

# Modification of Approval

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

I, the Executive Director, Key Sites and Industry Assessments, of the Department of Planning and Environment, in accordance with the Instrument of Delegation issued by the Minister for Planning & Infrastructure, on 16 February 2015, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.

Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney,

2017

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### SCHEDULE 1

**Project Approval:**

MP 10\_0016

**Proponent:**

Brookfield Multiplex Constructions Pty Ltd

**Approval Authority:**

Minister for Planning

**Land:**

Scottish Hospital – 2 Cooper Street, Paddington  
Lot 2 in DP 607572

**For the following:**

A Seniors Living Development including:

- a 100 bed residential aged care facility, 79 independent living units and support services;
- conservation and management of the 'Scottish Hospital' heritage building, together with its adaptive re-use for independent living units;
- a loading dock off Stephen Street;
- 132 car parking spaces;
- remediation; and
- a community bus pick-up and drop-off area at the corner of Brown and Cooper Streets.

**Modification:**

MP 10\_0016 MOD 2 – Modifications to the Project Approval include to:

- removal of trees 5 and 130;
- amendments to palm tree relocation;
- changes to floor plans to allow for a Theatre;
- enclosure of Stephen Street void;
- installation of photovoltaic cells;
- changes to some of the roofing material from metal to a concrete slab; and
- deletion of some of the clerestory windows.

## SCHEDULE 2

The Project Approval is modified as follows:

### SCHEDULE 2

#### PART A – ADMINISTRATIVE CONDITIONS

Amend Condition A3 as follows:

The development will be undertaken in accordance with the Environmental Assessment dated November 2010 prepared by Urbis and all Appendices, except where varied by:

- the Preferred Project Report dated June 2011 and all Appendices;
- the Proponent's Statement of Commitments included in the PPR;
- **the emf Griffiths Basix Analysis dated 29/03/2016; and**
- the following drawings:

| Drawing No.   | Drawing Title                              | Revision | Date       |
|---|--|----------|------------|
| <b>Site Plans</b>                                     |  |          |            |
| DA101   | Demolition Plan                            | A        | 07/10/2010 |
| DA102   | Key Plan                                   | A        | 07/10/2010 |
| DA103   | Staging Diagram                            | A        | 07/10/2010 |
| DA104   | Site Plan                                  | B        | 07/10/2010 |
| <b>Floor Plans</b>                                    |  |          |            |
| DA200   | Lower basement                             | A        | 07/10/2010 |
| DA201   | Upper Basement Parking                     | A        | 07/10/2010 |
| DA202   | Option A - RACF Loading Facility           | B        | 07/10/2010 |
| DA203   | Level 02 Plan                              | B        | 07/10/2010 |
| DA204   | Level 03 Plan                              | B        | 07/10/2010 |
| DA205   | Level 04 Plan                              | B        | 07/10/2010 |
| DA206   | Level 05 Plan                              | B        | 07/10/2010 |
| DA207   | Level 06 Plan                              | B        | 07/10/2010 |
| DA208   | Level 07 Plan                              | B        | 07/10/2010 |
| DA209   | Level 08 Plan                              | B        | 07/10/2010 |
| DA211   | Roof Plan                                  | B        | 07/10/2010 |
| <b>Measure to maximise privacy of 4 Cooper Street</b> |  |          |            |
| DA 213  | Measure to maximise privacy of 4 Cooper St | A        | 06/06/2011 |
| <b>Sections</b>                                       |  |          |            |
| DA221   | Longitudinal Section A                     | B        | 07/10/2010 |
| DA222   | Longitudinal Section B                     | B        | 07/10/2010 |
| DA223   | Cross Section C & D                        | B        | 07/10/2010 |
| <b>Elevations</b>                                     |  |          |            |
| DA231   | North Elevation                            | B        | 07/10/2010 |
| DA232   | South Elevation                            | B        | 07/10/2010 |
| DA231   | East Elevation                             | B        | 07/10/2010 |

