
Modification of Development Consent

Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the modification of the development referred to in Schedule 1, subject to the conditions in Schedule 2.

Ben Lusher
Director
Key Sites Assessments

Sydney 13 OCTOBER 2017

SCHEDULE 1

Application No.:	SSD 6633
Applicant:	Lend Lease (The Haymarket) Pty Ltd
Consent Authority:	Minister for Planning
Land:	South East Plot, Darling Square (formerly referred to as "The Haymarket") (Lot 1 DP 827962)
Approved Development:	<p>Development of the South-East Plot for a mixed use residential development including:</p> <ul style="list-style-type: none">• site preparation works including staged demolition of existing structures, tree removal and site remediation as required;• staged construction of 9 storey, 10 storey and 29 storey buildings, including a 6 storey podium, to be used for:<ul style="list-style-type: none">• 30,411m² residential floor space;• 1,617m² retail floor space at ground floor level;• 265 above ground car parking spaces; and• 391 residential apartments• various public domain and landscaping improvements;• vehicular access from Harbour Street; and• remediation works.

Modification:**SSD 6633 MOD 1:** Modifications to:

- internal design of the podium levels, back-of-house facilities, apartment storage areas, stairs and ramps and minor changes to floor levels
- the design of shopfronts on the ground floor level
- add four automatic flood gates on the ground floor façade along Hay Street, two along the Boulevard and one on Harbour Street
- divide one ground floor retail unit into two
- delete a mezzanine retail level on level 1
- window openings to several apartments on the south and east elevations
- replace aluminium window louvres (privacy screens) on the southern elevation of levels 6 to 29 to windows with privacy glass
- reduce the total number of residential apartments by one to 390 by combining two apartments on levels 8 and 9
- increase the total number of above ground car spaces by four to 269
- reduce the residential floor space to 30,197m²
- reduce the ground floor retail floor space to 1,411m²
- vary the approved construction hours to allow work on Saturdays to commence at 7 am
- the approved Waste Management Plan
- the approved BASIX certificate

The SSD 6633 approval is modified as follows.

SCHEDULE 2

- 1) Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Development Description

A3 The Applicant shall carry out the project generally in accordance with the:

- a) State Significant Development Application SSD 6633;
- b) Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
- c) Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2016;
- d) The conditions of this consent;
- e) **The Section 96(1A) modification application SSD 6633 Mod 1, prepared by JBA Urban Planning Consultants Pty Ltd, dated 4 July 2017; and**
- f) The following drawings, as set out in the table below, except for:
 - i. any modifications which are Exempt or Complying Development;
 - ii. otherwise provided by the conditions of this consent.

Architectural Drawings prepared by FJMT			
Drawing No.	Rev	Name of Plan	Date
FJMT-DA-R0002	09 <u>10</u>	Legend and Abbreviations	27/07/2016 <u>21/04/17</u>
FJMT-DA-R0003	07 <u>08</u>	General Key Plans	27/07/2016 <u>21/04/17</u>
FJMT-DA-R1001	09	Site Plan	17/11/2016
FJMT-DA-R1002	40 <u>11</u>	Plans L00 Podium Ground	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1003	08 <u>09</u>	Plans L01 Mezzanine	40/06/2016 <u>21/04/17</u>
FJMT-DA-R1004	44 <u>12</u>	Plans L02 Podium – Residential	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1005	42 <u>13</u>	Plans L03 Podium – Residential	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1006	09 <u>10</u>	Plans L04 Podium – Residential	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1007	09 <u>10</u>	Plans L05 Podium – Residential	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1008	42 <u>13</u>	Plans L06 SE1 Setback, SE2 ComSp1 SE3 & Rf Gdns	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1009	43 <u>14</u>	Plans L07 SE1 Low Rise, SE2 ComSp2 & SE3 Setback	40/06/2016 <u>21/04/17</u>
FJMT-DA-R1010	45 <u>16</u>	Plans L08 SE1 Low Rise, SE2 Pent 01 & SE3 Top	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1011	44 <u>15</u>	Plans L09 Low Rise & SE2 Pent 02	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1012	44 <u>12</u>	Plans L10 SE1 Low Rise & SE2 Plant	40/06/2016 <u>21/04/17</u>
FJMT-DA-R1013	40 <u>11</u>	Plans L11-L27 SE1 Tower Typical	40/06/2016 <u>21/04/17</u>
FJMT-DA-R1014	44 <u>12</u>	Plans L28-L29 SE1 Penthouse	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1015	09	Plans SE1 Plant	17/11/2016
FJMT-DA-R1016	09	Plans Roof Plan	17/11/2016

