 08\_0241 was approved on the 25 May 2010 by the Minister for Planning and is a transitional Part 3A project.

This submission seeks under the previous Part 3A provisions, notably Section 75W of the Environmental Planning and Assessment Act 1979, to request the Minister modify approval for the project.

The following environmental assessment addresses the relevant matters raised for the project application.

### 5.2 SECTION 75W MODIFICATION OF PROJECT APPROVAL

Section 75W of the EP&A Act relates to the process of seeking the Minister’s approval for modifying an approved Part 3A Major Project.

Section 75W (2) states:

*“The Proponent may request the Minister to modify the Minister’s approval for a project.  
The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*

The modification is considered to comfortably be considered as an application to which 75W applies for the following reasons:

- The use of the building, being primarily commercial with lower level retail, remains the same.
- The modifications are relatively minor in nature and driven out of improvements to the external appearance of the building and internal efficiency and amenity improvements.
- The building remains generally in accordance with the approved building envelope and any additional floor area is the result of design and engineering efficiencies.
- The proposal does not introduce any new adverse amenity impact upon the surrounding area and public domain.
- It is noted that, to the best of our knowledge, there are no parameters against which the degree of modification need be assessed.

In summary, we conclude that the proposed modification includes changes to the terms and conditions of the existing approval and that it can be considered as modification under 75W of the *Environmental Planning and Assessment Act 1979*.

## 6 Environmental Assessment

The following environmental assessment addresses the key issues raised in the Director General's Environmental Assessment Requirements (DGRs) from the original Part 3A approval which will be affected by the proposed modifications.

The DGRs are summarised in the Section below including a reference, where relevant, to the section where an issue is discussed in more detail.

### 6.1 DIRECTOR GENERAL'S REQUIREMENTS

ISSUE	DIRECTOR GENERAL'S REQUIREMENT	REFERENCE
<b>Relevant EPIs, policies and Guidelines to be Addressed</b>	Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:	
	• SEPP 55, Draft SEPP 66, SEPP (Infrastructure) 2007	No change.
	• Draft Inner North Subregional Metropolitan Strategy	No change.
	• North Sydney LEP 2001 and North Sydney DCP 2002	Refer 7.2.1 & 7.2.2
	• Draft North Sydney LEP 2001 (Amendment no. 28)	Refer 7.2.3
	<b>Note</b> – the North Sydney LEP 2013 is the principle instrument applying to the site. A brief assessment of the North Sydney LEP 2013 and the North Sydney DCP 2013 is included below.	
<b>Architectural, Building and Urban Design Impacts</b>	• NSW State Plan, Urban Transport Statement	No change.
	• Nature and Extent of any non-compliance with relevant environmental planning instruments, plans and guidelines (including DCPs) and justification for any non-compliance	No change.
	• The EA shall address the visual impact of the project in the context of adjoining development, and the impact on any adjacent heritage item (on-site, adjoining and adjacent the site), and its setting and building mass as viewed from public areas.	Refer 7.3.2
<b>Site Amalgamation</b>	• The EA shall also address the design of the proposed development relative to the proposed design of the adjoining development at 88 Walker and 77-81 Berry Street, North Sydney in order to ensure a high level of design quality and coordination of outcomes to the public domain are achieved for the North Sydney Centre.	Refer 7.3.2
	• The proposal should seek to amalgamate with the property to the west known as 80-84 Mount Street on the corner of Mount Street, Spring Street and Denison Street so that a more appropriate and reasonable relationship is established with surrounding development and land uses. Details shall be included in the EA, and shall include details outlining negotiations with the owners of the affected properties.	No change.
	• If this is demonstrated to be not possible, the EA shall assess in detail, possible alternative options for this land demonstrating that it can be appropriately and reasonably integrated into the development and land uses proposed for the land immediately adjacent, and also give consideration to the viable future development potential of the isolates site.	No change.

