

Modification of Project Approval

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 21 December 2018

SCHEDULE 1

Project Approval:	08_0238 granted by the Minister for Planning on 25 February 2010
For the following:	Commercial development including: • Demolition: Demolition of the existing buildings at 77-81 Berry Street, excluding portions within the Beau Monde Podium, including the pedestrian bridge linking 77-81 Berry Street with Tower Square • Excavation: Excavation for 4 levels of basement • Construction of a tapered 41 storey commercial and retail building on the southern portion of 77-81 Berry Street including 2 levels of rooftop plant together with 4 levels of basement car parking with vehicular access via Little Spring Street and loading/unloading facilities including drop-off / pick-up for hotel (buses) and provision of 42 public car parking spaces and 27 motorcycle spaces • Off-site Works and Public Domain: Construction of a new pedestrian plaza in Denison Street and public forecourt to Spring Street together with various public domain improvements in Denison, Spring and Little Spring Streets, including road re-alignments / partial public road closures, tree planting, paving, street furniture and lighting, and, public art. • Landscaping; Construction of a new through-site link between Denison Street and Little Spring Street; paving; landscaping and planting between the retail and the public domain; new stair and arrival forecourt and the corner of Denison / Spring Streets.
Approval Authority:	Minister for Planning
The Land:	Stratum Lot 2, 3 & 4 in DP 10078998 (77-81) Berry Street, North Sydney) and Lot 1 in DP 832416 (88 Walker Street, North Sydney)
Modification:	08_0238 MOD 11: the modification includes an amendment to the construction hours.

SCHEDULE 2

The above approval is modified as follows:

- (a) Condition A2 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~strike-through~~ words I numbers, as follows

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 08_0238 and the Environmental Assessment dated May 2009 prepared by JBA Urban Planning, except where amended by the Preferred Project Report dated October 2009 and as amended by:

- (a) the S75W Modification Application (MP08_0238 MOD 1) and accompanying Environmental Assessment dated August 2010 and October 2010 and June 2014 and June 2014 prepared by JBA Urban Planning and additional information, plans and reports provided with the Preferred Project Report and S75W;
- (b) the S75W Modification Application (MP08_0238 MOD 2) and accompanying Environmental Assessment dated 31 May 2011 prepared by JBA Urban Planning;
- (c) the S75W Modification Application (MP08_0238 MOD 3) and accompanying Environmental Assessment dated 9 November 2011 prepared by JBA Urban Planning and Response to Submissions dated 12 January 2012 and 23 February 2012;
- (d) the S75W Modification Application (MP08_0238 MOD 4) and accompanying Environmental Assessment dated 12 June 2014 prepared by JBA Urban Planning;
- (e) the S75W Modification Application (MP08_0238 MOD 5) and accompanying Environmental Assessment dated 12 June 2014 prepared by JBA Urban Planning and Response to Submissions dated 20 November 2014;
- (f) the S75W Modification Application (MP08_0238 MOD 7) and accompanying Environmental Assessment dated 11 November 2016 prepared by JBA Urban Planning and Response to Submissions dated 2 March 2017, 18 April 2017 and 26 April 2017;
- (g) the S75W Modification Application (MP08_0238 MOD 8) and accompanying Environmental Assessment dated 27 June 2017 prepared by JBA Urban Planning;
- (h) the S75W Modification Application (MP08_0238 MOD 9) and accompanying Environmental Assessment dated 21 December 2017 by Ethos Urban, and Response to Submissions dated 9 March 2018 prepared by Ethos Urban;
- (i) The Section 4.55(1A) modification application (MP08_0238 MOD 10) and accompanying Environmental Assessment prepared by Ethos Urban dated 29 May 2018 and Response to Submissions dated 17 August 2018; and
- (j) **The Section 4.55(1A) modification application (MP08_0238 MOD 11) and accompanying Environmental Assessment prepared by Ethos Urban dated 13 July 2018 and Response to Submissions dated 2 October 2018; and**
- (k) The following drawings:

Architectural Drawings Prepared by Bates Smart			
Drawing No.	Rev.	Name of Plan	Date
DA01.000	05	General Arrangement Plan Site Plan	09.05.18
DA02.0B5	05	Basement 05 – Parking	09.05.18
DA02.0B4	05	Basement 04 – Parking	09.05.18
DA02.0B3	05	Basement 03 – Parking	09.05.18
DA02.0B2	05	Basement 02 – Parking	09.05.18
DA02.0B1	05	Basement 01 – Parking	09.05.18
DA02.0LG	05	Lower Ground Level	09.05.18
DA03.000	05	General Arrangement Plan Ground Level	24.05.18
DA03.0MZ	05	General Arrangement Plan Mezzanine	09.05.18
DA 03.001	05	General Arrangement Plan Level 01 – Commercial	09.05.18
DA 03.002	05	General Arrangement Plan Level 02 – Commercial & Terrace	25.05.18
DA 03.003	05	General Arrangement Plan Level 03 – Commercial	09.05.18
DA 03.004	05	General Arrangement Plan Level 04 – Typical Low Rise	09.05.18
DA 03.009	05	General Arrangement Plan Level 09 – Transfer Floor	09.05.18
DA 03.010	05	General Arrangement Plan Level 10 – Plant	09.05.18
DA 03.011	05	General Arrangement Plan Level 11 – Typical Mid Rise	09.05.18
DA 03.022	05	General Arrangement Plan Level 22 – Transfer	09.05.18
DA 03.024	05	General Arrangement Plan Level 24 – Typical High	09.05.18
DA 03.035	05	General Arrangement Plan Level 35 – High Rise	09.05.18
DA 03.036	05	General Arrangement Plan Level 36 – Plant & Overrun	09.05.18
DA 03.037	05	General Arrangement Plan Level 37 – Upper Plant	09.05.18
DA 03.038	05	General Arrangement Plan Roof Level	09.05.18
DA 07.101	05	Building Elevations North Elevation	09.05.18
DA 07.102	05	Building Elevations East Elevation	09.05.18
DA 07.103	05	Building Elevations South Elevation	09.05.18
DA 07.104	05	Building Elevations West Elevation	24.05.18

