

Modification of Project Approval

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Ben Lusher
Director
Key Sites Assessments

Sydney 27 June 2018

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 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.
- 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 7: the modification includes:
- an increase in gross floor area (GFA) of 8.83m² (from 47,450m² to 47,458.83m²) for food and beverage uses (takeaway coffee shop) and associated internal and external design alterations
 - changes to the timing for the installation of public art (Condition E8).

SCHEDULE 2

The project approval (MP 08_0241) 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 ~~bold 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 as amended by:

- a) 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);
- b) MP 08_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013;
- c) MP 08_0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015, and Response to Submissions dated 25 February 2016;
- d) MP08_0241 MOD 5, the Section 75W Modification prepared by Urbis dated June 2016, and Response to Submissions dated 22 August 2016;
- e) MP08_0241 MOD 6, the Section 75W Modification prepared by Urbis dated December 2016 and Response to Submissions dated 20 March 2017
- f) **MP08 0241 MOD 7, the Section 4.55(1A) modification prepared by Urbis dated 16 April 2018 and additional information dated 30 May 2018;** and the following drawings:

Architectural (or Design) Drawings prepared Skidmore, Owings & Merrill LLP and Architectus Sydney Pty Ltd			
Drawing No.	Rev	Name of Plan	Date
DA 100	<u>FG</u>	Cover Sheet	08.12.16 <u>09.03.18</u>
DA 104	A	Existing Site Survey	12.08.11
DA 107	E	Ground Plane	18.05.16
DA 109	D	Site Plan	18.05.16
DA 116	F	Ground Floor Plan	08.12.16
DA 116-1	B	Plan – Retail Mezzanine	18.05.16
DA 117	<u>EG</u>	Retail Level Plan	18.05.16 <u>26.06.18</u>
DA 118	D	Plan – B1 Level	18.05.16
DA 119	D	Plan – B2 Level	18.05.16
DA 120	D	Plan – B3 Level	18.05.16
DA 121	D	Plan – B4 Level	18.05.16
DA 122	E	Plan – B5 Level	18.05.16
DA 123	E	Plan – B6 Level	18.05.16
DA 124	D	General Arrangement Plan – Ground Mezzanine (Management Office)	18.05.16

DA 124-1	D	General Arrangement Plan – Level 1 (Amenities)	18.05.16
DA 124-2	B	Level 1 Mezzanine - Plant	18.05.16
DA 125	C	Plan – Typical Low Rise Level	16.12.15
DA 126	C	Plan – Typical Mid Rise Level	16.12.15
DA 127	C	Plan – Typical High Rise Level	16.12.15
DA 127-1	D	Plan – Level 34	08.12.16
DA 128	F	Plan Level 35	08.12.16
DA 128-1	F	Plan – Level 36	08.12.16
DA 128-2	B	Plan Level 37	08.12.16
DA 129	E	Roof Plan	08.12.16
DA 130	<u>FG</u>	North + East Elevations	08.12.16 <u>09.03.18</u>
DA 130-1	F	Contextual Elevation – North	08.12.16
DA 130-2	<u>FG</u>	Contextual Elevation – East	08.12.16 <u>09.03.18</u>
DA 131	F	South + West Elevations	08.12.16
DA 131-1	F	Contextual Elevation – South	08.12.16
DA 132	G	Building Sections	08.12.16
DA 133	F	Roof Sections	08.12.16
DA 134	D	Roof Rendering	08.12.16
DA 135	D	Basement Sections	18.05.16
DA 139	<u>IJ</u>	Area Schedule	08.12.16 <u>09.03.18</u>
DA 140	B	Material Board	16.12.11

except for:

- a) 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
 - b) otherwise provided by the conditions of this approval.
- (b) Schedule 2 Part B – Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

B5 Monetary Contributions

In addition to contributions already paid, the Proponent shall pay the following monetary contributions in relation to works approved as part of Mod ~~67~~ in accordance with the North Sydney Section 94 Contributions Plan:

(1) Amount of Contribution

Contribution*	Total (\$'s)
Administration	581.99 <u>19.82</u>
Child Care Facilities	2,464.04 <u>83.91</u>
Community Centres	1,418.87 <u>48.32</u>

Library and Local Studies Acquisitions	289.34 9.85
Library Premises & Equipment	879.65 29.95
Multi Purpose Indoor Sports Facility	332.90 11.34
Olympic Pool	1,060.75 36.93
Open Space Acquisition	2,102.76 36.12
Open Space Increased Capacity	1,084.64 71.59
North Sydney Public Domain-Improvements	23,795.90 810.29
Traffic Improvements	1,436.69 48.93
Total	35,447.53 1,207.05

* The above contributions have been calculated for the increased of **264 8.83**m² GFA resulting from MP08_0241 MOD**67**.

(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) Schedule 2 Part B – Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

B6 Railway Infrastructure

The Proponent shall lodge with Council a Railway Infrastructure Contribution totalling ~~**\$4,613,228.80**~~ **\$4,726,646.51 (calculated having regard to Council's submission on MP08_0241 Mod 7 dated 9 May 2018)** 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) Schedule 2 Part E – Condition E8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold 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 **at or above ground floor**.

**End of Modifications to MP 08_0241
(MP08_0241 MOD 7)**