ISSUE	DIRECTOR GENERAL'S REQUIREMENT	REFERENCE
<b>Built Form</b>	<ul style="list-style-type: none"> <li>The EA shall assess the appropriateness of the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate potential impacts relating to loss of sunlight, privacy and views at neighbouring properties and the public domain.</li> </ul>	Refer 7.3.1
	<ul style="list-style-type: none"> <li>In particular, the proposal should seek to provide appropriate building setbacks and a podium to ensure the development makes a positive contribution to the human scale of the North Sydney Centre, and to minimise any amenity impacts on the public domain. It is noted that the resolution of this issue may impact upon the size of the floor plates at upper levels.</li> </ul>	Refer 7.3.1.3
	<ul style="list-style-type: none"> <li>Comparable height study to demonstrate how the proposed height related to the height of the existing development surrounding the subject site</li> </ul>	No change.
	<ul style="list-style-type: none"> <li>View analysis to and from the site from key vantage points</li> </ul>	Refer 7.3.2.1
	<ul style="list-style-type: none"> <li>Options for building massing and articulation</li> </ul>	Refer 7.3.2.2
<b>Public Domain</b>	<ul style="list-style-type: none"> <li>The EA shall consider potential improvements to the existing public domain including local streets, footpaths and shared-zones and identify any proposed road closures and re-alignments</li> </ul>	Refer 7.3.3
	<ul style="list-style-type: none"> <li>The EA shall consider the interface of the proposed development and public domain (where applicable)</li> </ul>	Refer 7.3.3
	<ul style="list-style-type: none"> <li>The EA shall consider the relationship to and impact upon existing public domain</li> </ul>	Refer 7.3.3
	<ul style="list-style-type: none"> <li>The EA shall consider the provision of linkages with and between other public domain spaces including access rights, openness to the sky, legibility and 'safer by design' (CPTED) issues</li> </ul>	Refer 7.3.3
<b>Transport and Accessibility (Construction and Operational)</b>	<ul style="list-style-type: none"> <li>Provide a Transport &amp; Accessibility Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road/intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages. In particular the key intersections the study should consider are: <ul style="list-style-type: none"> <li>Mount Street/Walker Street</li> <li>Berry Street/Walker Street</li> <li>Pacific Highway/Walker Street</li> </ul> </li> </ul>	No change.



## 6.2 STATUTORY ASSESSMENT

### 6.2.1 NORTH SYDNEY LEP 2001

#### *North Sydney Local Environmental Plan 2001*

North Sydney LEP 2001 (LEP 2001) was the principal Local Environmental Planning Instrument under which the proposal was determined, governing development of the site. It is noted that the North Sydney LEP 2013 (LEP 2013) has recently come into effect which amends provisions of LEP 2001 with respect to development within the City Centre. LEP 2013 includes significant changes relevant to the site, in particular, height and overshadowing. As discussed in **Section 6.2.3** below, LEP 2013 ensures that the site is developed to an appropriate capacity.

The proposed modifications do not substantially alter the level of compliance or the compliance with the LEP objectives from the approved scheme.

Aspects of the proposed modification which vary the level of compliance are discussed in detail below.

#### Building Height

Clause 28D(2)(a) requires the maximum building height on the site be RL 195 (This height limit is reflected in LEP 2013, which also provides a maximum RL195).

The approved development has a maximum height of RL 199.7. The proposed modifications result in a reduction in the approved height to a maximum height of RL 198.0. The majority of the building, including all commercial floors, sits below the RL 195 height limit.

It is noted that the proposal meets the intent of the building height control within the North Sydney LEP. Refer to discussion at **Section 7.2.2** below.

#### Overshadowing

Clause 28D(2)(b) &(c) requires that there be no net increase in overshadowing of any land between the hours of 9am and 3pm, 21 June, outside the Composite Shadow Area; and no net increase in overshadowing between 10am and 2pm, at any time of the year, of any land that is within the North Sydney Centre and is within the public open space zone or within a special area.

The proposed modification will not create any additional overshadowing to that of the approved scheme.

#### Building Design and Public Benefits

Clause 28D(5) of North Sydney LEP outlines considerations for the consent authority when determining whether or not to grant consent to development within the North Sydney Centre. An assessment is undertaken against these heads of consideration in respect to the building and its impacts. The following considerations are discussed below in relation to the proposed modifications:

##### *(a) Scale, Form and Massing:*

The scale, form and massing of the proposed modification remains unchanged from that of approved MP08\_0241 MOD 1 and continues to be comparable with other commercial buildings in the North Sydney centre.

