

5 May 2014

Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

Attention: Amy Watson, Team Leader
Sent by email: Amy.Watson@planning.nsw.gov.au

Dear Amy,

MP 08_0241 MOD 2 – 100 Mount Street, North Sydney

The NSW Department of Planning & Environment have prepared draft conditions of approval and issued these to the Proponent requesting a response. We write on behalf of the Proponent Laing O'Rourke Mount Street Pty Ltd, in response to the draft conditions. The response to the draft conditions is provided with reference to the conditions, as follows:

Condition A2 Development in Accordance with Plans and Documentation

DA 130-3 should be Rev B dated 25.10.13.

The descriptions of drawings DA 138 Core Wall Façade Southwest Perspective and DA 139 Area Schedule are show struck out. It is not clear why these descriptions are stuck out.

Condition B5 Required Infrastructure Works

Item b) appears to be left-over from the original approval. The loading dock access is via Walker Street and not via Spring Street.

Condition B8 Required Infrastructure Works – Submission and Approval of Plans under Roads Act 1993

Condition B8 requires the construction of new footpaths over the street frontages to Mount Street, Walker Street and Spring Streets to have granite pavers to match the pavers in the ground floor lobby area of the proposal. The condition as drafted reads, as follows:

*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.*

It is our understanding that the ground floor lobby would be complementary to the external paving in the public domain and not be the same as the external footpath paving. Rather than the pavers in the external footpaths be designed to match the lobby space, the internal pavers are to complement the external pavers in Council's public domain style manual.

It is requested the condition be amended for Mount Street, Walker Street and Spring Street, as follows:

“b) Construction of a fully new footpath over entire site frontage, to be constructed in North Sydney Council’s CBD granite pavers. 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”.

Condition B8A Public Domain Treatment

The condition states that:

“The design for the public domain and publicly accessible areas at ground level be in accordance with the design and materials palette outlined in North Sydney Public Domain Style Manual. The detailed designs for these areas must be submitted to Council for approval by Council’s Director Engineering and Property Services.

The bike parking on the ground floor plan, at Mount Street and Spring Street, is to be consistent with designs indicated in the North Sydney Public Domain Style Manual and installed in accordance with AS289.3 and other relevant codes of practice. The bike parking design must be submitted to Council for approval by Council’s Manager Traffic Planning”.

The condition should be amended to refer to Australian Standard AS2890.3.

Condition B46 Noise from Plant

The Proponent requests a modification to Condition B46 Noise from Plant, which is in addition to the modifications sought in the application.

Condition B46 requires that the noise from plant and mechanical equipment will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured from the boundary of the site. The condition, is as follows:

“B46 Noise from Plant

A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustic Consultants, must be submitted to the Certifying Authority that the noise from plant and mechanical equipment will not exceed more than 5dbd(A) above background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00pm) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition”.

The noise criterion is open to interpretation in terms of where the assessment is to take place.

Typical noise conditions (such as for the NSW Industrial Noise Policy, which is referenced in Condition B46) is that noise levels are assessed at the boundary of the receiver not at the boundary of the source building (on the site). Advice from Arup, the project acoustic engineers confirms that typically the boundary of the building envelope of the noise receiver is taken into consideration in noise assessments.

Compliance with the noise criteria is achieved at the west boundary (adjoining 80 Mount Street property) at both ground level and the roof level of the site. Strict compliance with the noise criteria at

the north and south boundary of the subject site at the roof level has not been achieved in the assessments. Compliance is achieved at ground floor level at the north and south boundaries.

The proposed wording of the condition is provided below with the changes shown with red text.

"A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, must be submitted to the Certifying Authority certifying that the noise from plant and mechanical equipment will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured

- a. at the boundary of the property at ground level, and*
- b. at the boundary of surrounding properties,*

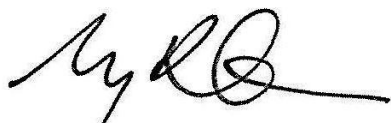
and will comply with the Environment Protection Authority Industrial Noise Policy.

The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition".

Compliance with this minor modification to Consent Condition B46 will be achieved on the north and south boundaries at roof level is to be achieved at the receiver boundaries across surrounding streets.

We request that the above amendments be made to the draft conditions for the determination under Section 75W of the *Environmental Planning & Assessment Act 1979*. If you require any further information please do not hesitate to contact the undersigned.

Yours sincerely,



Murray Donaldson
Associate Director, Planning