

Modification of Minister's Approval

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

I, the Director, Metropolitan and Regional Projects North, as delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Director, Metropolitan and Regional Projects North

Sydney 24 August 2012

SCHEDULE 1

PART A — TABLE

Application No.:	MP 09_0153
Proponent:	The University of Technology, Sydney
Approval Authority:	Minister for Planning and Infrastructure
Land:	14-28 Ultimo Road, Ultimo
Project:	<p>Construction and fit out of a 12-storey educational building with basement car parking accommodating 21 car parking spaces, 155 bicycle parking spaces, one 8.5 m long medium rigid vehicle and three courier bays. The project also included:</p> <ul style="list-style-type: none">• removal of tree numbers 1 and 2 on Ultimo Road• planting of Bush Box (<i>Liphostemon conferta</i>) and Golden Rain Trees (<i>Koelreuteria paniculata</i>) on Mary Ann Street and Ominbus Lane• asphaltting within Council's footway• creation of pedestrian forecourt plazas on the north-western and south-western corners of the site fronting Mary Ann Street and Ultimo Road• provision of 22 bicycle parking spaces on the northern side of the building facing Mary Ann Street.
Modification Number:	MP09_0153 MOD 1
Modification	<p>The proposed modifications include:</p> <p><u>Design Modifications</u></p> <ul style="list-style-type: none">• reduction of the extent of the glazed fly-bys and levelling of parapets on all elevations• flattening a portion of the brickwork on the northern and southern facades;• reconfiguration of office rooms on levels 6 and 7• deletion of window on Level 3 on the eastern façade• deletion of two skylights on Level 5 of the eastern façade• deletion of the handrail, concrete planters and timber trellis on the Level 8 terrace• increasing the tri-generation plant room floor area by approximately 11.5 m• increasing the staff storage bike floor within the basement car park by approximately 22 m² and increasing the number of bicycle parking from 155 spaces to 171 spaces• reconfiguration of the bin storage and amenities within the basement car park, and an increase in the number of showers from 7 to 9• relocation of the security gate 3.7 m from the property boundary• reduction in the number of bicycle bays on Mary Ann Street from 11 to 8. <p><u>Amendment to conditions</u></p> <ul style="list-style-type: none">• Condition A5• Conditions B1 to B12, B14, B16 to B29• Condition C12• Conditions E2, E4 to E7, E9 to E11 and E14.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

1. In Part A, Condition A2 – Development in Accordance with Plans and Documentation, delete the following drawings:

Architectural Drawings prepared Gehry Partners, LLP.			
Drawing No.	Revision	Name of Plan	Date
Z2-1-01	2	Basement Floor Plan	12/10/2011
Z2-2-00	2	Ground Floor Plan	12/10/2011
Z2-2-01	2	First Floor Plan	12/10/2011
Z2-2-02	2	Second Floor Plan	12/10/2011
Z2-2-03	2	Third Floor Plan	12/10/2011
Z2-2-04	2	Fourth Floor Plan	12/10/2011
Z2-2-05	2	Fifth Floor Plan	12/10/2011
Z2-2-06	2	Sixth Floor Plan	12/10/2011
Z2-2-07	2	Seventh Floor Plan	12/10/2011
Z2-2-08	2	Eight Floor Plan	12/10/2011
Z2-2-09	2	Ninth Floor Plan	12/10/2011
Z2-2-10	2	Tenth Floor Plan	12/10/2011
Z2-2-11	2	Eleventh Floor Plan Plant Room Level	12/10/2011
Z2-2-12	2	Roof Plan	12/10/2011
Z3-1.01	2	Full Building East Elevation	12/10/2011
Z3-1.02	2	Full Building West Elevation	12/10/2011
Z3-1.03	2	Full Building South Elevation	12/10/2011
Z3-1.04	2	Full Building North Elevation	12/10/2011

and replace them with:

Architectural Drawings prepared Gehry Partners, LLP.			
Drawing No.	Revision	Name of Plan	Date
A2-2.01	11	First Floor Plan (Basement Level)	30/05/2012
A2-2.02	11	Second Floor Plan (Ground Level)	30/05/2012
A2-2.03	11	Third Floor Plan (UPN Level)	30/05/2012
A2-2.04	11	Fourth Floor Plan	30/05/2012
A2-2.05	11	Fifth Floor Plan	30/05/2012
A2-2.06	11	Sixth Floor Plan	30/05/2012
A2-2.07	11	Seventh Floor Plan	30/05/2012
A2-2.08	11	Eight Floor Plan	30/05/2012

A2-2.09	11	Ninth Floor Plan	30/05/2012
A2-2.10	11	Tenth Floor Plan	30/05/2012
A2-2.11	11	Eleventh Floor Plan	30/05/2012
A2-2.12	11	Twelfth Floor Plan	30/05/2012
A2-2.13	11	Thirteenth Floor Plan	30/05/2012
A2-2.14	11	Roof Plan	30/05/2012
A3-1.01	10	Full Building East Elevation	30/03/2012
A3-1.02	10	Full Building West Elevation	30/03/2012
A3-1.03	10	Full Building South Elevation	30/03/2012
A3-1.04	10	Full Building North Elevation	30/03/2012

2. In Part A, Condition A5 – Development Section 94 Contribution, delete the words “Final Occupation Certificate,” and “RTA” and replace them with “prior to occupation of the building” and “RMS.”

