

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation dated 4 April 2013, I approve the modification of the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

**A / Executive Director
Development Assessment Systems & Approvals**

Sydney

2014

SCHEDULE 1

Project Approval: MP 11_0091 granted by the Executive Director of Development Assessment Systems and Approvals on 4 July 2013

For the following:

Project Approval for Blocks 6 and 7, including:

- demolition of structures at No. 14 and construction of 1 x 2 storey building for retail use on the ground floor and restaurant on the first floor;
- demolition of structures at No. 42 - 44 to construct a 1 storey building and a pocket park fronting Kensington Street;
- heritage conservation and upgrade works to reinstate, reconstruct and upgrade internal and external building fabric of existing buildings to be retained;
- additional two floors above existing warehouse building at No. 2 - 10 including outdoor terraces on Levels 2 and 3;
- upgrade works and new glazed addition to rear of No. 46 - 48 and an enclosed outdoor courtyard;
- new single storey building built along the eastern boundary;
- erection of a glazed entry walkway between Nos. 20 - 22 and 28 - 30, to provide access from Kensington Street to rear courtyards;
- landscaping works to pocket park, rear courtyard areas and rear of existing terraces;
- use of tenancies within the precinct for retail, commercial office and food and drink premises;
- provision of bicycle parking spaces, lockers and end-of-journey facilities within Nos. 2 - 10, 14 and 42 - 44; and
- subdivision and consolidation of existing lots to create four lots.

Modification:

MP 11_0091 MOD 1: modification includes:

- internal amendments including:
 - changes to layouts of storage areas, services, bathroom facilities and access provisions;
 - reduction of the mezzanine level of No. 42; and
 - replacement of an internal wall on the ground and first floor between No. 12 and 14.

- external amendments including:
 - realignment of the eastern boundary wall to correlate with an updated survey of the site;
 - increase the height of the glass parapet at No. 40-42 by 300mm (raising to a maximum RL 24.90;
 - the deletion of rear awnings and pergolas across all properties on Level 1;
 - inclusion of external ladders;
 - replacement of exterior wall to No. 12;
 - ventilation included within the glass screen to be constructed on No. 2-10 on Level 5;
 - inclusion of two security gates;
 - modification to street levels to coordinate with the approval for the public domain works along Kensington Street;
 - removal of bicycle spaces; and
 - reduction of glazing height on the western façade of the building built along the eastern boundary.
- amendment to Statement of Commitments 1 and 12; and
- deletion of condition B4 and B6(b).

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Amend Condition A2 by the deletion of the struck out words and the insertion of the **bold and underlined** words as follows:

A2 Terms of Approval

The proponent shall carry out the project in accordance with the following documentation:

- a) Environmental Assessment and supporting documents prepared by JBA Planning dated November 2012;
- b) Response to Submissions and supporting documents prepared by JBA Planning dated 16 May 2013; and
- c) **As amended by the Section 75W submitted by JBA Planning, dated December 2013 and additional information received 20 February 2014; and**
- d) following drawings, except for:
 - i. any modifications which are Exempt' or Complying Development;
 - ii. otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
Drawing No.	Revision	Name of Plan	Date
A-200	A	4:200 Plans	9 May 2013
<u>A-200</u>	<u>B</u>	<u>1:200 Plans</u>	<u>13/11/2013</u>
A-201	A	4:200 Plans	9 May 2013
<u>A-201</u>	<u>B</u>	<u>1:200 Plans</u>	<u>13/11/2013</u>
A-202	A	Ground Floor Plan 1/2	9 May 2013
<u>A-202</u>	<u>B</u>	<u>Ground Floor Plan 1/2</u>	<u>13/11/2013</u>
A-203	A	Ground Floor Plan 2/2	9 May 2013
<u>A-203</u>	<u>B</u>	<u>Ground Floor Plan 2/2</u>	<u>13/11/2013</u>
A-204	A	Level 1 Floor Plan 1/2	9 May 2013
<u>A-204</u>	<u>B</u>	<u>Level 1 Floor Plan 1/2</u>	<u>13/11/2013</u>
A-205	A	Level 1 Floor Plan 2/2	10 May 2013
<u>A-205</u>	<u>B</u>	<u>Level 1 Floor Plan 2/2</u>	<u>13/11/2013</u>
A-206		Level 2 Floor Plan 1/2	November 2012
<u>A-206</u>	<u>A</u>	<u>Level 2 Floor Plan 1/2</u>	<u>13/11/2013</u>
A-207	A	Level 2 Floor Plan 2/2	9 May 2013

