

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, I approve the modifications of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Heather Warton
Director
Industry, Social Projects & Key Sites

Date: 3rd September 2013

SCHEDULE 1

Project Approval:

MP08_0222 granted by the Deputy Director General, Development Assessment & Systems Performance, on 16 November 2010.

For the following:

The construction of a six-storey data centre building and three basement levels, including:

- Site preparation works;
- Excavation;
- 12 car parking spaces;
- Plant and equipment;
- Landscaping and street upgrade works; and
- Building identification sign.

Modification:

MP08_0222 MOD 3: Modification includes:

- adjustments to internal floor levels;
- modifications to the basement footprint;
- amendments to the internal layout of the basement, ground and typical floor levels;
- an increase to overall gross floor area by 757sqm to 18,932sqm;
- reorganisation of roof plant and green roof configurations;
- widening of the entry vehicle gate off Pyrmont Street to the loading bay;
- undertaking the development in three stages with internal fitout and occupation to occur progressively, including staged payment of Section 94 Contributions; and
- various amendments to Project Approval including the Statement of Commitments.

SCHEDULE 2

AMENDMENTS TO CONDITIONS

1. In Part A, amend Condition A2 as indicated in bold italics:

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development shall be *generally* in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment report for Global Switch Sydney 2 dated March 2010, including appendices and Preferred Project Report prepared by dem (aust) Pty Ltd dated August 2010 including appendices.			
B. Statement of Commitments prepared by dem (aust) Pty Ltd contained in Schedule 3			
C. Section 75W Modification Application dated December 2011, including modified Statement of Commitments, prepared by dem (aust) Pty Ltd. <i>Section 75W Modification Application dated May 2013, including modified Statement of Commitments, prepared by dem (aust) Pty Ltd.</i>			
D. Architectural Drawings prepared by dem (aust) Pty Ltd, itemised as follows:			
Drawing No.	Issue	Name of Plan	Date
CV-00	B02	Cover Sheet, Drawing List, Abbreviations	22/12/2011
0200	<i>B03 B04</i>	Site Plan	<i>22/12/2011 08/05/2013</i>
1202	<i>B03 B04</i>	Basement Level 1	<i>22/12/2011 08/05/2013</i>
1203	<i>B03 B05</i>	Ground Floor	<i>22/12/2011 08/05/2013</i>
1204	<i>B03 B04</i>	First Floor	<i>22/12/2011 08/05/2013</i>
1205	<i>B03 B04</i>	Second Floor	<i>22/12/2011 08/05/2013</i>
1206	<i>B03 B04</i>	Third Floor	<i>22/12/2011 08/05/2013</i>
1207	<i>B03 B04</i>	Fourth Floor	<i>22/12/2011 08/05/2013</i>
1208	<i>B03 B04</i>	Fourth Floor Mezzanine	<i>22/12/2011 08/05/2013</i>
1209	<i>B03 B04</i>	Fifth Floor	<i>22/12/2011 08/05/2013</i>
1211	<i>B03 B04</i>	Roof	<i>22/12/2011 08/05/2013</i>
2100	<i>B03 B04</i>	Section One	<i>22/12/2011 08/05/2013</i>
2101	<i>B03 B05</i>	Section Two	<i>22/12/2011 08/05/2013</i>
2102	<i>B03 B04</i>	Section Three	<i>22/12/2011 08/05/2013</i>
2103	<i>B03 B04</i>	Section Four	<i>22/12/2011 08/05/2013</i>
2500	<i>B03 B04</i>	North & South Elevations	<i>22/12/2011 08/05/2013</i>
2501	<i>B03 B04</i>	East Elevation	<i>22/12/2011 08/05/2013</i>
5004	B01	Signage Views	22/02/2010
0501	A02	Landscape Plan Ground Floor	15/02/2010
0502	<i>A02-A03</i>	Landscape Plan Roof Level	<i>15/02/2010 08/05/2013</i>

Note: Any changes which impact on the external appearance and/or form of the building, require the approval of the Minister.

2. In Part B, amend Condition B1 (Timing of Payment) as indicated in bold italics:

B1 Section 94 Contributions

Contribution Required

In accordance with Section 94(2) of the *Environmental Planning and Assessment Act 1979* and Sydney City Council's "Ultimo Pymont Section 94 Contributions Plan", a cash contribution shall be paid in the form of a bank cheque made out to the Sydney Harbour Foreshore Authority and lodged with the Department of Planning.

Amount of the Contribution

The amount of the contribution shall be calculated in accordance with the Ultimo Pymont Section 94 Contributions Plan and agreed between the proponent and SHFA. The agreed amount shall be notified to the Department of Planning **and Infrastructure** and endorsed by the Director General.

Timing of Payment

The contributions may be paid in stages as follows:

- 50% payment prior to the issues of the Stage 1 Construction Certificate; **and**
- **50% 25%** payment prior to the issue of the Stage 2 Construction Certificate; **and**
- **25% payment prior to the issue of the Stage 3 Construction Certificate.**

Indexing

If the contribution is paid after 31 December of the year in which the approval is granted, then the figure calculated shall be indexed in accordance with clause 19 of the Ultimo Pymont Contributions Plan 1994.

3. In Part C, amend Condition C2 (Development Staging) as indicated in bold italics:

C2 Development Staging

The proponent is to comply with the conditions contained in this instrument for all stages of development subject to this approval.

Prior to the commencement of each stage of works, the proponent is to notify the Department and Council of the proposed works and compliance to date with this approval. The proponent, or any party acting upon this approval, shall also submit a report addressing future compliance with all relevant conditions of this approval.

The development will be constructed in ~~two (2)~~ **three (3)** main building stages with internal fitout of each stage being undertaken, completed and occupied progressively. Final details of the main building stages and progressive internal fitout and occupation of the building are to be provided to the PCA for approval prior to the release of the relevant Construction Certificate.

4. In Part E, insert new condition E12 as follows:

E12 Maintenance Requirements- Western Distributor

Prior to the issue of the final Occupation Certificate for the project, the proponent must provide to the satisfaction of the Director-General, evidence of an agreement with the RMS addressing maintenance requirements for the underside of that part of the Western Distributor directly above the building.

END OF SCHEDULE 2