

Modification of Development Consent

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

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



Anthony Witherdin
Director
Regional Assessments

Sydney *24 MAY* 2019

SCHEDULE 1

Development Consent: **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 a 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.

Applicant: 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 9:** the modification includes:

- Relocation of a door to a café tenancy from Walker Street to Spring Street, and installation of bi-fold windows
- Amendments to the timing of Conditions B7, E5, E7 and G5.

SCHEDULE 2

The project 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 MOD 5, 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
- f) MP08_0241 MOD 7, the Section 4.55(1A) modification prepared by Urbis dated 16 April 2018 and additional information dated 30 May 2018;
- g) MP 08_0241 MOD 8, the Section 4.55(1A) modification prepared by Urbis dated 24 September 2018;
- h) MP 08_0241 MOD 9, the Section 4.55(1A) modification prepared by Urbis dated April 2019; 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	G <u>H</u>	Cover Sheet	09.03.18 <u>25.02.19</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	F	Ground Floor Plan	08.12.16
DA 116-1	B	Plan – Retail Mezzanine	18.05.16
DA 117	G <u>H</u>	Retail Level Plan	26.06.18 <u>25.02.19</u>
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	D	Plan – Level 34	08.12.16
DA 128	F	Plan Level 35	08.12.16
DA 128-1	F	Plan – Level 36	08.12.16
DA 128-2	B	Plan Level 37	08.12.16
DA 129	E	Roof Plan	08.12.16
DA 130	G <u>H</u>	North + East Elevations	09.03.18 25.02.19
DA 130-1	F <u>G</u>	Contextual Elevation – North	08.12.16 25.02.19
DA 130-2	G <u>H</u>	Contextual Elevation – East	09.03.18 25.02.19
DA 131	F	South + West Elevations	08.12.16
DA 131-1	F	Contextual Elevation – South	08.12.16
DA 132	G	Building Sections	08.12.16
DA 133	F	Roof Sections	08.12.16
DA 134	D	Roof Rendering	08.12.16
DA 135	D	Basement Sections	18.05.16
DA 139	IJ	Area Schedule	09.03.18
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 –is amended by deleting the following Condition B7:

~~B7 Off-Site Works~~

~~The cost of the following Off-Site works shall be met by the Proponent;~~

- (i) ~~Re-phasing and linemarking works to upgrade the Mount Street/Walker Street intersection in order to improve the level of service of the intersection to a value of \$10,000.~~

- (c) Schedule 2 Part E – Condition E5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

E5 Public Infrastructure Repair and Completion Works

Prior to issue of any Occupation Certificate **for the building, or as otherwise agreed to in writing by the Manager, Development Services of North Sydney Council,** all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council's engineers at no cost to Council.

- (d) Schedule 2 Part E – Condition E7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

E7 Green Travel Plan

A workplace green travel plan is to be developed to highlight to staff that available public and alternative transport options for travelling to the site. The plan is to include wayfinding strategies and travel access guides. This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of the **final** Occupation Certificate.

- (e) Schedule 2 Part E – Condition E9 is deleted.

~~**E9 Public Infrastructure Repair and Completion Works**~~

~~Prior to issue of any Occupation Certificate all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council's engineers at no cost to Council.~~

- (f) Schedule 2 Part E – is amended by the insertion of the following new Condition E24:

E24 Off-site Works

The cost of the following Off-Site works shall be met by the Proponent, **prior to the issue of any Occupation Certificate for the building, or as otherwise agreed to in writing by Roads and Maritime Services;**

- (i) Re-phasing and linemarking works to upgrade the Mount Street/Walker Street intersection in order to improve the level of service of the intersection to a value of \$10,000.
- (g) Schedule 2 Part G – Condition G5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

G5 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate **for the building, or as otherwise agreed to in writing by the Manager, Development Services of North Sydney Council.**

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

**End of Modification
(MP08_0241 MOD 9)**