##### *(b) Impact on view lines:*

The modified proposal will have no greater impact upon view lines or vistas.

##### *(c) Streetscape Impact:*

The proposal will result in an enhanced north, east and south facade with the refinements to the architectural expression at the top signage zone with the enclosure of roof top structures / plant. The modified building tower will continue to be interpreted from the street level as an elegant building within the North Sydney CBD.

Further, the proposed new public footpath granite pavers will match the proposal's ground floor surface and enhance the streetscape by integrating public space with that of ground floor and lower ground floor areas of the site. This will also improve the integration of the public domain into the site.

### 6.2.2 NORTH SYDNEY DCP 2002

North Sydney DCP 2002 (DCP 2002) applied to the scheme approval. It is noted that North Sydney DCP 2013 has subsequently come into effect.

The proposed modifications will not alter the level of compliance with the DCP from the approved scheme, MP08\_0241 MOD 1.

### 6.2.3 NORTH SYDNEY LEP 2013

Draft North Sydney LEP 2001 has been superseded by the North Sydney LEP 2013.

The LEP 2013 provides the following development standards which apply to the proposal, and remain largely the same as that of LEP 2001:

- *Amended maximum height provision to RL 195 from existing ground level directly below.*
- *Amend the overshadowing provisions to allow overshadowing of Mount Street plaza between 10am and midday, but require no additional overshadowing between 12pm and 2pm on any day (EST) to any land that is within the North Sydney Centre and is within the RE1 Public Recreation zone or within a Special Area as shown on the North Sydney Centre Map,*
- *Specify that any additional overshadowing outside the Composite Shadow Area between 9am and 3pm at midwinter, will not reduce the amenity of any dwelling that is outside the North Sydney Centre.*

As discussed above, the proposal does not seek a height increase and will not result in an additional overshadowing to the surrounds.

## 6.3 ENVIRONMENTAL IMPACT CONSIDERATIONS

The proposed modifications have the following environmental impacts:

### 6.3.1 BUILDING MASSING

The proposed external modifications are minor in scale. The proposal does not seek to increase the height or mass of the approved scheme. The modified north, east and south elevations will not result in any increased appearance of bulk or scale.

### 6.3.2 VISUAL IMPACT AND OVERSHADOWING IN THE CONTEXT OF ADJOINING DEVELOPMENT

The proposed modifications will not have any additional impact upon the existing views of any buildings in the vicinity, and will not result in any additional overshadowing to that of the approved scheme.

The building form will continue to fit well within the commercial core context of North Sydney, with the façade changes to the upper level and structural brace feature to the Walker Street façade having negligible impact to that of the existing approval.

### 6.3.3 STREETScape & PUBLIC DOMAIN IMPACT

The proposed façade modifications will not be visible from the street level.

The public domain footpath is proposed to use granite pavers rather than the North Sydney CBD Sandstone pavers. These pavers will provide a more attractive and better wearing surface to that of the CBD sandstone, and will ensure that the public domain is well integrated and matches the proposal's ground floor. This integration will encourage the public's use of the site's ground level commercial/public space and through site link, encouraging permeability. Council has indicated support to this approach for the public domain materials.

While the ground floor lobby area is proposed to be enclosed to improve weather protection for this level, large doors will provide access to the ground floor area and encourage access between Mount and

Spring Streets. The glazing area is designed so as to be operable so that ground floor space can be opened up if weather conditions are appropriate.

At the ground floor and lower ground floor, the proposed modifications result in the following improvements to the streetscape and public domain with the following street interfaces:

#### WALKER STREET

In terms of built form, the proposed tower form remains substantially the same as that approved, with a void at the lower level and the tower form above. The Walker Street interface is activated by the enlarged and more useable retail/cafe use at the retail level. This enlarged premises will result in improved surveillance of the public domain and continue to relate well to the setback of the adjacent Firehouse Hotel.

The tower form continues to sit at a setback of 4.2m to Walker Street, consistent with that approved and the other tower forms in the Walker Street streetscape.

The proposed reduction from three street trees to two on Walker Street (refer to *Condition E23, Section 4.3.5*), will provide adequate landscaping for an attractive streetscape, while maintaining adequate pedestrian space and amenity. The reduction of the street tree will also enable adequate view lines for motorists egressing from the proposal's parking.

