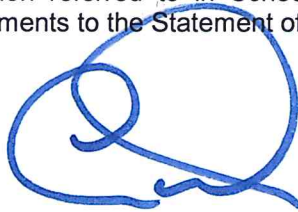


Modification of Minister's Approval

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

As delegate of the Minister for Planning, under delegation dated 10 November 2014, I approve the modification of the project application referred to in Schedule 1, subject to the amendments to conditions in Schedule 2 and amendments to the Statement of Commitments in Schedule 3.



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney 11 February

2015

SCHEDULE 1

Application No.:	MP11_0002
Proponent:	Lend Lease (Millers Point) Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 5 in DP 876514, Barangaroo
Project:	Erection of Residential Building R8 and Residential Building R9, comprising ground floor retail, upper level residential apartments, and public domain works.
Modification Number:	MP11_0002 MOD 1
Modifications:	<p>The modifications include:</p> <ul style="list-style-type: none">• Increase the total building GFA by 25 m² from 18,079 m² to 18,104 m² to correct an error from the original application and approval;• Increase the maximum height of Building R8 by 0.4 m from RL 41.5 m to RL 41.9 m and Building R9 by 0.5 m from RL 36 m to RL 36.5 m to accommodate a revised design of the roof top photovoltaic (PV) cells; and• Design changes to Building R8 and Building R9.

SCHEDULE 2

AMENDMENTS TO CONDITIONS

1. In Schedule 2, Part A, delete Condition A1 in its entirety and insert the following new condition:

A1 DEVELOPMENT DESCRIPTION

Except as amended by this approval, project approval is granted for the following:

- Demolition of any existing hardstand areas, footings or piles in the area to the west of the approved basement car park.
- Piling and associated earthworks and remediation.
- Construction and use of two new residential buildings (R8 & R9), ranging in height between 7 and 11 storeys, and with a maximum GFA of 18,104 m² comprised of:
 - 159 apartments (82 apartments within R8 and 77 apartments within R9)
 - 16,457 m² of residential floor space (8,862 m² within R8 and 7,595 m² within R9)
 - 1647 m² of retail floor space (832 m² within R8 and 815 m² within R9)
- Allocation of 172 residential car spaces within the basement car park for the exclusive use of R8 & R9, and 1 shared retail car space within the basement car park.
- Allocation of 159 bicycle spaces for residential use in the basement car park, and 16 for residential visitors and 5 for retail workers in the public domain.
- Temporary public domain works.
- Installation of utility services.

2. In Schedule 2, Part A, delete Condition A2 in its entirety and insert the following new condition:

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance the following documents and plans:

Environmental Assessment Report titled <i>Residential Buildings R8 & R9 (MP11_0002) Barangaroo South and Appendices</i> , prepared by JBA Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated November 2012			
Preferred Project Report titled <i>Residential Building R8 & R9 (MP11_0002) Barangaroo South and Appendices</i> , prepared by JBA Urban Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated 10 May 2013			
Architectural Plans prepared by PTW Architects, francis-jones morehen thorp (fjmt), Lend Lease Design and Landscaping Plans prepared by Aspect/Oculus			
Human Health Ecological Risk Assessment prepared by AECOM dated 4 July 2011			
Amended Remedial Action Plan – Barangaroo – Other Remediation Works (South) Area prepared by AECOM Australia Pty Limited, dated 7 July 2011			
Site Auditor's letter from Mr Grahame Nyland from ENVRON dated 20 September 2012			
Section 75W Modification to MP 11_0002 (<i>Residential Buildings R8 & R9) Barangaroo South and Appendices</i> , prepared by JBA Urban Planning Consultants, dated 6 August 2014			
MP11_0002 (MOD 1) (<i>Residential Buildings R8 & R9) – Response to Submissions Barangaroo South and Appendices</i> , prepared by JBA Urban Planning Consultants, dated 15 December 2014			
Drawing No.	Issue	Name of Plan	Date
Architectural Plans – Basement			
BR8AD2000050	00	Retail Façade Elevations	10/06/2014
BR8AD2000051	00	Retail Shopfront Options	10/06/2014

