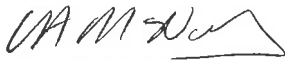


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the modification of the project approval referred to in Schedule 1, subject to the Conditions in Schedule 2.



Carolyn McNally
Secretary

Sydney 10 - 10 2014

SCHEDULE 1

Project Approval:	MP 08_0241
Proponent	Urbis
Approval Authority	Minister for Planning
Land:	86-96 Mount Street and 100 Mount Street, North Sydney
Project:	<p>Project Approval (including subsequent modifications) for a commercial and retail development including:</p> <ul style="list-style-type: none">• demolition of the existing buildings on both sites;• excavation for 6 levels of basement;• construction and use of a 36 storey commercial and retail building together with 6 levels of basement car parking with vehicular access via Walker Street; and• construction of a ground floor podium level to allow for a pedestrian thorough-fare and on-site streetscape, footpath reconstruction and infrastructure works in Mount Street, Walker Street and Spring Street together with public art works.
Modification:	<p>MP 08_0241 MOD 2 – Modifications include:</p> <ul style="list-style-type: none">• external modifications to the building form including minor design changes to façades, extension of the curtain wall screen to the uppermost point of the building and changes to the structural steel brace feature on the eastern elevation;• additional commercial office space at the plant level with access to the accompanying roof terrace space at the plant level;• reduction in overall maximum building height from RL 199.7m AHD to RL 198m AHD achieved;• raised roof level from RL 194.7m AHD to RL 196.7m AHD to provide an additional mezzanine level above the plant level and new accessible roof terrace area;• an increase of GFA from 45,067m² to 45,539m²;• amendments to the layout of ground and lower ground levels; and• amend various elements of the public domain design and treatment; and• reconfiguration of basement levels.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition A2 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP 08_0241 and the Environmental Assessment dated July 2009 prepared by Urbis, except where amended by the Preferred Project Report dated December 2009 prepared by Urbis and additional information, plans and reports provided with the Preferred Project Report, and the drawings prepared by Rice Daubney; as amended by MP 08_0241 MOD 1, the Section 75W Modification prepared by Urbis dated September 2011 (as amended by correspondence dated 21 November 2011 and the drawings prepared by Architectus); and the following drawings; **as amended by MP 08 0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013 and the following drawings prepared by Skidmore Owings & Merrill LLP and Architectus:**

Architectural (or Design) Drawings prepared by Rice Daubney at Appendix A of the Environmental Assessment, except where superseded by the Preferred Project Report and the Section 75W Modification and as listed below			
Drawing No.	Rev	Name of Plan	Date
DA 100	<u>B</u> <u>C</u>	Cover Sheet	11.11.11 <u>25.10.13</u>
DA 101	<u>A</u> <u>B</u>	Photo Montage – District View	12.08.11 <u>25.10.13</u>
DA 104	<u>A</u>	Existing Site Survey	12.08.11
DA 107	<u>B</u> <u>C</u>	Ground Plane	11.11.11 <u>25.10.13</u>
DA 107-1	<u>A</u> <u>B</u>	Walker Street View	11.11.11 <u>25.10.13</u>
DA 107-2	<u>A</u> <u>B</u>	Mount Street View	11.11.11 <u>25.10.13</u>
DA 108	<u>A</u> <u>B</u>	Plaza Perspective	12.08.11 <u>25.10.13</u>
DA 109	<u>B</u> <u>B</u>	Site Plan	11.11.11 <u>25.10.13</u>
DA 109-1	<u>A</u> <u>B</u>	Site Diagram – Pedestrian Path under Canopy	11.11.11 <u>25.10.13</u>
DA 109-2	<u>A</u> <u>B</u>	Site Diagram – Through Site Link	11.11.11 <u>25.10.13</u>
DA 110	<u>B</u> <u>C</u>	Plaza Topography Diagram	11.11.11 <u>25.10.13</u>
DA 111	<u>A</u> <u>B</u>	Plaza Topography Diagram	12.08.11 <u>25.10.13</u>
DA 112	<u>B</u>	Plaza Sections	11.11.11
DA 113	<u>B</u> <u>C</u>	Plaza – Southeast Perspective	11.11.11 <u>25.10.13</u>

