

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 11 October 2017, I approve the modification application referred to in Schedule 1, subject to the conditions in Schedule 2.

David McNamara
Director
Key Sites Assessments

Date: 22nd May 2019 Sydney

SCHEDULE 1

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| Development Approval: | SSD 7037 granted by the Independent Planning Commission on 12 January 2018 |
| For the following: | Demolition and construction of a part seven/ part nine storey mixed-use building (Building 1) and a six-storey mixed-use building (Building 2) with basement car parking, and adaptive re-use of the Baker's Terrace. |
| Applicant: | Golden Age & Hannas The Rocks Pty Ltd |
| Consent Authority: | Minister for Planning |
| The Land: | 85 Harrington Street and 68-72 Gloucester Street, The Rocks (Lot 1 in DP 777033) |
| Approved Development: | SSD 7037 (MOD 2): Modifications to a mixed-use development, including: <ul style="list-style-type: none">• external alterations to Building 1 and Building 2• alterations to dwelling mix• alterations to the Baker's Terrace heritage buildings• alterations to access and landscaping, including removal of street trees and replacement planting• provision of one additional car parking space. |

SCHEDULE 2

The above approval is modified as follows:

1. Part A – Administrative Conditions – Condition A2 is amended by the deletion of struck out words and the insertion of **bold and underlined** words as follows:

The Applicant, in acting on this consent, must carry out the development:

- a) in compliance with the conditions of consent;
- b) in accordance with all written directions of the Secretary;
- c) generally in accordance with the State Significant Development Application SSD 7037 Environmental Impact Statement entitled 75-85 Harrington Street, The Rocks and accompanying appendices, prepared by Urbis and dated July 2016;
- d) generally in accordance with the Response to Submissions prepared by Urbis titled Response to Submissions, 85 Harrington Street, dated 9 August 2017;
- e) generally in accordance with the Revised Response to Submissions prepared by FJMT titled Response to Submissions Department of Planning and Environment, Harrington Street, dated 19 October 2017; and
- f) **generally in accordance with Section 4.55(2) Modification 2 to SSD 7037: 75-85 Harrington Street, The Rocks Application, and accompanying appendices, prepared by Urbis dated 20 December 2018;**
- g) **generally in accordance with Response to Submissions: SSD 7037 MOD 2: 75-85 Harrington Street, The Rocks and accompanying appendices, prepared by Urbis dated 11 April 2019;**
- h) **generally in accordance with the additional information: SSD 7037 MOD 2 prepared by Urbis dated 24 April 2019; and**
- i) following drawings:

| Architectural Plans prepared by FJMT Architects | | | |
|---|----------|---|------------|
| Drawing No. | Revision | Name of Plan | Date |
| DA-1210 | S | Demolition Plan | 21/11/2017 |
| DA-1200 | R | Site plan | 01/11/2017 |
| DA-2000 | R | Ground floor plan (Harrington Street) | 01/11/2017 |
| DA-2001 | R | Level 0 floor plan | 01/11/2017 |
| DA-2002 | R | Level 1 floor plan | 01/11/2017 |
| DA-2003 | R | Level 2 floor plan | 01/11/2017 |
| DA-2004 | S | Level 3 floor plan | 21/11/2017 |
| DA-2005 | R | Level 4 floor plan | 01/11/2017 |
| DA-2006 | R | Level 5 floor plan | 01/11/2017 |
| DA-2007 | R | Level 6 floor plan | 01/11/2017 |
| DA-2008 | R | Level 7 floor plan | 01/11/2017 |
| DA-2009 | R | Level 8 floor plan | 01/11/2017 |
| DA-2010 | R | Roof plan | 01/11/2017 |
| DA-2011 | R | Basement level 1 | 01/11/2017 |
| DA-2012 | R | Basement level 2 | 01/11/2017 |
| DA-2025 | R | Adaptable and LHG compliant key | 01/11/2017 |
| DA-2030 | R | Adaptable and Livable Housing Guide (units 204, 304, 404) | 01/11/2017 |
| DA-2031 | R | Adaptable and Livable Housing Guide (unit 504) | 01/11/2017 |
| DA-2032 | R | Adaptable and Livable Housing Guide (units 205 and 305) | 01/11/2017 |
| DA-2033 | R | Adaptable and Livable Housing Guide (units 601 and 603) | 01/11/2017 |

