

# Notice of Modification

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

As delegate of the Minister for Planning, the Planning Assessment Commission modifies 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

2017

### SCHEDULE 1

**Project Approval:** **MP 08\_0241** granted by the Minister for Planning on 25 May 2010

**For the following:** Project Approval (including subsequent modifications) including:

- demolition of the existing buildings on both sites;
- excavation for 6 levels of basement;
- construction and use of a 36 storey commercial and retail building together with 6 levels of basement car parking with vehicular access via Walker Street; and
- construction of a ground floor podium level to allow for pedestrian thorough-fare and on-site streetscape, footpath reconstruction and infrastructure works in Mount Street, Walker Street and Spring Street together with public art works.

**Proponent:** Laing O'Rourke Mount Street Pty Ltd

**Consent Authority:** Minister for Planning

**The Land:** 86-96 Mount Street (Lot 1 DP 702144) and 100 Mount Street (Lot 100 in DP 624581), North Sydney

**Modification:** **MP 08\_0241 MOD 6:** the modification includes:

- additional plant, lift rooms and services above the roof parapet level;
- provision of additional floor space and a terrace at Level 35 for use for office premises, functions and meeting
- relocation of mechanical plant equipment on Levels 35 to 37;
- redistribution of the visitor bicycle parking spaces; and
- associated minor modifications.

## SCHEDULE 2

The approval (MP 08\_0241) is modified as follows:

- (a) Schedule 2 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

### **A2. Development in Accordance with Plans and Documentation**

The development will be undertaken in accordance with MP 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 as amended by:

- a) MP 08\_0241 MOD 1, the Section 75W Modification prepared by Urbis dated September 2011 (as amended by correspondence dated 21 November 2011 and the drawings prepared by Architectus);
- b) MP 08\_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013;
- c) MP 08\_0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015, and Response to Submissions dated 25 February 2016;
- d) MP08\_0241 MOD5, the Section 75W Modification prepared by Urbis dated June 2016, and Response to Submissions dated 22 August 2016;
- e) **MP08 0241 MOD 6, the Section 75W Modification prepared by Urbis dated December 2016 and Response to Submissions dated 20 March 2017; and the following drawings:**

| <b>Architectural (or Design) Drawings prepared Skidmore, Owings &amp; Merrill LLP and Architectus Sydney Pty Ltd</b> |               |                                                                 |                                               |
|----------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------|-----------------------------------------------|
| <b>Drawing No.</b>                                                                                                   | <b>Rev</b>    | <b>Name of Plan</b>                                             | <b>Date</b>                                   |
| DA 100                                                                                                               | <del>EE</del> | Cover Sheet                                                     | <del>18.05.16</del><br><b><u>08.12.16</u></b> |
| DA 104                                                                                                               | A             | Existing Site Survey                                            | 12.08.11                                      |
| DA 107                                                                                                               | E             | Ground Plane                                                    | 18.05.16                                      |
| DA 109                                                                                                               | D             | Site Plan                                                       | 18.05.16                                      |
| DA 116                                                                                                               | <del>EE</del> | Ground Floor Plan                                               | <del>18.05.16</del><br><b><u>08.12.16</u></b> |
| DA 116-1                                                                                                             | B             | Plan – Retail Mezzanine                                         | 18.05.16                                      |
| DA 117                                                                                                               | E             | Retail Level Plan                                               | 18.05.16                                      |
| DA 118                                                                                                               | D             | Plan – B1 Level                                                 | 18.05.16                                      |
| DA 119                                                                                                               | D             | Plan – B2 Level                                                 | 18.05.16                                      |
| DA 120                                                                                                               | D             | Plan – B3 Level                                                 | 18.05.16                                      |
| DA 121                                                                                                               | D             | Plan – B4 Level                                                 | 18.05.16                                      |
| DA 122                                                                                                               | E             | Plan – B5 Level                                                 | 18.05.16                                      |
| DA 123                                                                                                               | E             | Plan – B6 Level                                                 | 18.05.16                                      |
| DA 124                                                                                                               | D             | General Arrangement Plan – Ground Mezzanine (Management Office) | 18.05.16                                      |
| DA 124-1                                                                                                             | D             | General Arrangement Plan – Level 1 (Amenities)                  | 18.05.16                                      |
| DA 124-2                                                                                                             | B             | Level 1 Mezzanine - Plant                                       | 18.05.16                                      |