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE/S

3. In title for Part B, delete the following words “PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE/S,” and replace them with “PRIOR TO CERTIFICATION OF CROWN BUILDING WORKS.”
4. In Part B, delete the following words “Construction Certificate” in Condition B1 to B12, B14, B16 to B29, and replace them with “Section 109R Crown Certificate.”
5. In Part B, delete the word “RTA” in Condition B7 and replace it with “RMS.”
6. In Part B, delete Condition B16 in its entirety and replace with the following:

B16 SECURITY GATES

Details demonstrating that all car park security gates are set back at least 3.7 metres from the property boundary are to be provided to the satisfaction of the Certifying Authority prior to the issue of the relevant Section 109R Crown Certificate. The car park security gate is to remain open between 7:30 am and 7:30 pm Monday to Friday, and between 8:30 am and 4 pm on Saturdays.

7. In Part B, delete Condition B20 in its entirety and replace with the following:

B20 PUBLIC DOMAIN PLAN

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect in consultation with Council’s Public Domain Section, and to the satisfaction of the Certifying Authority prior to the issue of the first Section 109R Crown Certificate. The Public Domain Plan is to detail:

- (1) location of all street trees, lighting poles and CCTV
- (2) the location and specification for all fixed and movable furniture within the public domain.

Note: The Public Domain Plan must include the installation of lighting and CCTV along Omnibus Lane. In addition, all lighting within the public domain must be consistent with the requirements of the *City of Sydney Exterior Lighting Strategy*.

8. In Part B, after Condition B20 insert the following new condition:

B20A ULTIMO PEDESTRIAN NETWORK INTEGRATION WORKS

Prior to the issue of the relevant 109R Crown Certificate, the proponent shall update the Public Domain Plan to incorporate the works required to integrate the site with the Ultimo Pedestrian Network in consultation with the Council's Public Domain Section and the Sydney Harbour Foreshore Authority, and to the satisfaction of the Certifying Authority.

9. In Part B, delete Condition B26 in its entirety and replace with the following:

B26 WIND MITIGATION MEASURES

Wind mitigation measures for the outdoor seating area on the first floor of the building shall be provided in accordance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech and dated 9 February 2011. Details demonstrating compliance with the above must be submitted to the satisfaction of the Certifying Authority, prior to the issue of the first Section 109R Crown Certificate for above ground works.

Note: In the event that wind mitigation measures change as a result of the final design of the Ultimo Pedestrian Network pedestrian link, the proponent shall provide an addendum to the Pedestrian Wind Environment Study, prepared by Windtech and dated 9 February 2011, demonstrating that the revised mitigation measures comply with the relevant comfort criteria outlined in the Urban Development Plan for Ultimo-Pymont Precinct 1999. The addendum must be submitted to the satisfaction of the Director-General prior to the UPN pedestrian link and associated outdoor seating area becoming operational.

10. In Part B, delete Condition B27 in its entirety and replace with the following:

B27 FLOOD MITIGATION MEASURES

The basement car park shall be protected by flooding through the use of flood gates at the car park entry and at the northern stair. The crest of the ramp shall be RL 4.230 with the top of the ramp flood gate no lower than RL 5.470. The floor level of the northern part of the building shall be no lower than RL 5.250 & the floor level of the southern part of the building shall be no lower than RL 5.000.

In addition, the final plans must include the installation of a hydraulically operated flood gate to the basement car park. Details demonstrating compliance with the abovementioned requirements must be provided to the satisfaction of the Certifying Authority prior to the issue of the first Section 109R Crown Certificate.

11. In Part B, delete Condition B29 in its entirety and replace with the following:

B29 DESIGN OF PEDESTRIAN LINK

The proponent shall provide details of the final design of the Ultimo Pedestrian Network pedestrian link to the satisfaction of the Certifying Authority prior to the issue of the relevant Section 109R Crown Certificate. Details of the final design shall be submitted to the satisfaction of the Director-General.

Note: The final design of the pedestrian link should be undertaken in consultation with SHFA and the Council.

PART C – PRIOR TO COMMENCEMENT OF WORKS

12. In Part C, delete Condition C12 in its entirety and replace with the following:

C12 SITE REMEDIATION

Following the completion of remediation works covered under development approval D/2011/882, and prior to the commencement of works above RL 5.0, a Section B Site Audit Statement, prepared by the NSW EPA accredited site auditor, must be submitted to the Director-General and the Council.

PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

13. In Part E, delete the following words "prior to the issue of the final Occupation Certificate" in Condition E2 and E14 and replace them with "prior to final occupation of the building."
14. In Part E, delete the following words "prior to issue of any Occupation Certificate," in conditions E3, E4 and E5 and replace them with "prior to any use of the building."
15. In Part E, delete the following words "prior to the issue of an Occupation Certificate," in conditions E6 and E7 and replace them with "prior to the use of the gas fired plant."
16. In Part E, delete the following words "prior to the issue of an Occupation Certificate" in conditions E9 and E10 and replace them with "prior to occupation of the building."
17. In Part E, delete the following words "prior to the issue of an Occupation Certificate" in Condition E11 and replace them with "prior to the basement car park being used."
18. In Part E, delete the following words "prior to the issue of an Occupation Certificate" in Condition E14 and replace them with "prior to the use of the gas fired plant."

END OF MODIFICATIONS TO MP09_0153 MOD 1