

# Modification of Development Consent

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

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



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

Sydney

28/3/2022

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## SCHEDULE 1

<b>Development consent:</b>	<b>SSD 10384</b> granted by the delegate of the Minister for Planning and Public Spaces on 18 June 2021
<b>For the following:</b>	Alterations and additions to the Sirius building including restoration and refurbishment for a mixed-use development including: <ul style="list-style-type: none"><li>• a gross floor area of 8,419.20 m<sup>2</sup></li><li>• 76 residential apartments, commercial (SOHO apartments) and retail premises</li><li>• Cumberland Street building with retail, pool and basement vehicle access</li><li>• pedestrian through site link between Cumberland Street and Gloucester Walk</li><li>• landscaping, public art and off-site public domain works.</li></ul>
<b>Applicant:</b>	The Trustee for Sirius Developments Unit Trust
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	2–60 Cumberland Street, The Rocks (Lot 100 & 101 DP 264104) and public domain works (Lots 1 – 6, DP 776315 & Lot 7, DP 264080)
<b>Modification:</b>	<b>SSD 10384 MOD 1:</b> removal of the two existing Plane Trees and planting of four replacement trees along Gloucester Walk

## SCHEDULE 2

1. Schedule 2 Part A, Condition A1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

### TERMS OF CONSENT

A1. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, Response to Submissions (RtS) and Further RtS;
- (d) **generally in accordance with the following modification applications:**
  - (i) **Section 4.55(1A) modification application (SSD 10384 MOD 1) and accompanying appendices prepared by File Planning & Development Services dated 5 November 2021; Responses to Request for further information and accompanying appendices prepared by File Planning & Development Services dated 9 December 2021 and 2 February 2022;**
- (e) in accordance with the approved plans in the table below (except where modified by a condition):

Plan No.	Plan Name / Title	Revision	Date
<b>Architectural plans prepared by BVN</b>			
AR-A-00-05	LOT BOUNDARY/ SITE AREA	2	18.09.20
AR-DA-A-00-07	PROPOSED SITE PLAN	<del>8</del> <b>10</b>	<del>18.09.20</del> <b>05.08.21</b>
AR-A-00-0	BULK EARTH WORK PLAN	2	18.09.20
AR-DA-B-10-01	BASEMENT B2b-B2a	29	23.10.20
AR-DA-B-10-02	BASEMENT B1b-B1a	26	30.11.20
AR-DA-B-10-03	LEVEL 01-03	19	20.11.20
AR-DA-B-10-04	LEVEL 03-05	19	28.10.20
AR-DA-B-10-05	LEVEL 05-07	14	18.09.20
AR-DA-B-10-06	LEVEL 07-09	13	18.09.20
AR-DA-B-10-07	LEVEL 09-11	13	18.09.20
AR-DA-B-10-08	LEVEL 11-13	12	18.09.20
AR-DA-B-10-09	LEVEL 13-15	12	18.09.20
AR-DA-B-10-10	LEVEL 15-17	12	18.09.20
AR-DA-B-10-11	LEVEL 18-19	11	18.09.20
AR-DA-B-10-12	LEVEL 20-21	11	18.09.20
AR-DA-B-10-13	LEVEL 22-23	12	18.09.20
AR-DA-B-10-14	LEVEL 24-27	8	18.09.20
AR-DA-B-10-15	ROOF PLAN	5	18.09.20
AR-DA-B-11-61	DDA APARTMENTS-TYPE 3H AND 3F	3	18.09.20
AR-B-11-62	LIVEABLE APARTMENTS	4	23.10.20
AR-B-21-01	BASEMENT B2b-B2a DEMOLITION	4	18.09.20
AR-B-21-02	BASEMENT B1b-B1a DEMOLITION	4	18.09.20
AR-B-21-03	LEVEL 01-03 DEMOLITION	4	18.09.20
AR-DA-B-21-04	LEVEL 03-05 DEMOLITION	5	23.10.20
AR-B-21-05	LEVEL 05-07 DEMOLITION	4	18.19.20
AR-B-21-06	LEVEL 07-09 DEMOLITION	4	18.09.20
AR-B-21-07	LEVEL 09-11 DEMOLITION	4	18.09.20