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| DA-2034 | R | Adaptable and Livable Housing Guide (units 602 and 702) | 01/11/2017 |
| DA-2035 | R | Adaptable and Livable Housing Guide (units 701 and 703) | 01/11/2017 |
| DA-2800 | R | GFA Plans | 09/11/2017 |
| DA-3001 | R | East elevation (Harrington Street) (outer) | 01/11/2017 |
| DA-3002 | R | West elevation (Gloucester Street) (outer) | 01/11/2017 |
| DA-3003 | R | North/ south elevations (outer) | 01/11/2017 |
| DA-3004 | S | Cumberland Place elevations (outer) | 21/11/2017 |
| DA-3005 | R | East elevation (Harrington Street) (inner) | 01/11/2017 |
| DA-3006 | R | West elevation (Harrington Street) (inner) | 01/11/2017 |
| DA-3007 | R | North/ south elevations (inner) | 01/11/2017 |
| DA-3008 | S | Cumberland Place elevations (inner) | 21/11/2017 |
| DA-4100-1 | R | Block 1 Section | 01/11/2017 |
| DA-4101 | R | Block 1 North cross section | 01/11/2017 |
| DA-4102 | R | Block 1 Longitudinal section | 01/11/2017 |
| DA-4150 | R | Block 2 Longitudinal section | 01/11/2017 |
| DA-4151 | R | Block 2 and Baker's Terrace cross section | 01/11/2017 |
| DA-4200 | R | Indicative plenum detail | 01/11/2017 |
| DA-5004 | R | Storage in Apartments | 01/11/2017 |
| DA-9401 | R | Storage schedule | 01/11/2017 |
| MOD 2 | | | |
| <u>DA-1200</u> | <u>A6</u> | <u>Site plan</u> | <u>13/12/2018</u> |
| <u>DA-2000</u> | <u>A6</u> | <u>Ground floor plan (Harrington Street)</u> | <u>13/12/2018</u> |
| <u>DA-2001</u> | <u>A6</u> | <u>Level C1 floor plan</u> | <u>13/12/2018</u> |
| <u>DA-2002</u> | <u>A6</u> | <u>Level H1 – C2 floor plan</u> | <u>13/12/2018</u> |
| <u>DA-2003</u> | <u>A6</u> | <u>Level H2 – C3 floor plan</u> | <u>13/12/2018</u> |
| <u>DA-2004</u> | <u>A6</u> | <u>Level H3 – C5 floor plan</u> | <u>13/12/2018</u> |
| <u>DA-2005</u> | <u>A6</u> | <u>Level H5 – C6 floor plan</u> | <u>13/12/2018</u> |
| <u>DA-2006</u> | <u>A6</u> | <u>Level H6 – C7 floor plan</u> | <u>13/12/2018</u> |
| <u>DA-2007</u> | <u>A6</u> | <u>Level H7 Floor Plan (Setback)</u> | <u>13/12/2018</u> |
| <u>DA-2008</u> | <u>A6</u> | <u>Level H8 Floor Plan (Penthouse)</u> | <u>13/12/2018</u> |
| <u>DA-2009</u> | <u>A6</u> | <u>Level H9 Floor Plan (Rooftop Terrace)</u> | <u>04/04/2019</u> |
| <u>DA-2010</u> | <u>A6</u> | <u>Roof plan</u> | <u>13/12/2018</u> |
| <u>DA-2011</u> | <u>A6</u> | <u>Basement level 1</u> | <u>04/04/2019</u> |
| <u>DA-2012</u> | <u>A6</u> | <u>Basement level 2</u> | <u>21/03/2019</u> |
| <u>DA-2025</u> | <u>A6</u> | <u>Adaptable and LHG compliant key</u> | <u>13/12/2018</u> |
| <u>DA-2030</u> | <u>A6</u> | <u>Adaptable and Livable Housing Guide (units H202, H302, H502)</u> | <u>13/12/2018</u> |
| <u>DA-2031</u> | <u>A6</u> | <u>Adaptable and Livable Housing Guide (unit H602)</u> | <u>13/12/2018</u> |
| <u>DA-2032</u> | <u>A6</u> | <u>Adaptable and Livable Housing Guide (units H201, H301)</u> | <u>13/12/2018</u> |
| <u>DA-2033</u> | <u>A6</u> | <u>Adaptable and Livable Housing Guide (units H701, H702)</u> | <u>13/12/2018</u> |
| <u>DA-2034</u> | <u>A6</u> | <u>Adaptable and Livable Housing Guide (units H703, H803)</u> | <u>13/12/2018</u> |
| <u>DA-2035</u> | <u>A6</u> | <u>Adaptable and Livable Housing Guide (unit H801, H802)</u> | <u>13/12/2018</u> |
| <u>DA-2800</u> | <u>A7</u> | <u>GFA Plans</u> | <u>04/04/2019</u> |
| <u>DA-3001</u> | <u>A6</u> | <u>East elevation (Harrington Street) (outer)</u> | <u>13/12/2018</u> |
| <u>DA-3002</u> | <u>A6</u> | <u>West elevation (Gloucester Street) (outer)</u> | <u>13/12/2018</u> |
| <u>DA-3003</u> | <u>A6</u> | <u>North/ south elevations (outer)</u> | <u>13/12/2018</u> |
| <u>DA-3004</u> | <u>A6</u> | <u>Cumberland Place elevations (outer)</u> | <u>13/12/2018</u> |
| <u>DA-3005</u> | <u>A6</u> | <u>East elevation (Harrington Street) (inner)</u> | <u>08/03/2019</u> |
| <u>DA-3006</u> | <u>A6</u> | <u>West elevation (Gloucester Street) (inner)</u> | <u>08/03/2019</u> |
| <u>DA-3007</u> | <u>A6</u> | <u>North/ south elevations (inner)</u> | <u>08/03/2019</u> |
| <u>DA-3008</u> | <u>A6</u> | <u>Cumberland Place elevations (inner)</u> | <u>08/03/2019</u> |
| <u>DA-4100-1</u> | <u>A6</u> | <u>Block 1 Section (Clean Version)</u> | <u>08/03/2019</u> |
| <u>DA-4101</u> | <u>A6</u> | <u>Block 1 North cross section</u> | <u>13/12/2018</u> |

