

# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



**Heather Warton**  
**Director**  
**Metropolitan and Regional Projects North**  
**As delegate of the Minister for Planning and Infrastructure**

Sydney 21st March

2012

### SCHEDULE 1

**Project Approval:**

MP08\_0042 granted by the Minister for Planning on 24 November 2009

**For the following:**

Commercial and Retail Development on Lot 1 DP301489 (No 92) Manning Street Tuncurry.

**Modification:**

To carry out the following:

- Southern boundary wall extended on levels 4 and 5 and up to balustrade on level 6.
- Northern elevation levels 4-6 extended 400-1000mm westwards.
- Part southern and northern boundary walls set back 200mm.
- Reduce level 7 plant (roof) parapet height on Eastern elevation from 1.7m to 1.2m.
- Rationalisation of transoms and mullions to Eastern elevation curtain wall.
- Simplification of Western elevation glazing and curtain wall articulation.
- Additional 5 windows to level 6 southern (side) elevation.
- Amendments to plant room layout
- Part Western facade in front of the lift core and behind the balcony moved 1.7m to the west, and
- Consequential amendments to approval conditions, A1 (description), A2 (plans) and new condition F23 (windows privacy covenant)

## SCHEDULE 2

**MP 08\_0042 is modified as follows:**

**1. Delete existing Condition A1(a) and replace with new Condition A1(a):**

**A1 Development Description**

Approval is granted only to the carrying out the development described in detail below:-

a) Construction of a seven (7) storey commercial and retail building comprising a total gross floor area ("GFA") of 3141m<sup>2</sup> and includes the following:-

- (i) Level 1 (retail) - 205m<sup>2</sup> total GFA;
- (ii) Level 2 (office) - 674m<sup>2</sup> total GFA;
- (iii) Level 3 (office) - 696m<sup>2</sup> total GFA;
- (iv) Level 4 (office) - 526m<sup>2</sup> total GFA;
- (v) Level 5 (office) - 526m<sup>2</sup> total GFA;
- (vi) Level 6 (office) - 514m<sup>2</sup> total GFA;
- (vii) Level 7 - plant and equipment.

**2. Replace the Architectural drawings component to the table to condition A2 with the part table as follows:**

<b>Architectural Drawings prepared by <i>morrisbray architects</i>, Project Number 06055:-</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-01	A	Title	27 July 2009
DA-02	A	Location + data	27 July 2009
DA-03	A	Survey	27 July 2009
DA-04	A	Site Plan	27 July 2009
A-110	P	Level 01-02	1 August 2011
A-111	G	Level 03-04	15 July 2011
A-112	J	Level 05-06	28 October 2011
A-113	J	Plant and Roof Levels	8 November 2011
A-150	G	North-West Elevation	30 November 2011
A-151	G	South-East Elevation	30 November 2011
A-152	H	South-West & North-East Elevation	30 November 2011
A-901	A	DOP Elevations Sheet 1	28 October 2011
A-902	A	DOP Elevations Sheet 2	28 October 2011
A-140	G	Section A	28 October 2011
A-141	H	Section B	5 December 2011
A-142	H	Section C	5 December 2011
DA-11	A	Shadow Analysis (1)	27 July 2009
DA-12	A	Shadow Analysis (2)	27 July 2009
DA-13	A	Site Analysis	27 July 2009
DA-14	B	View from Street	31 January 2012
DA-15	A	View from Street (Future Character)	27 July 2009
DA-16	B	View from North	31 January 2012
DA-17	B	View from South	31 January 2012
DA-18	A	Streetscape	27 July 2009
DA-20	A	External Finishes Board	27 July 2009

**3. Add condition F23 to follow condition F22 as follows:**

**F23 WINDOWS PRIVACY COVENANT**

In order to secure future privacy for the neighbouring property, including the privacy of any neighbouring facing windows, trafficable roof or terrace, all windows adjacent to the southern boundary of the site on level 6 of the building must be treated with etch-frosted privacy glass and be non operable on the practical completion of construction of any building abutting, adjoining or adjacent to such boundary that is constructed in excess of 3 storeys. Prior to any Occupation Certificate being issued for level 6, a documentary restrictive covenant is to be registered on the Title, including the title of all units/tenancies facing the affected boundary which incorporate windows on the southern elevation. The covenant is to be created appurtenant to Council and at no cost to Council.

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