AR-B-21-08	LEVEL 11-13 DEMOLITION	4	18.09.20
AR-B-21-09	LEVEL 13-15 DEMOLITION	4	18.09.20
AR-B-21-10	LEVEL 15-17 DEMOLITION	4	18.09.20
AR-B-21-11	LEVEL 17-19 DEMOLITION	4	18.09.20
AR-DA-B-21-12	LEVEL 19-21 DEMOLITION	4	18.09.20
AR-B-21-13	LEVEL 21-23 DEMOLITION	4	18.09.20
AR-B-21-14	LEVEL 23-24 DEMOLITION	4	18.09.20
AR-B-21-15	LEVEL 24-25 & PLANT DEMOLITION	4	18.09.20
AR-B-31-01	DEMOLITION EAST AND WEST ELEVATIONS	5	23.10.20
AR-B-31-02	DEMOLITION NORTH AND SOUTH ELEVATIONS	4	18.09.20
AR-DA-C-10-00	EAST & WEST ELEVATIONS - STREETScape	<b>9</b> <b>11</b>	<b><del>23.10.20</del></b> <b><u>05.08.21</u></b>
AR-DA-C-10-01	EAST & WEST ELEVATIONS – SIRIUS BUILDING	8	23.10.20
AR-DA-C-10-02	NORTH & SOUTH ELEVATIONS – OVERALL	6	18.09.20
AR-DA-C-10-03	NORTH & SOUTH ELEVATIONS – SIRIUS TOWER	6	18.09.20
AR-DA-C-10-04	EAST & WEST ELEVATIONS – CUMBERLAND BUILDING	4	18.09.20
AR-DA-C-10-05	MATERIAL BOARD	2	18.09.20
AR-DA-D-10-01	SECTIONS	7	18.09.20
AR-DA-D-10-02	SECTIONS	3	18.09.20
AR-C-11-01	TYPICAL FAÇADE DETAILS – WEST ELEVATION	1	18.09.20
AR-C-11-02	TYPICAL FAÇADE DETAILS – NORTH ELEVATION	1	18.09.20
AR-DA-T-40-23	APARTMENT SCHEDULE/ MIX/ STORAGE	6	23.10.20
AR-DA-U-10-01	GFA LEVEL B2b-11	11	27.10.20
AR-DA-U-10-02	GFA LEVEL 12-PLANT	9	18.09.20
AR-DA-U-10-03	GFA SCHEDULE	11	27.10.20
<b>Landscape plans prepared by 360°</b>			
L-DA-01	Cover Page		
L-DA-08	Landscape Plan – BASEMENT B4-B3	<del>J</del> <u>O</u>	<del>19.05.24</del> <u>29.10.21</u>
L-DA-09	Landscape Plan – BASEMENT B2-B1	<del>f</del> <u>O</u>	<del>19.05.24</del> <u>25.11.21</u>
L-DA-10	Landscape Plan – LEVEL 01-03	<del>f</del> <u>O</u>	<del>19.05.24</del> <u>25.11.21</u>
L-DA-11	Landscape Plan – LEVEL 03-05	<del>f</del> <u>O</u>	<del>19.05.24</del> <u>25.11.21</u>
L-DA-12	Consolidated Ground Floor/ Public Domain Plan	<del>f</del> <u>O</u>	<del>19.05.24</del> <u>25.11.21</u>
L-DA-13	Landscape Plan – LEVEL 05-07	I	19.05.21
L-DA-14	Landscape Plan – LEVEL 07-09	I	19.05.21
L-DA-15	Landscape Plan – LEVEL 09-11	I	19.05.21
L-DA-16	Landscape Plan – LEVEL 11-13	I	19.05.21
L-DA-17	Landscape Plan – LEVEL 13-15	I	19.05.21
L-DA-18	Landscape Plan – LEVEL 15-17	I	19.05.21
L-DA-19	Landscape Plan – LEVEL 18-19	I	19.05.21
L-DA-20	Landscape Plan – LEVEL 20-21	I	19.05.21
L-DA-21	Landscape Plan – LEVEL 24-25	I	19.05.21
L-DA-22	Landscape Plan – LEVEL 27	I	19.05.21
L-DA-23	CONSOLIDATED ROOF PLAN	I	19.05.21