|                        |                 |                                |                                        |
|------------------------|-----------------|--------------------------------|----------------------------------------|
| DA 125                 | C               | Plan – Typical Low Rise Level  | 16.12.15                               |
| DA 126                 | C               | Plan – Typical Mid Rise Level  | 16.12.15                               |
| DA 127                 | C               | Plan – Typical High Rise Level | 16.12.15                               |
| DA 127-1               | <del>BD</del>   | Plan – Level 34                | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 128                 | <del>DE</del>   | Plan Level 35                  | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 128-1               | <del>DE</del>   | Plan – Level 36                | <del>18.05.16</del><br><b>08.12.16</b> |
| <b><u>DA 128-2</u></b> | <b><u>B</u></b> | <b><u>Plan Level 37</u></b>    | <b><u>08.12.16</u></b>                 |
| DA 129                 | <del>GE</del>   | Roof Plan                      | <del>16.12.15</del><br><b>08.12.16</b> |
| DA 130                 | <del>DE</del>   | North + East Elevations        | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 130-1               | <del>DE</del>   | Contextual Elevation – North   | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 130-2               | <del>DE</del>   | Contextual Elevation – East    | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 131                 | <del>DE</del>   | South + West Elevations        | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 131-1               | <del>DE</del>   | Contextual Elevation – South   | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 132                 | <del>EG</del>   | Building Sections              | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 133                 | <del>DE</del>   | Roof Sections                  | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 134                 | <del>GD</del>   | Roof Rendering                 | <del>16.12.15</del><br><b>08.12.16</b> |
| DA 135                 | D               | Basement Sections              | 18.05.16                               |
| DA 139                 | <del>DI</del>   | Area Schedule                  | <del>18.05.16</del><br><b>08.12.16</b> |
| DA 140                 | B               | Material Board                 | 16.12.11                               |

except for:

- a) any modifications which are 'Exempt and Complying Development' as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- b) otherwise provided by the conditions of this approval.

- (b) Schedule 2 Part B – Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

#### **B5 Monetary Contributions**

**In addition to contributions already paid,** the Proponent shall pay the following monetary contributions **in relation to works approved as part of Mod 6** in accordance with the North Sydney Section 94 Contributions Plan:

**(1) Amount of Contribution**

| <b>Contribution</b>                  | <b>Total (\$'s)</b> |
|--------------------------------------|---------------------|
| Administration                       | 1823.12             |
| Child Care Facilities                | 7718.89             |
| Community Centres                    | 4444.71             |
| Library Acquisition                  | 906.39              |
| Library Premises & Equipment         | 2755.40             |
| Multi Purpose Indoor Sports Facility | 1042.76             |
| Olympic Pool                         | 3323.05             |
| Open Space Acquisition               | 6586.89             |
| Open Space Increased Capacity        | 3397.73             |
| Public Domain Improvements           | 74542.31            |
| Traffic Improvements                 | 1500.70             |
| <b>Total</b>                         | <b>11041.95</b>     |

| <b>Contribution*</b>                        | <b>Total (\$'s)</b> |
|---------------------------------------------|---------------------|
| <b>Administration</b>                       | <b>581.99</b>       |
| <b>Child Care Facilities</b>                | <b>2,464.04</b>     |
| <b>Community Centres</b>                    | <b>1,418.87</b>     |
| <b>Library Acquisition</b>                  | <b>289.34</b>       |
| <b>Library Premises &amp; Equipment</b>     | <b>879.65</b>       |
| <b>Multi Purpose Indoor Sports Facility</b> | <b>332.90</b>       |
| <b>Olympic Pool</b>                         | <b>1,060.75</b>     |
| <b>Open Space Acquisition</b>               | <b>2,102.76</b>     |
| <b>Open Space Increased Capacity</b>        | <b>1,084.64</b>     |
| <b>Public Domain Improvements</b>           | <b>23,795.90</b>    |
| <b>Traffic Improvements</b>                 | <b>1,436.69</b>     |
| <b>Total</b>                                | <b>35,447.53</b>    |

\* The above contributions have been calculated for the increased of 264m<sup>2</sup> GFA resulting from MP08 0241 MOD6.

**(2) Adjustments**

Should the total GFA be modified, the amount payable may be eligible for adjustment.

**(3) Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**(4) Indexing**

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

**(5) Works-in-kind**

In accordance with Section 2.4 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of a material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works - in - kind (for an item included on the works schedule of the North Sydney S94 Contributions Plan).

- (c) Schedule 2 Part B – Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

**B6      Railway Infrastructure**

The Proponent shall lodge with Council a Railway Infrastructure Contribution totalling ~~\$4,489,479.96~~ **\$4,613,228.80** to be paid by bank cheque in favour of the Transport Administration Corporation. Evidence of the payment shall be provided to the Certifying Authority prior to the issue of the relevant Occupation Certificate.

Should the total GFA be modified, the amount payable may be eligible for adjustment. In this case, a report by an appropriately qualified Surveyor shall be submitted to and approved by the Director-General demonstrating the total amount of constructed GFA. Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

- (d) Schedule 2 Part B – Condition B40 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

**B40      Bicycle Storage and Parking**

The bicycle storage area shall accommodate a minimum of 330 bicycles **including 38 spaces allocated to visitors with 12 spaces being at the ground floor level and 26 spaces within the basement.** All bicycle parking, bicycle storage lockers and bicycle rail(s) shall be designed in accordance with the applicable Australian Standards. **Directional signage is to be provided to enable clear way finding to all visitor bicycle parking.**

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

**End of Modifications to MP 08\_0241  
(MP08\_0241 MOD 6)**

