

Modification of Minister's Approval

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

As delegate of the Minister for Planning, I approve the modification application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney

2015

SCHEDULE 1

Application Number:	MP09_0187
Proponent:	Holdmark Property Group Pty Ltd
The Authority:	Minister for Planning
The Land:	6-16 Atchison Street, St Leonards
Project Approval:	Mixed use development granted on 1 May 2012 by the Planning Assessment Commission
Project:	Mixed use development providing for hotel (serviced apartments), residential and café uses, car and motor cycle parking, and ground floor plaza.
Modification:	MP 09_0187 MOD 3: the modification includes: <ul style="list-style-type: none">• an increase of the maximum building height from RL 167.3m to RL 181.3m AHD (an additional four storeys / 14 metres);• an increase of 3,199m² GFA (including 47 additional residential apartments);• increase car parking provision from 168 to 183 spaces (an additional 15 spaces);• flexibility to allow for the future amalgamation of apartments; and• public benefit offer comprising a monetary contribution.

The Project Application for MP09_0187 is modified as follows:

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
Advisory Note	means advisory information in relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means North Sydney Council.
Department	means the Department of Planning and Infrastructure or its successor.
Director General	means the Director - General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment report prepared by City Plan Services dated September 2010.
Minister	means the Minister for Planning and Infrastructure.
PCA	means a Principal Certifying Authority and has the same meaning as in Part 4A of the Act.
Preferred Project Report (PPR)	means the Preferred Project Report prepared by City Plan Services dated April 2011.
Proponent	means Atchison Street Property Development <u>Holdmark Property Group</u> Pty Ltd.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
Subject Site	has the same meaning as the land identified in this Schedule.

SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

- (a) Schedule 2 Part A – Administrative Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

Development in Accordance with the Plans and Documentation

- A1. The Proponent shall carry out the project generally in accordance with the:
- a) Architectural drawings in the table below:

Drawing number	Drawing title	Drawn by	Date
-	Indicative External Privacy Screen – Sample of Perforation Pattern	Robertson + Marks	-
PA-100-1/6	Proposed Site Plan	Robertson + Marks	22/01/14

PA-100-2/6	Ground Level Residential Entry Lower	Robertson + Marks	22/01/14
PA-100-3/4 <u>8</u>	Ground Level Upper	Robertson + Marks	22/01/14
PA-100-4/3 <u>4</u>	Level 1 Serviced Apartments	Robertson + Marks	08/08/13
PA-100-5/3 <u>4</u>	Level 2 Serviced Apartments	Robertson + Marks	08/08/13
PA-100-6/5 <u>6</u>	Level 3	Robertson + Marks	22/01/14
PA-100-7/5 <u>6</u>	Level 4	Robertson + Marks	22/01/14
PA-100-8/4 <u>5</u>	Level 5	Robertson + Marks	22/01/14
PA-100-9/3 to PA-100-15/3	Level 6 to Level 12	Robertson + Marks	08/08/13
PA-100-16/3	Level 13	Robertson + Marks	05/08/13
PA-100-17/3 to PA-100-27/3	Level 14 to Level 24	Robertson + Marks	08/08/13
<u>PA-100-9/5</u>	<u>Level 6</u>	<u>Robertson + Marks</u>	<u>08/05/2014</u>
<u>PA-100-10/4</u>	<u>Levels 7 to 19 & 22 to 27</u>	<u>Robertson + Marks</u>	<u>08/05/2014</u>
<u>PA-100-23/4</u>	<u>Level 20</u>	<u>Robertson + Marks</u>	<u>08/05/2014</u>
<u>PA-100-24/4</u>	<u>Level 21</u>	<u>Robertson + Marks</u>	<u>08/05/2014</u>
<u>PA-100-31/1</u>	<u>Level 28</u>	<u>Robertson + Marks</u>	<u>14/04/14</u>
PA-100-28/3 PA-100-32/1	Roof Plan	Robertson + Marks	08/08/13 <u>14/04/14</u>
PA-100-29/2	Adaptable unit	Robertson + Marks	05/06/13
PA-100-30/2	Adaptable unit	Robertson + Marks	05/06/13
PA-200-01/4 <u>5</u>	North South Section	Robertson + Marks	28/01/14 <u>14/04/14</u>
PA-200-02/3 <u>4</u>	East West Section	Robertson + Marks	28/01/14 <u>14/04/14</u>
PA-200-15/4 <u>5</u>	Basement Level 1	Robertson + Marks	22/01/14 <u>14/04/14</u>
PA-200-16/4 <u>6</u>	Basement Level 2	Robertson + Marks	22/01/14 <u>09/05/14</u>
PA-200-17-3 <u>6</u>	Basement Level 3	Robertson + Marks	12/08/13 <u>09/05/14</u>
PA-200-18-3 <u>6</u>	Basement Levels 4-5	Robertson + Marks	12/08/13 <u>09/05/14</u>
<u>PA-200-18A/6</u>	<u>Basement Level 5</u>	<u>Robertson + Marks</u>	<u>09/05/14</u>
PA-200-19-3 <u>6</u>	Basement Levels 6	Robertson + Marks	12/08/13
PA-210-01/3	Podium Atchison Street	Robertson + Marks	28/01/14
PA-210-02/3	Podium Atchison Lane EW	Robertson + Marks	28/01/14
PA-210-3/3	Public Domain Café NS	Robertson + Marks	28/01/14
PA-210-4/3	Public Domain Car Park NS	Robertson + Marks	28/01/14
PA-210-5/5	Public Domain Atchison Street Elevation	Robertson + Marks	28/01/14
PA-210-6/6	Public Domain Atchison Lane Elevation	Robertson + Marks	28/01/14
PA-300-01/7 <u>8</u>	North Elevation	Robertson + Marks	28/01/14 <u>14/04/14</u>
PA-300-23 <u>4</u>	East Elevation	Robertson + Marks	28/01/14 <u>14/04/14</u>
PA-300-3/4 <u>5</u>	South Elevation	Robertson + Marks	28/01/14 <u>14/04/14</u>
PA-300-4/4 <u>5</u>	West Elevation	Robertson + Marks	28/01/14 <u>14/04/14</u>
-	Schedule of External Finishes	Robertson + Marks	-

