

# 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.



Deputy Director-General  
**DEVELOPMENT ASSESSMENT & SYSTEMS  
PERFORMANCE**

31 July

Sydney

2012

## SCHEDULE 1

### Project Approval:

MP08\_0253 granted by the Planning Assessment Commission on 26 May 2010

- Construction of a new 10 – 15 storey commercial building accommodating:
  - Demolition of the rear ground floor bar of the Australian hotel;
  - 5 levels of basement car parking;
  - a space for the installation of a tri-generation plant;
  - retail floor space;
  - commercial floor space;
  - childcare centre;
- The excavation of the basement under blocks 1 and 4 and the brewery yard;
- Demolition of the rear ground floor bar of the Australian hotel;
- Demolition of the rear one storey bathroom and additions of the heritage terrace group known as 8 – 12 Abercrombie Street; and
- Construction of the surrounding public domain.

### Modification:

MP08\_0253 MOD 2:

- Deletion of Condition B31 'Green Star Rating' and new Condition E19 'Green Star Rating'.

## SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition B31 is deleted:

### **~~B31 — Green Star Rating~~**

~~Certification is to be provided to the Certifying Authority (with a copy supplied to the Department) by the Green Building Council of Australia, indicating that the development achieves a 6 Star Green Star rating. Should the ESD and WSUD infrastructure required to support the 6 Star Green Star not be approved by others, all residential, commercial and retail development (including adaptable re-use of heritage buildings) shall achieve a minimum of 5 Star Green Star.~~

- b) New Condition E19 is added, as follows:

### **E19 Green Star Rating**

**Certification that a minimum 'Design' 5 Star Green Star rating has been achieved is to be provided to the Certifying Authority (with a copy supplied to the Department), prior to the issue of the first Occupation Certificate.**

**Certification that a minimum 'As-Built' 5 Star Green Star rating has been achieved is to be provided to the Certifying Authority (with a copy supplied to the Department), within 24 months of the issue of an Occupation Certificate.**

**If the approved tri-generation plant is not operational within the timeframe stipulated to obtain an 'As-Built' Green Star rating, the Proponent shall provide the Department with:**

- a). written confirmation from the Green Building Council of Australia that the development would achieve a minimum 'As-Built' 5 Star Green Star rating, subject to the operation of the tri-generation plant; and**
- b). certification that a minimum 'As-Built' 5 Star Green Star rating has been achieved within 6 months of the commencement of operation of the tri-generation plant.**

**Note: If the development is not eligible for a Green Star utilising the standard 'Multi Unit Residential', 'Office' or 'Retail' rating tools, the Proponent must provide evidence from the Green Building Council of Australia, confirming this and providing reasons for the ineligibility of the proposal. This information must be submitted to the Director General, for concurrence, prior to the issue of any Construction Certificate for above ground works.**

---

**End of Modification MP08\_0253 MOD 2**