

Modification of Development Consent

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

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Brendon Roberts
A/Director
Regional Assessments

Sydney

10 February 2020

SCHEDULE 1

Development consent:	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 within Tower Square • Excavation: Excavation of 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 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
Consent 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 14: amend Condition E9 relating to the delivery of public art.

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 / 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 2019 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 prepared 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;
- (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;
- (k) the Section 4.55(1A) modification application (MP08_0238 MOD 12) and accompanying Environmental Assessment prepared by Ethos Urban dated 13 March 2019;
- (l) the Section 4.55(1A) modification application (MP08_0238 MOD 13) and accompanying Environmental Assessment prepared by Ethos Urban dated 17 June 2019;

(m) **the Section 4.55(1A) modification application (MP08 0238 MOD 14) and accompanying Environmental Assessment prepared by Ethos Urban dated 28 November 2019;**

(n) the following drawings:

Architectural Drawings Prepared by Bates Smart			
Drawing No.	Rev.	Name of Plan	Date
DA01.000	05 06	General Arrangement Plan Site Plan	13.02.19
DA02.0B5	06	Basement 05 – Parking	13.02.19
DA02.0B4	06	Basement 04 – Parking	13.02.19
DA02.0B3	06	Basement 03 – Parking	13.02.19
DA02.0B2	06	Basement 02 – Parking	13.02.19
DA02.0B1	06	Basement 01 – Parking	13.02.19
DA02.0LG	06	Lower Ground Level	13.02.19
DA03.000	06	General Arrangement Plan Ground Level	13.02.19
DA03.0MZ	07	General Arrangement Plan Mezzanine	28.05.19
DA 03.001	06	General Arrangement Plan Level 01 – Commercial	13.02.19
DA 03.002	06	General Arrangement Plan Level 02 – Commercial & Terrace	13.02.19
DA 03.003	05	General Arrangement Plan Level 03 – Commercial	09.05.18
DA03.004	05	General Arrangement Plan Level 04 – Typical Low Rise	09.05.18
DA03.009	05	General Arrangement Plan Level 09 – Transfer Floor	09.05.18
DA03.010	05	General Arrangement Plan Level 10 – Plant	09.05.18
DA03.011	05	General Arrangement Plan Level 11 – Typical Mid Rise	09.05.18
DA03.023	05	General Arrangement Plan Level 23 – Transfer	09.05.18
DA03.024	05	General Arrangement Plan Level 24 – Typical High Rise	09.05.18
DA03.035	05	General Arrangement Plan Level 35 – High Rise Upper	09.05.18
DA03.036	05	General Arrangement Plan Level 36 – Plant & Overrun	09.05.18
DA03.037	05	General Arrangement Plan Level 37 – Upper Plant	09.05.18
DA03.038	05	General Arrangement Plan Roof Level	09.05.18
DA07.101	06	Building Elevations North Elevation	13.02.19
DA07.102	07	Building Elevations East Elevation	28.05.19
DA07.103	06	Building Elevations South Elevation	13.02.19
DA07.104	07	Building Elevations West Elevation	28.05.19
DA07.202	06	Building Elevations Detailed Street Elevation – Little Spring Street	13.02.19
DA07.203	06	Building Elevations Detailed Street Elevation – Spring Street	13.02.19
DA07.204	06	Building Elevations Detailed Street Elevation – Denison Street	13.02.19
DA07.205	1	Building Elevations External Lighting	09.05.18
DA08.101	06	Building Sections A-A	13.02.19
DA08.102	06	Building Sections BB	13.02.19
Landscape Plan & Off-site works and Public Domain Plan			
Drawing No.	Rev.	Name of Plan	Date

16041_L_DA 1	H	Off-Site Works & Public Domain Plan	02.08.2018
16041_L_DA 2	I	Landscape Plan – Ground Level	09.05.2019
16041_L_DA 3	I	Landscape Plan – L02 Terrace	26.02.2019

- (b) Condition E9 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~strike through~~ words / numbers, as follows

E9 Public Art

The applicant shall submit an Arts Plan for the proposed development to Council's Arts and Culture Officer for approval. The applicant shall consult with Council's Arts and Culture Officer in the design and execution stages of the Art Plan. The Artwork shall be installed in accordance with the approved Art Plan prior to completion and issue of ~~any interim~~ **the final** Occupation Certificate ~~For the approved buildings (but excluding the initial works).~~

End of modification

(08_0238 MOD 14)