BB1_PA_R8R9_A101	03	R8 & R9 Residential Buildings Planning Application – 11_0002 Basement Level 1	18/10/2012
BB1_PA_PPR_R8R9_A102	04	R8 & R9 Residential Buildings Planning Application – 11_0002 (PPR) Basement Level 2	XX/XX/2013
BB1_PA_R8R9_A201	02	R8 & R9 Residential Buildings Planning Application – 11_0002 Cross Section 1-1	17/10/2012
BB1_PA_R8R9_A202	02	R8 & R9 Residential Buildings Planning Application – 11_0002 Longitudinal Section 2-2	17/10/2012
Architectural Plans			
BR8AD3000000	13	General Arrangement Plan – Ground Floor Plan	04/07/2014
BR8AD3010000	13	General Arrangement Plan – Level 1 Floor Plan	10/06/2014
BR8AD3020000	08	General Arrangement Plan – Level 2 Floor Plan	10/06/2014
BR8AD3030000	07	General Arrangement Plan – Level 3 Floor Plan	10/06/2014
BR8AD3040000	07	General Arrangement Plan – Level 4 Floor Plan	10/06/2014
BR8AD3050000	07	General Arrangement Plan – Level 5 Floor Plan	10/06/2014
BR8AD3060000	08	General Arrangement Plan – Level 6 Floor Plan	10/06/2014
BR8AD3070000	08	General Arrangement Plan – Level 7 Floor Plan	10/06/2014
BR8AD3080000	07	General Arrangement Plan – Level 8 Floor Plan	10/06/2014
BR8AD3090000	05	General Arrangement Plan – Level 9 Floor Plan	10/06/2014
BR8AD3100000	05	General Arrangement Plan – Level 10 Floor Plan	10/06/2014
BR8AD3110000	05	General Arrangement Plan – Roof Plan	10/06/2014
BR8AD4500001	05	Elevations East Elevation	10/06/2014
BR8AD4500002	06	Elevations West Elevation	14/10/2014
BR8AD4500003	06	Elevations North/South Elevations	14/10/2014
BR8AD5500001	05	Sections Overall Sections Sheet 1	14/10/2014
BR8AD5500002	04	Sections Overall Sections Sheet 2	10/06/2014
BR8AD5500003	03	Sections Overall Sections Sheet 3	10/06/2014
BR8AD5500004	03	Sections Overall Sections Sheet 4	10/06/2014
AD6500003	00	Retail Shopfront Design	06/06/2014
AD3000000	13	Ground Floor Plan	10/06/2014
AD3010000	09	Level 1 Floor Plan	10/06/2014
AD3020000	09	Level 2 Floor Plan	10/06/2014
AD3030000	05	Level 3 Floor Plan	10/06/2014
AD3040000	05	Level 4 Floor Plan	10/06/2014
AD3050000	05	Level 5 Floor Plan	10/06/2014
AD3060000	05	Level 6 Floor Plan	10/06/2014
AD3070000	08	Level 7 Floor Plan	12/11/2014
AD3080000	08	Level 8 Floor Plan	12/11/2014
AD3090000	08	Roof Plan	12/11/2014
AD4500001	07	North Elevation	16/10/2014

AD4500002	07	East Elevation	12/11/2014
AD4500003	07	South Elevation	12/11/2014
AD4500004	07	West Elevation	12/11/2014
AD5500001	06	Section AA	10/06/2014
AD5500002	06	Section BB	10/06/2014
AD5500003	06	Section CC	10/06/2014
AD5500004	07	Section DD	12/11/2014
AD6000002	08	Landscape_Greenwall Gazebo L7	16/10/2014
Landscape Plans			
BR8/9 ASK PA0001	06	Site Plan Development Sites R8 R9	22/03/2013
BR8_9-LPA-100	J	R8 + R9 Planning Application Ground Floor Plan	27/03/2013
BR9-LPA-100	E	R9 Planning Application Ground Floor Plan	06/06/2014
BR8_9-LSKPA-100	H	R8 + R8 Planning Application Ground Floor Plan	27/03/2013
BR8-LPA-107	E	R8 Planning Application Level 7 Plan	25/03/2013
BR8-LSKPA-107	E	R8 Planning Application Level 7 Plan	25/03/2013
BR8-LPA-108	G	R8 Planning Application Level 8 Plan	06/06/2014
BR9-LPA-101	D	R9 Planning Application Level 1 Plan	25/03/2013
BR9-LSKPA-101	D	R9 Planning Application Level 1 Plan	25/03/2013
BR9-LPA-102-103	D	R9 Planning Application Typical Level 2 & 3 Plan	25/03/2013
BR9-LSKPA-102-103	D	R9 Planning Application Typical Level 2 & 3 Plan	25/03/2013
BR9-LPA-104	D	R9 Planning Application Level 4 Plan	25/03/2013
BR9-LSKPA-104	D	R9 Planning Application Level 4 Plan	25/03/2013
BR9-LPA-105-106	D	R9 Planning Application Typical Level 5 & 6 Plan	25/03/2013
BR9-LSKPA-105-106	D	R9 Planning Application Typical Level 5 & 6 Plan	25/03/2013
BR9-LPA-107	E	R9 Planning Application Level 7 Plan	06/06/2014
BR9-LSKPA-107	D	R9 Planning Application Level 7 Plan	25/03/2013
BR9-LPA-108	E	R9 Planning Application Level 8 Plan	06/06/2014
BR9-LSKPA-108	D	R9 Planning Application Level 8 Plan	25/03/2013