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
<u>A-207</u>	<u>B</u>	<u>Level 2 Floor Plan 2/2</u>	<u>13/11/2013</u>
A-208	A	Level 3 Floor Plan	9 May 2013
<u>A-208</u>	<u>B</u>	<u>Level 3 Floor Plan</u>	<u>13/11/2013</u>
A-209		Level 4 & Roof Plan	November 2012
<u>A-209</u>	<u>A</u>	<u>Level 4 & Roof Plan</u>	<u>13/11/2013</u>
A-300		North Elevation	November 2012
<u>A-300</u>	<u>A</u>	<u>North Elevation</u>	<u>13/11/2013</u>
A-301		West Elevation 1/2	November 2012
<u>A-301</u>	<u>A</u>	<u>West Elevation 1/2</u>	<u>13/11/2013</u>
A-302		West Elevation 2/2	November 2012
<u>A-302</u>	<u>A</u>	<u>West Elevation 2/2</u>	<u>13/11/2013</u>
A-303	A	East Elevation 1/2	9 May 2013
<u>A-303</u>	<u>B</u>	<u>East Elevation 1/2</u>	<u>13/11/2013</u>
A-304		East Elevation 2/2	November 2012
<u>A-304</u>	<u>A</u>	<u>East Elevation 2/2</u>	<u>13/11/2013</u>
A-401		Section 1-No.2-10 (1/2)	November 2012
<u>A-401</u>	<u>A</u>	<u>Section 1-No.2-10 (1/2)</u>	<u>13/11/2013</u>
A-402		Section 1-No.2-10 (2/2)	November 2012
<u>A-402</u>	<u>A</u>	<u>Section 1-No.2-10 (2/2)</u>	<u>13/11/2013</u>
A-403		Section 2 No.12	November 2012
<u>A-403</u>	<u>A</u>	<u>Section 2-No.12</u>	<u>13/11/2013</u>
A-404		Section 3 + South Elevation No. 14	November 2012
<u>A-404</u>	<u>A</u>	<u>Section 3 + South Elevation No. 14</u>	<u>13/11/2013</u>
A-405	A	Section 4 Lantern	10 May 2013
<u>A-405</u>	<u>A</u>	<u>Section 4 Lantern</u>	<u>13/11/2013</u>
A-406		Section 5 No. 42-44	November 2012
<u>A-406</u>	<u>A</u>	<u>Section 5-No. 42-44</u>	<u>13/11/2013</u>
A-407		Section 6 No. 48	November 2012

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
<u>A-407</u>	<u>A</u>	<u>Section 6-No. 48</u>	<u>13/11/2013</u>
A-503		Material Schedule	November 2012
Landscape Design Report and Drawings prepared by <i>Jeppe Aagaard Andersen and Turf Design Studio</i> dated November 2013			
Survey Drawings prepared by <i>Degotardi, Smith and Partners</i>			
30826A39.DWG	B	Sheet 1	15 November 2012
Stormwater Concept Drawings prepared by <i>Mott MacDonald</i>			
MMD-300830-S-DR-CD-0104	P1	Concept Stormwater Plan	13 November 2013

b) *Delete Condition B4:*

~~B4 Details of proposed gate/doors to restrict access to rear laneway in Lots 2, 3 and 4~~

