

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.


Director 11/9/13

Metropolitan and Regional Projects South

Sydney

2013

SCHEDULE 1

Project Approval:

08_0075 granted by the Minister for Planning on 20 September 2009

For the following:

Stage 1 of the Sydney CityGrid Project, for the construction and operation of the Belmore Park Zone substation site

Modification:

08_0075 MOD 2: Revised architectural design for the commercial office component within the approved building envelope, including changed architectural treatments, vehicular access, building atrium, landscaped roof terraces, an additional basement level, and stratum subdivision

SCHEDULE 2 CONDITIONS

The approval is modified by

1. Replacing condition 1.1 and with new condition 1.1 as follows:

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Projects Application 08_0075;
 - b) *Sydney CityGrid Project, Concept Environmental Assessment Report*, prepared by PlanCom Consulting Pty Ltd and endorsed by EnergyAustralia, dated December 2008;
 - c) *Belmore Park Zone Substation and Commercial Development, Project Environmental Assessment Report*, prepared by PlanCom Consulting Pty Ltd and endorsed by EnergyAustralia, dated December 2008;
 - d) *Sydney CityGrid Project Submissions Response & Preferred Project Report*, prepared by PlanCom Consulting Pty Ltd and dated May 2009;
 - e) *Belmore Park Zone Substation & Commercial Development Project, Submissions Response & Preferred Project Report*, prepared by PlanCom Consulting Pty Ltd for EnergyAustralia, dated May 2009;
 - f) The Ausgrid modification request and letter dated 22 March 2012, including accompanying site plans (MOD 1);
 - g) The Ausgrid modification request and letter dated 18 December 2012, including attached reports and drawings (MOD 2); and
 - h) the conditions of this approval.

2. Insert new Condition after condition 2.3 as follows:

- 2.4 Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work associated with the new commercial building excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent. Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued. The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On

satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

3. Deleting the sub heading “Interactions with Metro Infrastructure and Works” and condition 3.29

4. Inserting the following after condition 5.5

6 SUBDIVISION

6.1 The following conditions apply to the service vehicle spaces within stage 1B:

- (a) The on-site service vehicle spaces within stage 1B are not to be used by those other than an occupant or tenant of the stage 1B building, and are to be used only for service and loading purposes.
- (b) The subdivision of the site is to include an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, so burdening the service vehicle spaces within the site to Council's satisfaction.

6.2 The following conditions apply to the tenant car spaces within stage 1B:

- (a) The on-site tenant car spaces within stage 1B are not to be used by those other than an occupant or tenant of the stage 1B building.
- (b) The subdivision of the site is to include an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, so burdening the tenant car spaces within the site to Council's satisfaction.

6.3 Documentary easements for light and air, services, drainage, support and shelter, use of plant, equipment, service vehicle spaces, motor cycle and bicycle spaces, service rooms, repairs, maintenance and any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision where not provided for in an accompanying Building Management Statement or other statutory provision must be created over the appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919*, to Council's satisfaction.

6.4 Documentary rights of footway and carriageway must be created over the appropriate lots in the subdivision to provide the necessary access to areas within the site including lobbies, fire stairs, fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*, to Council's satisfaction.

6.5 A restrictive covenant must be placed on the titles of all the lots in the subdivision limiting the sum of the Floor Space Ratio of the lots, taken together, to no more than permitted in accordance with the Sydney Local Environmental Plan 2012.

- 6.6 (a) A documentary Right of Public Access must be created on the appropriate lot/s in the subdivision over the thru-site link on the eastern side of the site between Hay Street and Campbell Street, appurtenant to Council, in terms of granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs or other disabled aids for the disabled, and with guide dogs or hearing dogs for the visually or hearing impaired, to Council's satisfaction.**
- (b) A documentary Positive Covenant must be created on the appropriate lot/s in the subdivision over the thru-site link site, appurtenant to Council. Such Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the thru-site link, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy, or an amount as required from**

time to time, and is to require the maintenance, upkeep, repair and lighting of the thru-site link in accordance with the requirements and to the satisfaction of Council.

- 6.7 The Building Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's or the consent authority's satisfaction.
- 6.8 Fire Safety Certificates for each proposed lot must be submitted to Council prior to the issue of the subdivision certificate.
- 6.9 (a) An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Subdivision Certificate.
- (b) The Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- (c) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.