|   |  |   |            |
|---|--|---|------------|
| DA232                                     | West Elevation                         | B | 07/10/2010 |
| <b>Finishes Board</b>                     |  |   |            |
| DA650                                     | Finishes Board - Stephen St ILU/RACF   | A | 07/10/2010 |
| DA651                                     | Finishes Board - Brown St ILU          | B | 07/10/2010 |
| DA652                                     | Finishes Board – Glen St View          | B | 07/10/2010 |
| DA653                                     | Finishes Board – Gatekeepers Lodge ILU | B | 07/10/2010 |
| <b>Brown Street ILU Floor Plans</b>       |  |   |            |
| DA401                                     | Brown St ILU Level 1                   | B | 07/10/2010 |
| DA402                                     | Brown St ILU Level 2                   | B | 07/10/2010 |
| DA403                                     | Brown St ILU Level 3                   | B | 07/10/2010 |
| DA404                                     | Brown St ILU Level 4                   | B | 07/10/2010 |
| DA405                                     | Brown St ILU Level 5                   | B | 07/10/2010 |
| DA406                                     | Brown St ILU Level 6                   | B | 07/10/2010 |
| DA407                                     | Brown St ILU Level 7                   | B | 07/10/2010 |
| DA408                                     | Brown St ILU Level 8                   | B | 07/10/2010 |
| DA410                                     | Brown St ILU Roof Plan                 | B | 07/10/2010 |
| <b>Stephen Street ILU Floor Plans</b>     |  |   |            |
| DA412                                     | Stephen St ILU Level 1 & 2             | A | 07/10/2010 |
| DA413                                     | Stephen St ILU Level 3 & 4             | A | 07/10/2010 |
| DA414                                     | Stephen St ILU Level 5 & Roof Plan     | A | 07/10/2010 |
| <b>Gate Keepers Lodge ILU Floor Plans</b> |  |   |            |
| DA416                                     | Gate Keepers Lodge Level 3 & 4         | A | 07/10/2010 |
| DA417                                     | Gate Keepers Lodge Level 5 & 6         | A | 07/10/2010 |
| DA418                                     | Gate Keepers Lodge Level 7 & Roof Plan | A | 07/10/2010 |
| <b>Brown Street RACF Floor Plans</b>      |  |   |            |
| DA420                                     | RACF Building – Level 1                | B | 07/10/2010 |
| DA421                                     | RACF Building – Level 3                | B | 07/10/2010 |
| DA422                                     | RACF Building – Level 4                | B | 07/10/2010 |
| DA423                                     | RACF Building – Level 5                | B | 07/10/2010 |
| DA425                                     | RACF Building – Level 6                | B | 07/10/2010 |
| DA426                                     | RACF Building – Level 7                | B | 07/10/2010 |
| DA427                                     | RACF Building – Roof Plan              | B | 07/10/2010 |
| <b>Heritage Building ILU Floor Plans</b>  |  |   |            |
| DA 429                                    | Site Plan                              | A | 07/10/2010 |
| DA 430                                    | Heritage Building - Level 4            | A | 07/10/2010 |
| DA 431                                    | Heritage Building - Level 5            | A | 07/10/2010 |
| DA 432                                    | Heritage Building - Level 6            | A | 07/10/2010 |
| DA 433                                    | Heritage Building - Level 7            | A | 07/10/2010 |
| DA 434                                    | Heritage Building - Roof Plan          | A | 07/10/2010 |
| DA 435                                    | North-South Elevations                 | A | 07/10/2010 |
| DA 436                                    | East-West Elevations                   | A | 07/10/2010 |
| DA 437                                    | Sections                               | A | 07/10/2010 |
| DA 438                                    | Sections                               | A | 07/10/2010 |
| <b>Unit Plans</b>                         |  |   |            |
| DA 451                                    | Brown St ILU - Unit Plans - Sheet 1    | A | 07/10/2010 |