DA 07.202	05	Building Elevations Detailed Street Elevation – Little Spring Street	24.05.18
DA 07.203	05	Building Elevations Detailed Street Elevation – Spring Street	09.05.18
DA 07.204	05	Building Elevations Detailed Street Elevation – Denison Street	25.05.18
DA 07.205	1	Building Elevations External Lighting	09.05.18
DA 08.101	05	Building Sections A-A	09.05.18
DA 08.102	05	Building Sections BB	09.05.18
Landscape Plan & Off-site works and Public Domain Plan			
Drawing No.	Rev.	Name of Plan	Date
16041_L_DA1	H	Off-site Works & Public Domain Plan	02.08.2018
16041_L_DA2	H	Landscape Plan – Ground Level	02.08.2018
16041_L_DA3	H	Landscape Plan – L02 Terrace	02.08.2018

- (b) Condition D1 is amended by the insertion of the bold and underlined words / numbers and deletion of the ~~strike through~~ words / numbers, as follows

D1 Construction Hours

Building construction shall be restricted to the hours of 7.00am to ~~5.00pm~~ **6.00pm** Monday to Friday and on Saturday to within the hours of 8.00am to 1.00pm inclusive, with no work on Sundays and Public Holidays.

- (c) Condition D1A is amended by the insertion of the bold and underlined words / numbers and deletion of the ~~strike through~~ words / numbers, as follows

D1A Internal Fitout Works

- (a) Permissible building works between the hours of 6.00pm to 10.00pm, Monday to Friday and 1:00pm to 10.00pm on Saturdays is limited to internal fitout works only and shall be wholly contained within the sealed building's facade. Work that is permissible to be undertaken from 6.00pm on weekdays and from 1.00pm on Saturdays is limited to the following:

- installation of plasterboard ceilings and walls:
- painting:
- joinery:
- tiling:
- laying of carpet: and
- installation of internal services and fittings.

No external building works, any deliveries to the site or use of the external elevator shall be undertaken outside the standard construction hours of 7.00am to ~~5.00pm~~ **6:00pm** Monday to Friday and 8.00am to 1.00pm on Saturdays.

(aa) Notwithstanding (a) above, the following works are permissible to be undertaken between the hours of 1.00pm to 5.00pm on Saturday:

- **services installation;**
- **jumpform and reinforcement installation;**
- **concrete finishing works;**
- **survey;**
- **basement blockwork installation;**
- **substation works in basement;**
- **podium and lobby works;**
- **façade installation;**
- **plantroom and lift works;**
- **finishing trades; and**
- **electric and diesel crane usage.**

- (b) internal construction works in the northern portion of the buildings (within 24 metres of the northern facade can only **be** undertaken between the hours of 6pm and 10pm in accordance with (a) above if suitable screening or blinds are installed to the windows on the northern facade of the building such that residents will not be disturbed from light spill during these hours.
- (c) When building works are being undertaken during the hours in (a) above any operable windows are to be closed to protect the acoustic amenity of the neighbouring properties.
- (d) All internal lighting is to be extinguished by 10.00pm.
- (e) All building construction works in (a) above shall be subject to the maximum noise levels of 5dB(A) above the background.

(ee) All building construction works in (aa) above shall be subject to a maximum noise level of 62 dB(A) Leq(15 minute) measured at the nearest residential property boundary.

- (f) If investigation of complaint(s) establishes that 'offensive' noise over the 5dB(A) background limit has occurred, and the complaint is justified, then Council will require by notice to the Proponent, owner and developer, that the construction hours must revert to the hours nominated in the original approval.
- (g) The Proponent shall prepare a Parking Management Plan that shall specify the parking arrangements for workers after 6.00pm Monday to Friday and after 1.00pm Saturday, this shall include the total number of vehicles and the proposed location where these vehicles will be parking. All vehicles associated with extended construction hours are to park on site within the basement parking area. This Plan should also address noise abatement measures that will be in place to minimise disturbance to local residents when workers are leaving the site after the extended hours. This Parking Management Plan shall be provided to Council for approval prior to the commencement of extended construction hours
- (h) The Proponent shall prepare a Complaint Resolution Plan to ensure that all complaints from surrounding residents with regard to work carried out on site after 6.00pm on

weekdays and after 1.00pm on Saturday are promptly attended to and resolved. This Complaint Resolution Plan shall be provided to Council for approval prior to the commencement of extended construction hours.

- (i) The builder shall display, on-site, their twenty-four (24) hour contact telephone number which is to be clearly visible and legible from any public place adjoining the site.
- (j) The builder shall letter box drop affected residents with details of their twenty-four (24) hour telephone number and provide details of their complaint resolution plan.

End of Modification