#### MOUNT STREET

While there is no proposed change to the setback of the tower to Mount Street, the site's minor ground floor realignment will:

- Bring the Mount Street ground floor alignment closer to that of the tower above;
- Provide greater space on the ground floor level for additional seating and landscaping to provide an enhanced outdoor dining at this level and attract people to use this space; and
- Reduce the gradient of the stairs leading between the retail and ground floor levels, making them easier to climb to access the through site link. The generous footpath on the corner of Mount Street and Walker Street is preserved.

#### SPRING STREET

The proposal seeks minimal impact to its Spring Street interface, which continues to be well resolved.

### 6.3.4 PARKING

While the proposal seeks a reorganisation of basement levels for a more efficient use of space, there are no changes proposed to parking numbers, with car parking maintained for 113 vehicles.

### 6.3.5 TRAFFIC GENERATION

As there is no change to parking provision within the site, there will not be any increased traffic generation. Therefore, the traffic effects of the proposed development would be similar to the approved development and within the capacity of the existing road network.

### 6.3.6 VEHICLE ACCESS AND SERVICING

The access point remains on Walker Street, in accordance with the approved design.

Servicing remains contained wholly within the basement levels and the number of truck and courier spaces is considered to adequately service the proposal. Each space and ramp grades etc. have been designed to conform with relevant Australian Standards.

## 6.4 CONTRIBUTIONS

North Sydney's Section 94 Contributions Plan requires the payment of levies on additional floorspace for the provision of public improvements and as the proposal includes some additional floor area, the s94 Contribution will increase relatively. The proposal seeks a minor increase of GFA of 472m<sup>2</sup> from 45,067m<sup>2</sup>

to 45,539m<sup>2</sup>. In accordance with the following applicable rates, the total payment is calculated to be in the order of **\$3,384,637.81**.

- Administration, open space and community services - \$2,774.90/100m<sup>2</sup>
- Public Domain Improvements (North Sydney Council and 'Other Areas') - \$6,464.20
- Traffic improvements - \$390.30/100m<sup>2</sup>

Therefore the total contribution / 100m<sup>2</sup> of addition retail and commercial floorspace is \$9,629.40.

The additional Commercial GFA above that existing on the site is 35,149m<sup>2</sup> (existing GFA is 10,390m<sup>2</sup>). Therefore the contribution is 351.49 x 9,629.40 = \$3,384,637.81.

## 7 Conclusion

The proposed modification includes a number of improvements upon the existing approved scheme. Included in the improvements are:

- Modification to the façade treatment on the north, east and south façade of the proposal, including:
  - Simplification of the signage zone on the upper level of the façade through the extension of glazing to the uppermost point of the façade, enclosing plant structure;
  - Removal of portions of louvres to screened spine section of the north and south elevations, creating windows to restrooms; and
  - Modification to the structural steel brace feature to the eastern elevation.
- Modifications to the plant and roof top levels to provide for additional tenancy space with accompanying roof terrace;
- Reconfigure ground levels to:
  - Modify public domain footpath surfaces to granite pavers, to match that of ground floor lobby flooring;
  - Enclose the ground floor lobby area of the proposal for enhanced weather protection and to enable all year round use;
  - Increase and enhance eastern outdoor lobby space to provide for room for additional seating and landscaping;
  - Reduce of the gradient of the Mount Street steps leading to the ground level lobby;
  - Removal of Walker Street facing steps between retail and ground levels; and
  - Addition of 28 outdoor bicycle parking spaces in the south western corner, and 10 spaces in the north western corner and of site.
- Reconfigure retail level to provide an enlarged retail/café premises for enhanced use, streetscape activation and opportunity for active/passive surveillance.
- Reconfigure basement levels to rearrange plant and storage spaces, parking and access.

Consultation has been undertaken with North Sydney Council who are generally supportive of the proposed modifications.

The modified proposal has been assessed against the relevant planning provisions under Section 75W of the *Environmental Planning and Assessment Act 1979*. The overall height of the building is no taller than the approved scheme and no additional amenity impact upon nearby residential or open space areas result. Building setbacks are similar to that approved, and car parking numbers remain unchanged.

The modified proposal is recommended for approval.

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## Appendix A

Architectural Plans, prepared by  
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