

Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Modification Assessments

Sydney *23 MARCH* 2016

SCHEDULE 1

Project Approval: MP 08_0241 granted by the Minister for Planning on 25 May 2010

For the following: Project Approval (including subsequent modifications) including:

- 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 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.

Proponent: Laing O'Rourke Mount Street Pty Ltd

Consent Authority: Minister for Planning

The Land: 86-96 Mount Street (Lot 1 DP 702144) and 100 Mount Street (Lot 100 in DP 624581), North Sydney

Modification: MP 08_0241 MOD 4: the modification includes:

- increase the overall height of the building by 1.7 metres;
- increase the Gross Floor Area from 45,539m² to 46,359m²;
- increase the number of car, motorcycle and bicycle spaces; and
- other internal and external amendments.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part 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); as amended by MP 08_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013; **and as amended by MP 08 0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015** and the following drawings prepared by Skidmore Owings and Merrill LLP and Architectus:

Architectural (or Design) Drawings prepared by <u>Rice Daubney Architectus Sydney Pty Ltd</u> 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	C <u>D</u>	Cover Sheet	25.10.13 <u>16.12.15</u>
DA101	B	Photo Montage—District View	25.10.13
DA 104	A	Existing Site Survey	12.08.11
DA 107	C <u>D</u>	Ground Plane	25.10.13 <u>16.12.15</u>
DA 107-1	B	Walker Street View	25.10.13
DA 107-2	B	Mount Street View	25.10.13
DA 108	B	Plaza Perspective	25.10.13
DA 109	B <u>C</u>	Site Plan	25.10.13 <u>16.12.15</u>
DA 109-1	B	Site Diagram—Pedestrian Path under Canopy	25.10.13
DA 109-2	B	Site Diagram—Through Site Link	25.10.13
DA 110	C	Plaza Topography Diagram	25.10.13
DA 111	B	Plaza Topography Diagram	25.10.13
DA 112	B	Plaza Sections	11.11.11
DA 113	C	Plaza—Southeast Perspective	25.10.13
DA 114	C	Plaza—Northeast Perspective	25.10.13
DA 115	A	Typical Floor Design	12.08.11
DA 116	C <u>D</u>	Ground Floor Plan	25.10.13 <u>16.12.15</u>
<u>DA 116-1</u>	<u>A</u>	<u>Lower Ground Mezzanine Plan</u>	<u>16.12.15</u>

DA 117	<u>C</u> <u>D</u>	Retail Level Plan	25.10.13 <u>16.12.15</u>
DA 118	<u>B</u> <u>C</u>	Plan – B1 Level	25.10.13 <u>16.12.15</u>
DA 119	<u>B</u> <u>C</u>	Plan – B2 Level	25.10.13 <u>16.12.15</u>
DA 120	<u>B</u> <u>C</u>	Plan – B3 Level	25.10.13 <u>16.12.15</u>
DA 121	<u>B</u> <u>C</u>	Plan – B4 Level	25.10.13 <u>16.12.15</u>
DA 122	<u>B</u> <u>D</u>	Plan – B5 Level	25.10.13 <u>24.02.16</u>
DA 123	<u>B</u> <u>D</u>	Plan – B6 Level	25.10.13 <u>24.02.16</u>
DA 124	<u>B</u> <u>C</u>	General Arrangement Plan – Ground Mezzanine (Management Office)	25.10.13 <u>16.12.15</u>
DA 124-1	<u>B</u> <u>C</u>	General Arrangement Plan – Level 1 (Amenities)	25.10.13 <u>16.12.15</u>
<u>DA 124-2</u>	<u>A</u>	<u>Level 1 Mezzanine - Plant</u>	<u>16.12.15</u>
DA 125	<u>B</u> <u>C</u>	Plan – Typical Low Rise Level	25.10.13 <u>16.12.15</u>
DA 126	<u>B</u> <u>C</u>	Plan – Typical Mid Rise Level	25.10.13 <u>16.12.15</u>
DA 127	<u>B</u> <u>C</u>	Plan – Typical High Rise Level	25.10.13 <u>16.12.15</u>
<u>DA 127-1</u>	<u>A</u>	<u>Plan – Level 33</u>	<u>16.12.15</u>
DA 128	<u>B</u> <u>C</u>	Plant Level Plan	25.10.13 <u>16.12.15</u>
DA 128-1	<u>B</u> <u>C</u>	Plant Mezzanine Level	25.10.13 <u>16.12.15</u>
DA 129	<u>B</u> <u>C</u>	Roof Plan	25.10.13 <u>16.12.15</u>
DA 130	<u>B</u> <u>C</u>	North + East Elevations	25.10.13 <u>16.12.15</u>
DA 130-1	<u>B</u> <u>C</u>	Contextual Elevation – North	25.10.13 <u>16.12.15</u>
DA 130-2	<u>B</u> <u>C</u>	Contextual Elevation – East	25.10.13 <u>16.12.15</u>
DA 130-3	B	Contextual Elevation – Walker Street Awning & Fire House Façade	25.10.13
DA 131	<u>B</u>	South + West Elevations	25.10.13

