

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 dated 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Alan Bright
A/Director
Metropolitan & Regional Projects South

Sydney 10 APRIL 2012

SCHEDULE 1

Project Approval: MP08_0238 granted by the Minister for Planning on 25 February 2010.

For the following:

Approval at 77-81 Berry Street and 88 Walker Street, North Sydney for:

- demolition of the existing buildings on both sites including the pedestrian bridge linking 77-81 Berry Street with Tower Square.
- excavation for 4 levels of basement at 77-81 Berry Street and 2 levels of basement at 88 Walker Street.
- construction of a part 28/part 37 storey commercial and retail building on the southern portion of 77-81 Berry Street together with 4 levels of basement car parking with vehicular access via Little Spring Street and loading/unloading facilities including drop-off/pick-up for hotel (buses) and provision of 42 public car parking spaces and 10 motorcycle spaces;
- construction of a 33 storey x 200 room hotel at 88 Walker Street, including a connecting service tunnel below Little Spring Street to provide access to the Basement Level 2 of the commercial building, together with back-of-house facilities, ground floor hotel lobby with through site link between Walker Street and Little Spring Street (open business hours), Level 2 conference, Level 3 reception and bar and Level 4 restaurant;
- reconstruction of the Tower Square pedestrian bridge; and
- off-site works including public domain and landscaping: construction of a new pedestrian plaza in Denison Street and public forecourt to Spring Street; construction of a new through-site road between Denison Street and Little Spring Street; together with various public domain improvements in Denison, Spring and Little Spring Streets, including road re-alignments/partial public road closures, tree planting, paving, street furniture and lighting, and public art.

At: 77-81 Berry Street and 88 Walker Street, North Sydney.

Modification: MP08_0238 MOD 3: modification for extended hours of construction for internal fitout works.

SCHEDULE 2

CONDITIONS

MP08_0238 is modified as follows:

- a) Condition D1A to be added by the insertion of **bold and underlined** words/numbers as follows:

D1A Internal Fitout Works

- (a) **Permissible building works between the hours of 6.00pm to 10.00pm, Monday to Friday and 1.00pm to 10.00pm on Saturdays is limited to internal fitout works only and shall be wholly contained within the sealed building façade. Work that is permissible to be undertaken from 6.00pm on weekdays and from 1.00pm on Saturdays is limited to the following:**

- **installation of plasterboard ceilings and walls;**
- **painting;**
- **joinery;**
- **tiling;**
- **floor sanding;**
- **laying of carpet; and**
- **installation of internal services and fittings.**

No external building works, any deliveries to the site or use of the external elevator shall be undertaken outside the standard construction hours of 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays.

- (b) **Internal construction works in the northern portion of the building (within 24 metres of the northern façade) can only undertaken between the hours of 6pm and 10pm in accordance with (a) above if suitable screening or blinds are installed to the windows on the northern facade of the building such that residents will not be disturbed from light spill during these hours.**
- (c) **When building works are being undertaken during the hours in (a) above any operable windows are to be closed to protect the acoustic amenity of the neighbouring properties.**
- (d) **All internal lighting is to be extinguished by 10.00pm.**
- (e) **All building construction works in (a) above shall be subject to the maximum noise levels of 5dB(A) above the background.**
- (f) **If investigation of complaint(s) establishes that 'offensive' noise over the 5dB(A) background limit has occurred, and the complaint is justified, then Council will require by notice to the Proponent, owner and developer, that the construction hours must revert to the hours nominated in the original approval.**
- (g) **The Proponent shall prepare a Parking Management Plan that shall specify the parking arrangements for workers after 6.00pm Monday to Friday and after 1.00pm Saturday, this shall include the total number of vehicles and the proposed location where these vehicles will be parking. All vehicles associated with extended construction hours are to park on site within the basement parking area. This Plan should also address noise abatement measures that will be in place to minimise disturbance to local residents when workers are leaving the site after the extended hours. This Parking Management**

Plan shall be provided to Council for approval prior to the commencement of extended construction hours.

- (h) The Proponent shall prepare a Complaint Resolution Plan to ensure that all complaints from surrounding residents with regard to work carried out on site after 6.00pm on weekdays and after 1.00pm on Saturday are promptly attended to and resolved. This Complaint Resolution Plan shall be provided to Council for approval prior to the commencement of extended construction hours.
- (i) The builder shall display, on-site, their twenty-four (24) hour contact telephone number which is to be clearly visible and legible from any public place adjoining the site.
- (j) The builder shall letter box drop affected residents with details of their twenty-four (24) hour telephone number and provide details of their complaint resolution plan.

End of Modifications to MP08_0238