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| <u>DA-4102</u> | <u>A6</u> | <u>Block 1 Longitudinal section</u> | <u>13/12/2018</u> |
| <u>DA-4150</u> | <u>A6</u> | <u>Block 2 Longitudinal section</u> | <u>13/12/2018</u> |
| <u>DA-4151</u> | <u>A6</u> | <u>Block 2 and Baker's Terrace cross section</u> | <u>13/12/2018</u> |
| <u>DA-5004</u> | <u>A6</u> | <u>Storage in Apartments</u> | <u>13/12/2018</u> |
| <u>DA-9900</u> | <u>A6</u> | <u>Section 4.55 Additional Drawings Condition B2(a)</u> | <u>13/12/2018</u> |
| <u>DA-9901</u> | <u>A6</u> | <u>Section 4.55 Additional Drawings Condition B2(b)</u> | <u>13/12/2018</u> |
| <u>DA-9902</u> | <u>A6</u> | <u>Section 4.55 Additional Drawings Condition B2(c) Page 1/2</u> | <u>13/12/2018</u> |
| <u>DA-9903</u> | <u>A6</u> | <u>Section 4.55 Additional Drawings Condition B2(c) Page 1/2</u> | <u>13/12/2018</u> |
| Landscape Plans prepared by FJMT Architects | | | |
| Drawing No. | Revision | Name of Plan | Date |
| DA-8001 | 05 | Tree Management Plan | 08/08/2017 |
| DA-8002 | 05 | Ground Plane Plan | 08/08/2017 |
| DA-8003 | 04 | Cumberland Place | 08/08/2017 |
| DA-8004 | 05 | Level 8 terrace | 08/08/2017 |
| DA-8005 | 02 | Level 5 terrace | 08/08/2017 |
| DA-8006 | 02 | The Sandstone Alcove | 08/08/2017 |
| DA-8007 | 04 | Communal terrace | 08/08/2017 |
| DA-8010 | 05 | Section Elevations | 08/08/2017 |
| DA-8011 | 05 | Section Elevations | 08/08/2017 |
| DA-8012 | 05 | Section Elevations | 08/08/2017 |
| DA-8013 | 05 | Section Elevations | 08/08/2017 |
| MOD 2 | | | |
| <u>DA-8001</u> | <u>07</u> | <u>Tree Management Plan</u> | <u>13/12/2018</u> |
| <u>DA-8002</u> | <u>07</u> | <u>Ground Plane Plan</u> | <u>13/12/2018</u> |
| <u>DA-8003</u> | <u>06</u> | <u>Cambridge Place</u> | <u>13/12/2018</u> |
| <u>DA-8006</u> | <u>04</u> | <u>The Sandstone Alcove</u> | <u>13/12/2018</u> |
| <u>DA-8007</u> | <u>03</u> | <u>Communal terrace</u> | <u>13/12/2018</u> |
| <u>DA-8010</u> | <u>07</u> | <u>Section/Elevations</u> | <u>13/12/2018</u> |
| <u>DA-8011</u> | <u>07</u> | <u>Section/Elevations</u> | <u>13/12/2018</u> |
| <u>DA-8012</u> | <u>07</u> | <u>Section/Elevations</u> | <u>13/12/2018</u> |
| <u>DA-8013</u> | <u>07</u> | <u>Section/Elevations</u> | <u>13/12/2018</u> |