	<u>C</u>		16.12.15
DA 131-1	B <u>C</u>	Contextual Elevation – South	25.10.13 16.12.15
DA 132	B <u>C</u>	Building Sections	25.10.13 16.12.15
DA 132-1	B	Contextual Elevation – Section 1 North / South	25.10.13
DA 132-2	B	Contextual Elevation – Section 2 West / East	25.10.13
DA 133	B <u>C</u>	Roof Sections	25.10.13 16.12.15
DA 134	B <u>C</u>	Roof Rendering	25.10.13 16.12.15
DA 135	B <u>C</u>	Basement Sections	25.10.13 16.12.15
DA 136	C	Façade Design	25.10.13
DA 137	A	Façade – Closed Cavity Façade Southeast Perspective	12.08.11
DA 138	B	Core Wall Façade Southwest Perspective	25.10.13
DA 139	B <u>C</u>	Area Schedule	25.10.13 16.12.15
DA 140	B	Material Board	16.12.11
DA 141	C	Comparison with Approved Scheme – Retail Level & Ground Floor	25.10.13
DA 142	C	Comparison with Approved Scheme – Void Above Ground Floor	25.10.13
DA 143	B	Comparison with Approved Scheme – Level 1 + Level 2-3	25.10.13
DA 144	B	Comparison with Approved Scheme – Level 4-11 + Level 12	25.10.13
DA 145	B	Comparison with Approved Scheme – Level 13 + Level 14-23	25.10.13
DA 146	B	Comparison with Approved Scheme – Level 24-25 + Level 26-33	25.10.13
DA 147	B	Comparison with Approved Scheme – Plant Levels	25.10.13
DA 148	B	Comparison with Approved Scheme – Roof	25.10.13
DA 149	B	Comparison with Approved Scheme – Sections	25.10.13

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) Schedule 2 Part A – Condition A5 is included by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

A5 Signage Zone

This approval does not provide consent for the signage within the approved signage zone illustrated on the elevation drawings in Condition A2. A separate development application is required to be submitted to Council to seek approval for signage.

- (c) Schedule 2 Part B – Condition B5 is amended by the insertion of the **bold and 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	72,733.83	<u>77,746.99</u>
Child Care Facilities	307,947.42	<u>329,134.33</u>
Community Centres	177,323.19	<u>189,520.66</u>
Library Acquisition	36,161.29	<u>38,648.69</u>
Library Premises & Equipment	109,928.50	<u>117,492.74</u>
Multi Purpose Indoor Sports Facility	41,602.36	<u>44,457.68</u>
Olympic Pool	132,571.48	<u>144,883.13</u>
Open Space Acquisition	262,784.47	<u>141,699.88</u>
Open Space Increased Capacity	135,552.12	<u>280,863.94</u>
Public Domain Improvements	2,973,879.56	<u>3,178,526.58</u>
Traffic Improvements	79,558.67	<u>1919,930.58</u>
Total	4,430,042.89	<u>4,734,905.20</u>

(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).

- (d) Schedule 2 Part B – Condition B6 is amended by the insertion of the **bold and underlined** 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~~ **\$4,396,490.87** 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).

- (e) Schedule 2 Part B – Condition B38 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~struck-out~~ words/numbers as follows:

B38 Number of Parking Spaces

The maximum number of parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car Parking allocation	Number
Commercial / Retail car parking spaces including three (3) disabled spaces	113 <u>116</u>
Motorcycle	16 <u>19</u>

- (f) Schedule 2 Part B – Condition B40 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~struck-out~~ words/numbers as follows:

B40 Bicycle Storage and Parking

The bicycle storage area shall accommodate a minimum of ~~330~~ **two hundred and fifty-six (256)** bicycles including ~~38~~ **twenty-four (24)** spaces allocated to visitors **at the ground floor level in accordance with Plan DA116 Rev C dated 25.10.2013 and the requirements of Condition B8A.** ~~within the basement.~~ All bicycle parking, bicycle storage lockers and bicycle rail(s) shall be designed in accordance with the applicable Australian Standards. The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the relevant Construction Certificate, fully satisfy the requirements of this condition.

- (g) Schedule 2 Part E – Condition E7 is amended by the insertion of the **bold and underlined** words / numbers as follows:

E7 Green Travel Plan

A workplace green travel plan is to be developed to highlight to staff that available public and alternative transport options for travelling to the site. **The plan is to include wayfinding strategies and travel access guides.** This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of the Occupation Certificate.

(h) Schedule 2 Part E – Condition E8 is amended by the deletion of the ~~struck-out~~ words/numbers as follows:

E8 Public Art

The applicant shall submit an Arts Plan for the proposed development to Council's Arts and Culture Officer for approval.

The applicant shall consult with Council's Arts and Culture Officer in the design and execution stages of the Art Plan. The Artwork shall be installed in accordance with the approved Art Plan prior to completion and issue of any interim Occupation Certificate for ~~either of the two approved buildings.~~

End of Modifications to MP 08_0241 MOD 4