DA 114	<u>B</u> <u>C</u>	Plaza – Northeast Perspective	11.11.11 <u>25.10.13</u>
DA 115	A	Typical Floor Design	12.08.11
DA 116	<u>B</u> <u>C</u>	Ground Floor Plan	11.11.11 <u>25.10.13</u>
DA 117	<u>B</u> <u>C</u>	Retail Level Plan	11.11.11 <u>25.10.13</u>
DA 118	<u>A</u> <u>B</u>	Plan – B1 Level	12.08.11 <u>25.10.13</u>
DA 119	<u>A</u> <u>B</u>	Plan – B2 Level	12.08.11 <u>25.10.13</u>
DA 120	<u>A</u> <u>B</u>	Plan – B3 Level	12.08.11 <u>25.10.13</u>
DA 121	<u>A</u> <u>B</u>	Plan – B4 Level	12.08.11 <u>25.10.13</u>
DA 122	<u>A</u> <u>B</u>	Plan – B5 Level	12.08.11 <u>25.10.13</u>
DA 123	<u>A</u> <u>B</u>	Plan – B6 Level	12.08.11 <u>25.10.13</u>
DA 124	<u>A</u> <u>B</u>	Plan – Level 1 Amenity <u>General Arrangement Plan – Ground Mezzanine (Management Office)</u>	12.08.11 <u>25.10.13</u>
<u>DA 124-1</u>	<u>B</u>	<u>General Arrangement Plan – Level 1 (Amenities)</u>	<u>25.10.13</u>
DA 125	<u>A</u> <u>B</u>	Plan – Typical Low Rise Level	12.08.11 <u>25.10.13</u>
DA 126	<u>A</u> <u>B</u>	Plan – Typical Mid Rise Level	12.08.11 <u>25.10.13</u>
DA 127	<u>A</u> <u>B</u>	Plan – Typical High Rise Level	12.08.11 <u>25.10.13</u>
DA 128	<u>A</u> <u>B</u>	Plant Level Plan	12.08.11 <u>25.10.13</u>
<u>DA 128-1</u>	<u>B</u>	<u>Plant Mezzanine Level</u>	<u>16.10.13</u>
DA 129	<u>A</u> <u>B</u>	Roof Plan	12.08.11 <u>25.10.13</u>
DA 130	<u>A</u> <u>B</u>	North + East Elevations	12.08.11 <u>25.10.13</u>
DA 130-1	<u>A</u> <u>B</u>	Contextual Elevation – North	11.11.11 <u>25.10.13</u>
DA 130-2	<u>A</u> <u>B</u>	Contextual Elevation – East	11.11.11 <u>25.10.13</u>
DA 130-3	<u>A</u> <u>B</u>	Contextual Elevation – Walker Street Awning & Fire House Façade	11.11.11 <u>25.10.13</u>
DA 131	<u>A</u> <u>B</u>	South + West Elevations	12.08.11 <u>25.10.13</u>
DA 131-1	<u>A</u> <u>B</u>	Contextual Elevation – South	11.11.11 <u>25.10.13</u>
DA 132	<u>A</u> <u>B</u>	Building Sections	12.08.11 <u>25.10.13</u>

DA 132-1	<u>A</u> <u>B</u>	Contextual Elevation – Section 1 North / South	11.11.11 <u>25.10.13</u>
DA 132-2	<u>A</u> <u>B</u>	Contextual Elevation – Section 2 West / East	11.11.11 <u>25.10.13</u>
DA 133	<u>A</u> <u>B</u>	Roof Sections	12.08.11 <u>25.10.13</u>
DA 134	<u>A</u> <u>B</u>	Roof Rendering	12.08.11 <u>25.10.13</u>
DA 135	<u>A</u> <u>B</u>	Basement Sections	12.08.11 <u>25.10.13</u>
DA 136	<u>B</u> <u>C</u>	Façade Design	11.11.11 <u>25.10.13</u>
DA 137	A	Façade – Closed Cavity Façade Southeast Perspective	12.08.11
DA 138	<u>A</u> <u>B</u>	Core Wall Façade Southwest Perspective	12.08.11 <u>25.10.13</u>
DA 139	<u>A</u> <u>B</u>	Area Schedule	12.08.11 <u>25.10.13</u>
DA 140	B	Material Board	16.12.11
DA 141	<u>B</u> <u>C</u>	Comparison with Approved Scheme – Retail Level & Ground Floor	11.11.11 <u>25.10.13</u>
DA 142	<u>B</u> <u>C</u>	Comparison with Approved Scheme – Void Above Ground Floor	11.11.11 <u>25.10.13</u>
DA 143	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Level 1 + Level 2-3	31.08.11 <u>25.10.13</u>
DA 144	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Level 4-11 + Level 12	31.08.11 <u>25.10.13</u>
DA 145	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Level 13 + Level 14-23	31.08.11 <u>25.10.13</u>
DA 146	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Level 24-25 + Level 26-33	31.08.11 <u>25.10.13</u>
DA 147	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Plant Levels	31.08.11 <u>25.10.13</u>
DA 148	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Roof	31.08.11 <u>25.10.13</u>
DA 149	<u>A</u> <u>B</u>	Comparison with Approved Scheme – Sections	31.08.11 <u>25.10.13</u>

