

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**

Sydney

31 July

2012

SCHEDULE 1

Project Approval:

MP09_0078 granted by the Planning Assessment Commission on 18 June 2010

- Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 80.70 AHD) located above a podium, accommodating:
 - Residential floor space comprising up to 623 residential apartments
 - Retail floor space comprising a food court, speciality retail, supermarket, and a gymnasium
- Installation of a heliostat (consisting of mirrors which are orientated to focus sunlight onto the landscaped platforms);
- Construction of the surrounding public domain;
- Stratum subdivision of Blocks 2, 5A & 5B, 5C & basement levels below; and
- Retail trading hours.

Modification:

MP09_0078 MOD 4:

- Deletion of Condition B25 'Energy Star Ratings' and new Condition E12 'Green Star Rating'.

SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition B25 is deleted:

~~B25 — Energy Star Ratings~~

~~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 minimum 'Design' 5 Star Green Star rating. Certification that a 5 Star Green Star rating has been achieved is to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.~~

~~Certification is to be provided to the Department that the development achieves a minimum 'As Built' 5 Star Green Star rating within 1 year of the issue of the Occupation Certificate.~~

- b) New Condition E12 is added, as follows:

E12 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 MP09_0078 MOD 4