|   |   |    |                |
|---|---|----|----------------|
| DA 452  | Brown St ILU - Unit Plans - Sheet 2   | A  | 07/10/2010     |
| DA 453  | Brown St ILU - Unit Plans - Sheet 3   | A  | 07/10/2010     |
| DA 454  | Brown St ILU - Unit Plans - Sheet 4   | A  | 07/10/2010     |
| DA 455  | Brown St ILU - Unit Plans - Sheet 5   | A  | 07/10/2010     |
| DA 456  | Brown St ILU - Unit Plans - Sheet 6   | A  | 07/10/2010     |
| DA 457  | Brown St ILU - Unit Plans - Sheet 7   | A  | 07/10/2010     |
| DA 458  | Brown St ILU - Unit Plans - Sheet 8   | A  | 07/10/2010     |
| DA 459  | Brown St ILU - Unit Plans - Sheet 9   | A  | 07/10/2010     |
| DA 460  | Brown St ILU - Unit Plans - Sheet 10  | A  | 07/10/2010     |
| DA 461  | Stephen St ILU - Unit Plans - Sheet 1   | A  | 07/10/2010     |
| DA 462  | Stephen St ILU - Unit Plans - Sheet 2   | A  | 07/10/2010     |
| DA 463  | Stephen St ILU - Unit Plans - Sheet 3   | A  | 07/10/2010     |
| DA 464  | Gate Keeper's Lodge - Unit Plans - Sheet 1  | A  | 07/10/2010     |
| DA 465  | RACF ILU - Unit Plans - Sheet 1   | A  | 07/10/2010     |
| DA 466  | RACF ILU - Unit Plans - Sheet 1   | A  | 07/10/2010     |
| <b>Privacy screen details</b>   |   |    |                |
| DA 520  | Privacy Screen Details along Stephen Street   | A  | 06/06/2011     |
| <b>Landscape Plans prepared by Aspect Studios, excluding land dedicated to Council for the extension of the Dillon Street Reserve</b> |   |    |                |
| 10034-SK01  | Concept Plan  | 02 | September 2011 |
| 10034-SK02  | Brown Street Frontage   | 02 | September 2011 |
| 10034-SK03  | Central Terraces & Entry Plaza  | 02 | September 2011 |
| 10034-SK04  | Parkland  | 02 | September 2011 |
| 10034-SK05  | Plants & Materials  | 02 | September 2011 |
| 10034-SK06  | Central Terraces  | 02 | September 2011 |
| 10034-SK07  | Street Views  | 02 | September 2011 |
| 10034-SK08  | WSUD Opportunities  | 01 | June 2011      |
| SK01  | Location Plan with existing trees   | B  | May 2011       |
| SK04  | Option 3 - Infill Planting of <i>Waterhousia floribunda</i> and transplanted palms with staged removal of selected weed trees | B  | May 2011       |

**Except as modified by the following plans in relation to MP 10 0016 MOD 2 only, and as otherwise provided by the conditions of this approval:**

| Drawing No.                | Drawing Title  | Revision         | Date                     |
|----------------------------|--|------------------|--------------------------|
| <b>Architectural Plans</b> |  |                  |                          |
| <b><u>A-X-B-1103</u></b>   | <b><u>Level 01 Plan – Brown Street Building</u></b>        | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |
| <b><u>A-X-B-1111</u></b>   | <b><u>Level 09 – Roof Plan – Brown Street Building</u></b> | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |
| <b><u>A-X-B-1528</u></b>   | <b><u>West Elevation Brown Street Plan</u></b>             | <b><u>AA</u></b> | <b><u>20/10/2016</u></b> |
| <b><u>A-X-P-1101</u></b>   | <b><u>Level 01 Plan</u></b>                                | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |
| <b><u>A-X-P-1103</u></b>   | <b><u>Level 03 Plan</u></b>                                | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |
| <b><u>A-X-P-1106</u></b>   | <b><u>Level 06 Plan</u></b>                                | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |
| <b><u>A-X-P-1108</u></b>   | <b><u>Level 08 Plan</u></b>                                | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |
| <b><u>A-X-P-1109</u></b>   | <b><u>Level 09 Roof Plan</u></b>                           | <b><u>AA</u></b> | <b><u>16/06/2016</u></b> |

|                        |   |           |                   |
|------------------------|---|-----------|-------------------|
| <u>A-X-P-1110</u>      | <u>Stephen Street and Brown Street Fascia Details</u> | <u>AA</u> | <u>20/10/2016</u> |
| <u>A-X-R-1109</u>      | <u>Level 07 Plan – RACF</u>                           | <u>AA</u> | <u>16/06/2016</u> |
| <u>A-X-R-1110</u>      | <u>Level 08 Roof Plan – RACF</u>                      | <u>AA</u> | <u>16/06/2016</u> |
| <u>A-X-S-1105</u>      | <u>Level 03 Plan – Stephen Street Building</u>        | <u>AA</u> | <u>16/06/2016</u> |
| <u>A-X-S-1106</u>      | <u>Level 04 Plan – Stephen Street Building</u>        | <u>AA</u> | <u>16/06/2016</u> |
| <u>A-X-S-1107</u>      | <u>Level 05 Plan – Stephen Street Building</u>        | <u>AA</u> | <u>16/06/2016</u> |
| <u>A-X-S-1108</u>      | <u>Level 06 Plan – Stephen Street Building</u>        | <u>AA</u> | <u>16/06/2016</u> |
| <b>Landscape Plans</b> |   |           |                   |
| <u>LA-P-1000</u>       | <u>Cover Sheet</u>                                    | <u>7</u>  | <u>17/06/2016</u> |
| <u>LA-P-1001</u>       | <u>Specification notes and plant schedule</u>         | <u>12</u> | <u>14/11/2016</u> |
| <u>LA-P-1014</u>       | <u>Parkland</u>                                       | <u>12</u> | <u>17/06/2016</u> |
| <u>LA-P-1017</u>       | <u>Planting Plan</u>                                  | <u>11</u> | <u>10/02/2017</u> |
| <u>LA-P-1018</u>       | <u>Parkland Finished Levels</u>                       | <u>7</u>  | <u>05/07/2016</u> |