~~Amended drawings illustrating the proposed location and design details of the gates and/or doors to be installed to restrict public access to the rear laneway, are to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate and prior to the creation of a documentary Right of Public Access and registration on the Titles of Lots 2, 3 and 4.~~

c) *Amend Condition B6 by the deletion of the B6(b) as follows:*

B6 Bicycle Spaces & Facilities

- (a) A minimum of 41 bicycle parking spaces must be provided for the site for employees, customers and visitors to the site.
- ~~(b) Amended drawings showing the relation and distribution of 16 bicycle parking spaces from the pocket park to alternative locations, are to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate.~~
- (c) The layout, design and security of bicycle facilities shall be installed in accordance with the specification of the JOSTA system, or equivalent.
- (d) Bicycle facilities rooms must be provided close to staff/employee bicycle parking in accordance with Section 3.11.3 of the Sydney Development Control Plan 2012.

SCHEDULE 3

STATEMENT OF COMMITMENTS

No.	Issue	Commitment	Timing
1	Design	The proposed development will be constructed in accordance with the Architectural Plans prepared by TZG and dated November 2012 December 2013 and documentation submitted with the Project Application, <u>and relevant modifications</u> .	Ongoing
2	ESD	The proposed development will be consistent with the recommendation of the ESD Strategy prepared by WSP Built Ecology and dated 9 November 2012.	Throughout construction works and during the occupation of the building
3	Construction Management	An updated Construction Management Plan will be prepared once a building contractor is appointed, in accordance with the preliminary Construction Management Plan prepared by Frasers Broadway Pty Ltd and dated 22 November 2012.	Prior to commencement of works
4	Accessibility	All publicly accessible areas of the building will be designed to equitable access for the mobility impaired (except where no access is specified) in accordance with the Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated 22 November 2012. The proposed development will comply with AS1428 and the City of Sydney Access DCP.	Prior to issue of the relevant Construction Certificate
5	Waste Management	Waste management will be undertaken in accordance with the Waste Management Statement prepared by ARUP and dated 16 November 2012.	Ongoing
6	Plan of Management	The Preliminary Operational Management Plan prepared by Frasers Broadway Pty Ltd and dated 22 November 2012 will be updated once an operator is appointed for the management of the site.	Prior to occupation of the building
7	Plan of Management	Mitigation measures outlined in the detailed Operational Management Plan will be implemented during the operation of the tenancies.	Prior to and during occupation
8	Safety and Security	Details and requirements outlined in the Safety Management Plan, prepared by Elton Consulting and dated 30 October	During construction and prior to occupation of the building

No.	Issue	Commitment	Timing
		2012 will be implemented.	
9	Fire Engineering	Fire Engineering Solutions will be developed in accordance with the recommendations of the Services Report prepared by WSP and dated 13 November 2012.	Prior to issue of a Construction Certificate.
10	Noise management	The plant selected for the building will be acoustically treated so as to meet the acoustic goals set in the Acoustic Report prepared by WSP Acoustics dated 9 November 2012.	Prior to occupation of the building.
11	Noise management	Window and facade treatments to mitigate against acoustic privacy impacts will be adopted in accordance with the recommendations Acoustic Report prepared by WSP Acoustics dated 9 November 2012.	Prior to the issue of the relevant Construction Certificate
12	Heritage	The proposed works will be carried out in accordance with the recommendations of the Heritage Impact Statement and Specific Element Conservation Management Plan prepared by Paul Davies Pty Ltd and dated November 2012, <u>and supplementary letter dated 17 November 2013 and 20 February 2014.</u>	Throughout the duration of the construction and operation of the building
13	Archaeology	Construction works will be overseen by a qualified historical archaeologist as part of an archaeological monitoring program.	As relevant
14	Public Art	Public Art will be designed in consultation with the City of Sydney Council and the Department of Planning and Infrastructure and installed in accordance with the approved Public Art Strategy.	Prior to the issue of a Final Occupation Certificate
15	Geotechnical	Works will be carried out in accordance with the Geotechnical Investigation prepared by JK Geotechnics and dated 15 November 2012.	Prior to the issue of a Construction Certificate

End of Modifications to MP 11_0091 MOD 1