L-DA-24	TYPICAL PRIVATE ROOF TERRACE	J	19.05.21
L-DA-25	TYPICAL NON-ACCESSIBLE GREEN ROOF	I	19.05.21
L-DA-26	Planting Palette - TREES	<del>J</del> <u>O</u>	<del>19.05.21</del> <u>29.10.21</u>
L-DA-27	Planting Palette – GROUND FLOOR & COURTYARDS	I	19.05.21
L-DA-28	Planting Palette – GREEN ROOFS	I	19.05.21
L-DA-29	BOUNDARY WALL/ FENCE PLAN	<del>I</del> <u>N</u>	<del>19.05.21</del> <u>29.10.21</u>
L-DA-30	CUMBERLAND STREET ELEVATION	I	19.05.21
L-DA-31	SITE CANOPY COVERAGE PLAN	I	19.05.21
L-DA-32	ROOF GARDEN ACCESS METHODOLOGY	C	19.05.21
L-DA-33	PROPOSED SITE CANOPY COVERAGE PLAN	<del>C</del> <u>I</u>	<del>19.05.21</del> <u>25.11.21</u>
L-DA-34	PROPOSED STREET TREE PLAN	<del>C</del> <u>I</u>	<del>19.05.21</del> <u>25.11.21</u>
<b><u>L-DA-35</u></b>	<b><u>PUBLIC DOMAIN TREE CANOPY PLAN</u></b>	<u>D</u>	<u>25.11.21</u>
<b>Civil Drawings prepared by Northrop</b>			
SSDAC01.01	COVER SHEET, DRAWING SCHEDULE AND LOCALITY PLAN	3	27.10.20
SSDAC01.11	SPECIFICATION NOTES	3	27.10.20
SSDAC02.01	CONCEPT SEDIMENT AND EROSION CONTROL PLAN	3	27.10.20
SSDAC02.11	SEDIMENT AND EROSION CONTROL DETAILS	3	27.10.20
SSDAC03.01	STORMWATER MANAGEMENT PLAN B2b-B2a	4	28.04.21
SSDAC03.02	STORMWATER MANAGEMENT PLAN B1b-B2a	4	27.10.20
SSDAC03.11	STORMWATER MANAGEMENT DETAILS	3	27.10.20
SSDAC03.21	STORMWATER LONGITUDINAL SECTION	2	27.10.20
SSDAC04.01	DETAILS	3	27.10.20

2. Schedule 2 Part B, Condition B5 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

#### **PUBLIC DOMAIN PLAN**

- B5. Prior to the issue of Construction Certificate 4, a detailed Public Domain Plan prepared by a suitably qualified architect, urban designer or landscape architect must be developed in consultation with PMNSW and Council and approved by PMNSW.

The Public Domain Plan must document all works relating to the public domain at Cumberland Street, Gloucester Walk and the northern pocket park (identified as Lots 1 – 6, DP 776315 & Lot 7, DP 264080). This is to include, but not limited, to:

- (a) seating plan, including additional public seating on Gloucester Walk and Bunker Hill viewing area, and how it addresses heritage, retail frontages and pedestrian circulation
- (b) landscaping plan, including plant selection and how it will contribute to enhancing the natural heritage of The Rocks
- (c) 10 street trees (minimum size 200 L) in Cumberland Street (planted in accordance with Council's Street Tree Masterplan technical specifications)
- (d) four replacement trees on Gloucester Walk with species and sizes being determined in consultation with Council and PMNSW (planted in**

**accordance with relevant Australian landscaping and horticultural standards)**

**(e) tree maintenance arrangements over a 12 month establishment period**

- (f) details of paving treatment
- (g) location of bins, bollards, lighting, digital infrastructure and the like
- (h) signage and wayfinding
- (i) bicycle parking facilities
- (j) upgrade of the northern pocket park.

The public domain plan is to include all relevant recommendations of the Crime Prevention Through Environmental Design Report prepared by Architectus, dated 21 October 2020.

The final approved Public Domain Plan must be submitted to the Planning Secretary and the Certifier, for information.

3. Schedule 2 Part B, Condition B10 is deleted:

**TREE MANAGEMENT**

~~B10. A pruning specification for trees 50 and 51 (and any other relevant trees), prepared by an AQF5 Arborist is to be submitted to PMNSW for approval prior to the issue of Construction Certificate 1 or, any tree pruning works, whichever comes first. These documents must:~~

- ~~(a) be prepared by a qualified Level 5 Arborist recognised within the Australian Qualification Framework with a minimum five years of continual experience within the industry of operational amenity arboriculture and covered by appropriate and current types of insurance (the Project Arborist)~~
- ~~(b) confirm the Project Arborist will supervise all construction works, including demolition and site management, within five metres of any existing tree to be retained.~~

4. Schedule 2 Part D, Condition D30 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

**TREE REMOVAL**

D30. Tree removal works must be undertaken in accordance with the Arboricultural Impact Report and Tree Retention Plan prepared by Landscape Matric Pty Ltd dated ~~28 October 2020~~ **16 August 2021**.

5. Schedule 2 Part D, Condition D30A is added by the insertion of the **bold and underlined** words/numbers as follows:

**D30A. A community notice shall be placed on the hoarding along Gloucester Walk prior to the removal of trees along Gloucester Walk advising passers-by of the planned tree removal and proposed replacement trees. The notice shall be removed when the replacement trees have been planted.**

**End of modification  
(SSD 10384 MOD 1)**