except for:

- (1) 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.

- (2) otherwise provided by the conditions of this approval.

3. In Schedule 2, Part A, delete Condition A6 in its entirety and insert the following new condition:

A6 OTHER APPROVALS

- (1) The approval of residential buildings R8 and R9 in no way implies approval for the following:
 - (a) the use and internal fit-out of the ground floor retail areas;
 - (b) the use of the public domain for outdoor seating associated with the retail areas;
 - (c) the erection of signage;
 - (d) strata or land subdivision;

- (e) public art;
- (f) permanent public domain works;
- (g) road works (except the footway on the western side of Globe Street); and
- (h) construction of any seawalls, water-based works or structures.

(2) Separate application(s) must be lodged with the relevant consent authority or road authority (whichever is relevant) for the above works and uses (where required).

4. **In Schedule 2, Part A, delete Condition B27 in its entirety and insert the following new condition:**

B27 GFA CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Buildings R8 and R9 at the subject site approved by this major project does not exceed 18,104 m². Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate.

5. **In Schedule 2, Part A, insert the following new condition B31:**

B31 RETAIL SHOPFRONTS

The retail shop fronts along the eastern elevation of Buildings R8 and R9 facing Lime Street shall be generally consistent with the indicative retail shopfront designs shown on the plans approved in Condition A2. The retail shop fronts along the southern, western and northern elevations of Buildings R8 and R9 shall be generally consistent with the design parameters identified in Statement of Commitment No.17. Design details of proposed retail shopfronts on the northern, western and southern elevations of Buildings R8 and R9 shall be submitted to the Secretary for approval prior to the issue of the relevant Construction Certificate.

6. **In Schedule 2, Part A, insert the following new condition B32:**

B32 Signage Strategy

The Signage Strategy referred to in Statement of Commitment No.17 shall be submitted to the Secretary for approval prior to the issue of development consent for business identification or advertising signage on Buildings R8 and R9.

7. **In Schedule 2, Part A, delete Condition E2 in its entirety and insert the following new condition:**

E2 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) and height of the development at the subject site approved by this major project does not exceed 9,694 m² and RL41.9 for Building R8, and 8,410 m² and RL36.5 for Building R9. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.

Notes:

1. 'Height' (building height) is as defined in Standard Instrument – Principle Local Environment Plan.

SCHEDULE 3

AMENDMENTS TO STATEMENT OF COMMITMENTS

8. **Delete the Statement of Commitments in their entirety and replace them with the following:**