FJMT-DA-R1017	07	Plans Adaptable SE1 L03-05.01	9/03/2016
FJMT-DA-R1018	07	Plans Adaptable SE1 L06.08 & L09	9/03/2016
FJMT-DA-R1019	07	Plans Adaptable SE3 L03-05.08	9/03/2016
FJMT-DA-R2001	44 <u>13</u>	Elevations South Elevation	17/11/2016 <u>21/04/17</u>
FJMT-DA-R2002	42 <u>13</u>	Elevations North Elevation	17/11/2016 <u>21/04/17</u>
FJMT-DA- R2003	44 <u>12</u>	Elevations East Elevation	17/11/2016 <u>21/04/17</u>
FJMT-DA-R2004	44 <u>12</u>	West Elevation	17/11/2016 <u>21/04/17</u>
FJMT-DA-R2005	09	Elevations SE1 East Elevation	10/06/2016
FJMT-DA-R2006	07	Elevations SE3 West Elevation	10/06/2016
FJMT-DA-R2007	08 <u>09</u>	Elevations SE2 South Elevation	10/06/2016 <u>21/04/17</u>
FJMT-DA-R2009	09	Elevations SE1 North Elevation	10/06/2016
FJMT-DA-R2501	10 <u>11</u>	Ground Plane Detailed Elevations	17/11/2016 <u>21/04/17</u>
FJMT-DA-R2502	03 <u>05</u>	Ground Plane Detailed Elevations	09/03/2016 <u>21/04/17</u>
FJMT-DA-R3001	06 <u>07</u>	Sections GA Sections 01	9/03/2016 <u>21/04/17</u>
FJMT-DA-R3002	06 <u>07</u>	Sections GA Sections 02	9/03/2016 <u>21/04/17</u>
FJMT-DA-R3003	06 <u>07</u>	Sections Podium Sections 01	9/03/2016 <u>21/04/17</u>
FJMT-DA-R3004	06 <u>07</u>	Sections Podium Sections 02	9/03/2016 <u>21/04/17</u>
FJMT-DA-R3005	07	Sections Public Interface Section 01	10/03/2016
FJMT-DA-R3006	06	Sections Public Interface Section 02	9/03/2016

- 2) Condition C14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~struck-out~~ words / numbers as follows:

Car Parking

C14 Car parking on site shall be provided as follows:

- a) ~~265~~ **269** residential car parking spaces;
- b) 2 service vehicle bays; and
- c) 2 loading bays.

- 3) Condition C31 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~struck-out~~ words / numbers as follows:

Storage and Handling of Waste

C31 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the premises. Recommendations of the Waste Management & Green Star Report prepared by Waste Audit and Consultancy Services, dated February 2016 **and revised May 2017** shall be met to the satisfaction of the PCA.

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- 4) Condition C41 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~struck-out~~ words / numbers as follows:

Environmental Performance

- C41 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 628683M_04 **06**, and an updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the PCA with all commitments clearly shown on the relevant Construction Certificate plans.

- 5) Condition E2 is amended by the deletion of ~~struck-out~~ words / numbers and the insertion of **bold and underlined** words / numbers as follows:

Hours of Work

- E2 All work, including demolition, excavation and building work, and activities in the vicinity of the site generated noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between ~~8:00 am~~ **7:00 am** and 5:00 pm, Saturdays;
 - c) no work is to be undertaken on Sundays and public holidays; or
 - d) works may be undertaken outside of these hours where:
 - i. it is required by a works authorisation deed executed with the RMS; or
 - ii. the delivery of materials is required outside these hours by the Police or occasional works are required outside of these hours by other authorities; or
 - iii. it is required in an emergency to avoid the loss of life, damage to property and /or to prevent environmental harm; and
 - iv. variation is approved in advance in writing by the Department.