## **PART C – PRIOR TO CONSTRUCTION**

Amend Condition C4 (ii) and (iii), and insert new condition C4 (iv) as follows:

### **C4(ii) Tree Management – Tree Retention**

Trees must be retained on site (with the exception of Trees T2, T4, **T5**, T9, **and T18 and T130** which are approved for removal) are identified in:

- the Tree Schedule provided in Attachment A of the Arboricultural Impact Assessment prepared by Tree Wise Men, dated September 2010;
- **the Arboricultural Assessment of Supporting Removal of Tree 5 Camphor Laurel: MP 10 0016 – “The Terraces” 2 Cooper Street, Paddington, prepared by Tree Wise Men, dated 19 February 2016; and**
- **the Arboricultural Assessment of Supporting Removal of Tree 130 Sydney Red Gum: MP 10 0016 – “The Terraces” 2 Cooper Street, Paddington, prepared by Tree Wise Men, dated 28 February 2016.**

The Tree Protection Plans contained in ~~Attachment E these documents~~, together with the **12 Tree Protection Requirements (TWMP1-TWMP12) detailed in the Attachment D of the Arboricultural Impact Assessment these documents** are to be implemented to ensure the protection of trees to be retained.

### **C4(iii) Tree Management – Transplanting**

Trees that are to be transplanted on the site are identified ~~to~~ **in** the Tree Schedule provided in Attachment A and Attachment E of the Arboricultural Impact Assessment.

A Transplant Method Statement and Relocation Plan is to be prepared for CC documentation to accompany the Landscape Planting Plan. **The Relocation Plan shall provide for the transplant of Palms trees to be transplanted are: (Trees 47, 86, 110, 128 and 129) along the Stephen Street frontage of the site where there is sufficient soil area to accommodate the root balls and elsewhere on the site.**

### **C4(iv) Tree Management – Tree Replacement**

**Tree 5 is to be replaced with a *Ficus rubiginosa* – Port Jackson Fig with a minimum pot size of 1,000 litres at the time of installation. The replacement tree is to be located within 10 metres of the current location of Tree 5.**

**Tree 130 is to be replaced with an *Angophora costata* – Sydney Red Gum with a minimum pot size of 400 litres at the time of installation. The replacement tree is to be located in the garden bed adjacent to the approved building in the same area as the current location of Tree 130.**

**Replacement trees shall be managed as follows:**

- **trees are to be grown in accordance with Tree stock for landscape use (AS 2303:2015);**
- **trees are to be planted in deep soil landscaped area;**
- **if the specified pot size is unavailable at that time, evidence that a tree can be grown to the required container size shall be provided;**
- **trees are to be maintained in a healthy and vigorous condition for a period of no less than 24 months; and**
- **if found to be faulty, damaged, dying or dead before attaining a size whereby it is protected by Council's Tree Management Controls, trees must be replaced with another of the same species.**

**The project arborist shall document compliance with the above condition and provide evidence of procurement of the replacement species to the Certifying Authority prior to issue of a Construction Certificate for Stage 2.**

**The replacement trees shall be planted as part of the completion of landscape works in accordance with Condition E21 prior to issue of a final Occupation Certificate.**

#### **PART D – DURING CONSTRUCTION**

Amend Condition D8 as follows:

D8 Archival Recording & Archaeological Requirements

Removal of any exceptional or highly significant fabric must be preceded by photographic archival recording in accordance with the Heritage Branch guidelines for such work. **If any archaeological relics are uncovered during the course of the construction, all work shall immediately cease in the area and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the remains, shall be submitted to the Heritage Division.**

The recommendations of the Casey & Lowe Archaeological Impact Assessment are to be adopted, including the obtaining of any necessary archaeological excavation permits from the Heritage Branch.