

Modification of Project Approval

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

As delegate of the Minister for Planning, under delegation executed on 16 February 2015, I approve the modification of the Project Approval referred to in Schedule 1, subject to the amendments to conditions in Schedule 2.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 4 May 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:**

Architectural (or Design) Drawings prepared Skidmore, Owings & Merrill LLP and Architectus Sydney Pty Ltd			
Drawing No.	Rev	Name of Plan	Date
DA 100	EE	Cover Sheet	18.05.16 <u>08.12.16</u>
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	EE	Ground Floor Plan	18.05.16 <u>08.12.16</u>
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	BD	Plan – Level 34	18.05.16 08.12.16
DA 128	DE	Plan Level 35	18.05.16 08.12.16
DA 128-1	DE	Plan – Level 36	18.05.16 08.12.16
<u>DA 128-2</u>	<u>B</u>	<u>Plan Level 37</u>	<u>08.12.16</u>
DA 129	CE	Roof Plan	16.12.15 08.12.16
DA 130	DE	North + East Elevations	18.05.16 08.12.16
DA 130-1	DE	Contextual Elevation – North	18.05.16 08.12.16
DA 130-2	DE	Contextual Elevation – East	18.05.16 08.12.16
DA 131	DE	South + West Elevations	18.05.16 08.12.16
DA 131-1	DE	Contextual Elevation – South	18.05.16 08.12.16
DA 132	EG	Building Sections	18.05.16 08.12.16
DA 133	DE	Roof Sections	18.05.16 08.12.16
DA 134	GD	Roof Rendering	16.12.15 08.12.16
DA 135	D	Basement Sections	18.05.16
DA 139	DI	Area Schedule	18.05.16 08.12.16
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

Contribution	Total (\$'s)
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
Total	11041.95

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

* The above contributions have been calculated for the increased of 264m² 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)**