except for:

any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and otherwise provided by the conditions of this approval.

b) Condition B5 is amended by the insertion of the **bold underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B5 Monetary Contributions

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

(1) Amount of Contribution

Contribution	Total (\$'s)	Total (\$'s)
Administration	68,903.20	\$72,733.83
Child Care Facilities	291,734.13	\$307,947.42
Community Centres	167,985.79	\$177,323.19
Library Acquisition	34,257.41	\$36,161.29
Library Premises & Equipment	104,141.97	\$109,928.50
Multi Purpose Indoor Sports Facility	39,413.88	\$41,602.36
Olympic Pool	128,415.87	\$132,571.48
Open Space Acquisition	125,593.16	\$262,784.47
Open Space Increased Capacity	248,949.65	\$135,552.12
Public Domain Improvements	2,817,308.59	\$2,973,879.56
Traffic Improvements	170,104.56	\$79,558.67
Total	4,196,808.21	\$4,430,042.89

(2) Adjustments

Should the total GFA be modified, the amount payable may be eligible for adjustment.

(3) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(4) Indexing

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

(5) Works-in-kind

In accordance with Section 2.4 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of a material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works - in - kind (for an item included on the works schedule of the North Sydney S94 Contributions Plan).

- c) Condition B6 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B6 Railway Infrastructure

The Proponent shall lodge with Council a Railway Infrastructure Contribution totalling ~~\$3,884,170.70~~ **\$3,939,427.70** to be paid by bank cheque in favour of the Transport Administration Corporation. Evidence of the payment shall be provided to the Certifying Authority prior to the issue of the relevant Occupation Certificate.

Should the total GFA be modified, the amount payable may be eligible for adjustment. In this case, a report by an appropriately qualified Surveyor shall be submitted to and approved by the Director-General demonstrating the total amount of constructed GFA.

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

- d) Condition B8 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

B8 Required Infrastructure Works – Submission and Approval of Plans under Roads Act 1993

Prior to the issue of any Construction Certificate referencing building works at or above ground floor level, the Proponent must have construction issue engineering design plans and specifications prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide technical engineering detail and specification for the following road reserve infrastructure works that must be completed as part of the project approval:

Mount Street

- a) Construction of a fully new standard upright concrete kerb and gutter over entire site frontage, gutter levels must match existing.
- b) Construction of a fully new footpath over entire site frontage, to be constructed in ~~North Sydney Council's CBD Sandstone~~ **North Sydney Council's CBD granite pavers**. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- c) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- d) Construction of a new in-ground drainage line under the kerb and gutter at standard depth to replace the existing stormwater line over the full site frontage. The line must connect the existing Council pit in front of 84 Mount Street to the existing Council pit located at the intersection of Mount and Walker Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 525mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.
- e) Show details and location of required street tree plantings and Council standard tree surrounds.
- f) Re-instate parking arrangements and meters, at Applicant cost.

Walker Street

- a) Construction of a fully new standard upright concrete kerb and gutter over entire site frontage, gutter levels must match existing.
- b) Construction of a fully new footpath over entire site frontage, to be constructed in ~~North Sydney Council's CBD Sandstone~~ **North Sydney Council's CBD granite pavers**. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- c) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- d) Show details and location of required street tree plantings and Council standard tree surrounds.
- e) Re-instate parking arrangements and meters, at Applicant cost.
- f) Construct new commercial grade layback at vehicle/loading entry point(s) and car parking entry point(s).