Commitments and Requirement		Responsibility / Timing
Design		
1.	Lease commits to ensuring continuity in the design process and realisation of the submitted Residential Buildings R8 & R9 design in the completed building by ensuring that FMIT and PTW have direct involvement in the design documentation phase.	Proponent, ongoing.
2.	External building materials and finishes will be generally in accordance with the materials schedule included at Appendix A of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
3.	External building lighting will be installed to provide interest, highlighting architectural features. No light beam will be directed beyond the site's boundaries or upwards without falling directly on a surface to minimise light pollution. Lighting will be controlled by photoelectric cells or time switches.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
4.	The glazing selected for external facades will have a maximum external specular reflectance of 20%.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Public art		
5.	Opportunities to implement art work within the Residential Buildings R8 & R9 development will be further explored in accordance with the Public Art Strategy for Barangaroo South.	Proponent, ongoing.
Ecologically sustainable development		
6.	Lease will target the initiatives set out in the ESD Report included at Appendix K of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Operational waste management		
7.	Residential Buildings R8 & R9 operational waste will be managed generally in accordance with the methodology outlined in the Waste Management Plan prepared by ARUP, included at Appendix P of the Environmental Assessment Report prepared by JBA dated October 2012.	Proponent, ongoing.
Infrastructure and Services		
8.	Appropriately sized new sewer and water connections will be provided to the building in consultation and agreement with Sydney Water.	To be demonstrated by the proponent prior to release of any occupation certificate.
9.	Stormwater discharge will be generally in accordance with the Stormwater Management Plan prepared by ARUP included at Appendix O of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Building Code of Australia		
10.	The detailed design of Residential Buildings R8 & R9 will comply with all relevant BCA requirements and Australia Standards generally in accordance with the recommendations of the BCA Assessment prepared by McKenzie Group Consulting included at Appendix Z of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).

<p>Operational Noise and Vibration</p>	<p>11. Operational noise emissions from the site will comply with the noise limits and amenity and intrusiveness criteria detailed in Wilkinson Murray's Operational Acoustic Study included at Appendix Y of the Environmental Assessment Report prepared by JBA Planning dated November 2011.</p>	<p>To be demonstrated by the proponent at the relevant construction certificate stage(s).</p>
<p>Geotechnical and Structure</p>	<p>12. Further detailed geotechnical site testing will be undertaken in accordance with the requirements of Australian Standard 2159 Piling – Design and Installation and Australian Standard 3600 – Concrete Structures, to determine the exposure classification and durability design requirements. The further detailed geotechnical testing will be used to inform the detailed structural design and documentation of Residential Buildings RS & R9.</p>	<p>To be demonstrated by the proponent at the relevant construction certificate stage(s).</p>
<p>Environmental, Construction and Site Management</p>	<p>13. Construction and site management relating to the construction of Residential Buildings RS & R9 will be in generally accordance with the Environmental, Construction and Site Management Plan prepared by Leed Lease included at Appendix CC of the Environmental Assessment Report prepared by JBA dated October 2012 including the following:</p> <ul style="list-style-type: none"> ▪ Construction Noise and Vibration Assessment prepared by Renzo Tonin, which addresses the noise and vibration impacts on and off site (refer to Appendix Y of the EAR); ▪ Construction Traffic Management Plan prepared by ARUP, which addresses construction traffic impacts (refer to Appendix EE of the EAR); ▪ Air Quality Impact Assessment prepared by AECOM, which addresses air quality and odour impacts (refer to Appendix DD of the EAR); and ▪ Waste Management Plan prepared by ARUP which addresses construction waste management (refer to Appendix P of the EAR). <p>14. Leed Lease commits to providing high quality hoardings around the site, including along the foreshore promenade. Hoardings will be treated with graphics and other designs consistent with an overall coordinated high quality Barangaroo communications strategy to be endorsed by the Barangaroo Delivery Authority and submitted to the Director-General.</p>	<p>Proponent, ongoing</p>
<p>Filing and associated works</p>	<p>15. The Residential Buildings RS & R9 Project Application works will be carried out in accordance with the Remedial Action Plan – Other Remediation Works (South) Area prepared by AECOM (including any RAP addendums that are proposed to be prepared and remedial work plan(s) as proposed to be prepared in conformance with these RAPs).</p> <p>16. Leed Lease will obtain a Section A Site Audit Statement from the Site Auditor prior to the issue of an Occupation Certificate for Residential Buildings RS & R9.</p>	<p>To be demonstrated by the proponent at the relevant construction certificate stage(s).</p>
<p>Shopfronts</p>	<p>17. Separate approvals are required for the detailed design of shopfronts. The future shopfront designs of Buildings RS & R9 are to be consistent with the following:</p> <ul style="list-style-type: none"> ▪ All works must comply with the Building Code of Australia and relevant Australian Standards; ▪ Shopfronts may include operable/fixable elements, such as glazing, windows, doors, benches and the like; ▪ The minimum transparency of the glazing is to be 55%; and ▪ Signage is to be consistent with the signage strategy, which is to be submitted to the Secretary prior to issue of a relevant construction certificate. 	<p>Proponent, ongoing</p>

END OF MODIFICATIONS – MP11_0002 MOD 1