b) Landscape Plan, SS13-2590 drawing numbers 002, 003, 004, Issue I, dated 28/01/14, drawn by Site Image Landscape Architects;

- c) Stormwater drainage concept plans numbered 3532 H-100 to H-117 (inclusive) all issue 01, all dated March 2010, and all drawn by Warren Smith & Partners Pty Ltd;
- d) the Revised Draft Statement of Commitments submitted with the Section 75W Modification Application prepared by City Plan Services Pty Ltd, dated **January May** 2014; and
- e) the independent traffic review by ARUP in its letter to the Department of Planning and Infrastructure, dated 5 February 2014.

except for:

- 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
- Otherwise provided by the conditions of this approval.

- (b) Schedule 2 Part A – Administrative Condition A1A is added by the insertion of the **bold and underlined** words / numbers as follows:

Maximum Building Height

A1A The building must not exceed a maximum height of 181.3 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, exhaust fumes and the like.

SCHEDULE 2

PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (c) Schedule 2 Part B – Condition B3 is amended by the ~~bold struck out~~ words/numbers as follows:

~~Building Height and Design~~

~~B3 a) The building is to be lowered so that it has a maximum height of RL 167.3 AHD. Amended plans shall be submitted to the Director-General for approval prior to the issue of any Construction Certificate for the above-ground non-residential and residential components of the development.~~

~~b) Horizontal fins (as per the current scheme prepared by Robertson + Marks) are to be retained to both north and south sides of the building in order to provide articulation to the facade.~~

- (d) Schedule 2 Part B – Condition B3A is added by the insertion of the **bold and underlined** words / numbers as follows:

Non-Residential Floorspace

The proportion of non-residential floorspace within the building is to be increased to 4,683m². Amended plans shall be submitted to Department for approval prior to the issue of the relevant Construction Certificate.

- (e) Schedule 2 Part B – Condition B3B is added by the insertion of the **bold and underlined** words / numbers as follows:

Amalgamation of Residential Apartments

B3B Individual residential units are permitted to be amalgamated with the approval of the PCA. Any such amalgamation shall demonstrate to the satisfaction of the PCA that the external appearance of the building is not altered; and

- (f) 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:

Car Park

B6. The proposed car park must be designed to satisfy the following requirements:

- a) All vehicles must enter and exit the basement in a forward direction;
- b) The basement ramp design, grades and overhead clearance between Atchison Land and the Basement 1 loading area shall be generally in accordance with ARUP's letters to the Department of Planning and Infrastructure dated 18 December 2013, 20 December 2013 and 5 February 2014;
- c) The location of any boom gate or other vehicular access control for driveway entry to the car park should be located to provide for the queuing of at least three (3) cars within the property;
- d) The intercom for the visitor parking access and/or security access point for residents is to be installed at least 6 metres into the property from the boundary line; and
- e) A maximum of ~~468~~ **183** parking spaces shall be provided.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the relevant Construction Certificate. Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- (g) Schedule 2 Part B – Condition B11A is added by the insertion of the **bold and underlined** words / numbers as follows:

Public Benefit Contribution

B11A. Prior to the issue of the first Occupation Certificate, the Proponent shall provide written evidence to the PCA that it has executed a Voluntary Planning Agreement with Council for the provision of the Public Benefit Offer (MP09 0187 MOD3) comprising a monetary contribution:

- a) **of \$3,287,975 (being \$1,025 per additional square metre GFA approved by MP09 0187 MOD3);**
- b) **which is in addition to affordable housing (condition B5) and Section 94 Contributions (condition B11); and**
- c) **to be allocated towards one or more of the following within St Leonards / Crows Nest precinct west of Willoughby Road:**
 - **public domain improvements; and/or**
 - **open space; and/or**
 - **local services; and/or**
 - **infrastructure.**

SCHEDULE 2
PART E – PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- (h) Schedule 2 Part E – Condition E19 is added by the insertion of the **bold and underlined** words / numbers as follows:

Obstacle Lighting

E19. Prior to the issue of the first Occupation Certificate the building must be obstacle lit with medium intensity steady red obstacle lighting in accordance with the Manual of Standards for Part 139 (Part 139 MOS) of the Civil Aviation Safety Regulations 1998, section 9.4.

The obstacle lights are to be arranged so that they indicate the points or edges of the object to ensure the object can be observed in a 360^o radius.

- (i) Schedule 2 Part E – Condition E20 is added by the insertion of the **bold and underlined** words / numbers as follows:

Notification of Airfield Design Manager

E20. Prior to the issue of the first Occupation Certificate, a certified surveyor is to notify Sydney Airport Corporation Ltd (airfield design manager) in writing of the finished height of the building.

End of Modifications to MP10_0187