Spring Street

- a) Street lighting to entire site frontage to meet the North Sydney CBD Lighting Upgrade Specification as required by and to the satisfaction of the Director of Engineering & Property Services.
- b) Full road width reconstruction in Spring Street over entire site frontage, **and** concrete base slab, ~~paving surface to accommodate loading of turning, laden delivery vehicles to be designed to the satisfaction of the Director of Engineering & Property Services.~~
- c) Provide new concrete dish crossings at the street intersections, in accordance with Council standard drawing S103.
- e) Provision for surface drainage interception and gravity conveyance to the nearest downstream in-ground system.

- f) Construct fully new upright kerb and gutter over entire site frontage adjacent to development site.
- g) Construction of a fully new footpath over entire site frontage, to be constructed in ~~North Sydney Council's CBD Sandstone~~ **North Sydney Council's CBD granite pavers**. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- f) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- g) Show details and location of required street tree plantings and Council standard tree surrounds, if required.

Cross sections at a scale of 1:50 along the centre-line of each ground level access point to the site must be provided. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

As levels set by Council may impact on ground floor levels within the site, the Certifying Authority must not issue any Construction Certificate referencing building works at or above ground floor level without the formal approved plans and written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for RoadWorks, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected/proposed by the works, erosion control requirements and traffic management requirements during the course of works. Detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying Major Project number.

- e) Insertion of condition B8A as **bold and underlined** words as follows:

B8A Public Domain Treatment

The design for the public domain and publicly accessible areas at ground level on the site is to complement the design and materials palette outlined in North Sydney Public Domain Style Manual for public domain surrounding the site. The detailed designs for these areas must be submitted to Council for approval by Council's Director Engineering and Property Services.

The bike parking on the ground floor plan, at Mount Street and Spring Street, is to be consistent with designs indicated in the North Sydney Public Domain Style Manual and installed in accordance with AS2890.3 and other relevant codes of practice. The bike parking design must be submitted to Council for approval by Council's Manager Traffic Planning.

- f) Condition B43 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B43 Transport Management Plan

A Transport Management Plan for service, delivery and garbage vehicles accessing the site shall be submitted and approved by the North Sydney Traffic Committee prior to the issue of any **the relevant** Construction Certificate. And shall include details of a management strategy for the operation of the truck hoist to minimize queuing of delivery vehicles/trucks in the local road network.

- g) Condition B46 is amended by the insertion of the **bold underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B46 Noise from Plant and Equipment

~~A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustic Consultants, must be submitted to the Certifying Authority that the noise from plant and mechanical equipment will not exceed more than 5bd(A) above background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00pm) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.~~

~~The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.~~

A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, must be submitted to the Certifying Authority certifying that the use of all plant and equipment installed on the premises will not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver . The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.**

- (b) Cause “offensive noise” as defined in the Protection of the Environment Operations Act 1997.**

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

- h) Condition E1 is amended by the insertion of the **bold underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

E1 Occupation Certificate to be Submitted

An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department and Council prior to the commencement of occupation or use of the building.

The following documents should be forwarded to the Department and council within two (2) days of the date of the Certificate being determined:

- (1) A copy of the determination;
- (2) Copies of any documents that were lodged with the Occupation Certificate application;
- (3) A copy of Occupation Certificate, if it was issued;
- (4) A copy of the record of all critical stage inspections and any other inspection required **by the PCA;**
- (5) ~~by the PCA;~~
- (6) A copy of any missed inspections; and
- (7) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

i) Condition E6 deleted by ~~struck out~~ words as follows:

~~E6 Covenant for windows on the western elevation~~

~~A covenant pursuant to the provisions of Part 6, Division 4 of the Conveyancing Act shall be placed on the title indicating that the windows on or near the western boundary are not protected from any redevelopment of the adjoining property at No.84 Mount Street that may be allowed to build to the boundary and these windows could be blocked off. North Sydney Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.~~

j) Condition E23 is amended by the insertion of the **bold underlined** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

E23 Required Tree Planting

Trees in accordance with the schedule hereunder shall be planted in Council's nature strip/footpath prior to the issue of the final Occupation Certificate required on completion of works: -

Schedule

Tree Species	Location	Pot Size
3 x Platanus acerifolious	Mount Street footpath area	200 litre
<u>3 2</u> x Platanus acerifolious	Walker Street footpath area	200 litre

The installation of such trees, their current health and their prospects for future survival shall be certified upon completion and prior to the issue of any Occupation Certification, by an appropriately qualified horticulturalist.