



The Hon Frank Sartor MP

Minister for Planning

Minister for Redfern Waterloo

Minister for Science and Medical Research

Minister Assisting the Minister for Health (Cancer)

NEW SOUTH WALES

Alison McCabe
Director
SJB Planning Pty Ltd
Level 2, 490 Crown Street
SURRY HILLS NSW 2010

MP 05-0166
MOD 1
File No. 9039707-9

Dear Ms McCabe,

I refer to your application received by the Department on 12 March 2007 requiring modification to the approval for the construction of a 7 level mixed use commercial office development comprising of two towers, basement parking, ground floor retail space, a childcare centre and commercial offices with a 2 Lot Torrens title subdivision (MP 05_0166) at 20 and 22 Honeysuckle Drive, Newcastle (Part Lot 231, DP 1072217), under Section 75W of the *Environmental Planning and Assessment Act 1979*.

I have considered the information provided to support the requests and conclude that the proposed modification to development consent conditions B1 Staging of Construction and B27 Australian Building Greenhouse Rating is appropriate in the circumstances.

Attached is the Instrument of Modification, including conditions of approval, which formally modifies the approval.

Yours sincerely



Frank Sartor

Modification of Major Project Approval

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

I, the Minister for Planning modify, under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.



Frank Sartor MP
Minister for Planning

Dated this 3 day of May 2007

MP 05_0166 MOD 1
9039707-9

SCHEDULE 1

Approval for the 7 level mixed use commercial office development comprising of two towers, basement parking, ground floor retail space, a childcare centre and commercial offices with a 2 Lot Torrens title subdivision (MP 05_0166) granted by the Minister for Planning on 25 January 2007.

SCHEDULE 2

The above approval is modified as follows:

(a) **Delete Condition B1 and replace with new condition B1 as follows:**

B1 Staging of Construction

Separate Construction Certificates may be obtained relating to the following stages of development, as approved:

- | | |
|------------------|--|
| <u>Stage 1</u> - | Early works involving excavation, piling, in-ground utilities, site preparation and early drainage; |
| <u>Stage 2</u> - | Construction of the building structure - including slabs, columns, and lift core but not including external facades; |
| <u>Stage 3</u> - | Construction/installation of building services including mechanical/electrical/fire/hydraulic systems, vertical transportation, external facades and internal linings (ceilings, walls and floor coverings); |
| <u>Stage 4</u> - | External works to the site (including landscaping) and public domain works. |

The following conditions relate to each stage and must be completed, unless otherwise stated, prior to the issue of a Construction Certificate for each stage.

(b) Delete Condition B3 and replace with new condition B3 as follows:

B3 Details of Materials, Colours and Finishes

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours (accompanied by the coloured elevations and sections), shall be submitted to and approved by the Honey suckle Development Corporation prior to the issue of a Construction Certificate for Stage 3.

(c) Delete Condition B4 and replace with new condition B4 as follows:

B4 Reflectivity

The light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 3.

(d) Delete Condition B5 and replace with new condition B5 as follows:

B5 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 3.

(e) Delete Condition B37 and replace with new condition B37 as follows:

B37 Building Set Backs and Design

To prevent objects being thrown onto the rail corridor from the balconies/windows, the Proponent is required to install adequate measures which prevent the throwing of objects onto the rail- corridor. Compliance of the design details with the above requirements are to be submitted to the Certifying Authority for approval prior to issue of the Stage 3 construction certificate. The Proponent shall provide details of any intended encroachments into the easement, or the use of RailCorp owned lands, for review and approval by RailCorp.

(f) Delete Condition B27 and replace with new condition B27 as follows:

B27 Australian Building Greenhouse Rating

The design of the building shall achieve a 4.5 star rating under the Department of Energy, Utilities and Sustainability (DEUS) Australian Building Greenhouse Rating. Prior to the issue of a Construction Certificate for Stage 3 works, the Proponent shall submit to the Principal Certifying Authority the following information:

- (a) Evidence that a Commitment Agreement has been entered into with DEUS, to deliver this star rating for the base building (central services such as air conditioning, lifts and common lighting and common areas of the building) or for the whole building where the Proponent is to occupy the building; and
- (b) An independent energy assessment that follows the guidelines in DEUS *Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review* and the *Energy Efficiency Design Review.xls* (spreadsheet) (the Proponent should contact DEUS to obtain the current version of these documents.)
- (c) A computer building simulation prepared in accordance with the guidelines of DEUS Validation Protocol for the Use of Computer Building Simulation in Commitment Ratings (Proponents should contact DEUS to obtain the current version of this document.) The computer building simulation is required to demonstrate to the satisfaction of the Principal Certifying Authority that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.