1. Part B – Prior to issue of the relevant construction certificate – Condition B2 is amended by the deletion of ~~struck-out~~ words/numbers as follows:

AMENDED ARCHITECTURAL PLANS

~~B2. Prior to the issue of any Construction Certificate, the following amended architectural plans / elevations and documentation shall be prepared for review and approved by the Secretary:~~

- ~~(a) a plenum, as shown indicatively on drawing DA-4200, shall be provided on levels 2, 3, 4 and 5 at the northern end of the communal corridor of Building 1;~~
- ~~(b) a revised Level 1 Floor Plan (drawing number DA-2002) detailing the retention of all other fabric (basement walls) that has been assigned a significance grading of 'High' and 'Exceptional' in the basement of the Bakers Terraces as indicated in the Conservation Management Plan, Bakers Terrace, 66-68 & 70-72 Gloucester Street, The Rocks, prepared by Urbis, dated January 2016; and~~
- ~~(c) revised basement level floorplans illustrating a maximum of 53 car parking spaces consistent with the requirements of Condition B29. The plans must include details of alternative uses for the area of the deleted car parking spaces.~~

2. Part B – Prior to issue of the relevant construction certificate – Condition B21 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **686596M_02 689521M_03 and 686596M_03** words/numbers as follows:

BASIX CERTIFICATION

- B21 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~686596M_02~~ **689521M_03 and 686596M_03**, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

3. Part B – Prior to issue of the relevant construction certificate – Condition B27 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **December 2018** words/numbers as follows:

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B27 The project must incorporate all design, operation and construction measures as identified in the ESD Report, prepared by Cundall, dated ~~February 2016~~ **December 2018**. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

4. Part B – Prior to issue of the relevant construction certificate – Condition B29 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **54** words/numbers as follows:

NUMBER OF CAR PARKING SPACES

- B29 A maximum of ~~53~~ **54** residential car parking spaces is to be provided for the development. No car parking spaces shall be allocated to other uses or visitor car parking. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

5. Part B – Prior to issue of the relevant construction certificate – Condition B30 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **56** words/numbers as follows:

NUMBER OF BICYCLE PARKING SPACES

- B30 A minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

| Bicycle parking allocation | Number |
|--|--------------------------------|
| Residential (one space per unit to be provided within individual basement storage areas) | 56 <u>58</u> |
| Non-residential | 35 |
| Visitors | 30 |
| Total | 123 |

6. Part B – Prior to issue of the relevant construction certificate – Condition B51 is added by the insertion of **bold and underlined** words/numbers as follows:

HERITAGE INTERPRETATION PLAN

B51 Prior to the issue of the relevant Construction Certificate, the applicant shall submit to the Secretary for approval a Heritage Interpretation Plan, including implementation details in accordance with the report entitled Interpretation Strategy, 85 Harrington Street, The Rocks, prepared by Urbis Pty Ltd dated January 2016. The Heritage Interpretation Plan must be prepared by a suitably qualified heritage consultant. A copy of the strategy must be provided to the Certifying Authority.

7. Part B – Prior to issue of the relevant construction certificate – Condition B52 is added by the insertion of **bold and underlined** words/numbers as follows:

BAKER'S TERRACE WET AREAS

B52 Prior to the issue of the relevant Construction Certificate, the applicant shall demonstrate to the satisfaction of the certifier that the proposed wet areas within the Baker's Terraces can be installed in a manner that is reversible and does not impact on original or significant fabric.

8. Part B – Prior to issue of the relevant construction certificate – Condition E11 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **bold and underlined** words/numbers as follows:

ENVIRONMENTAL PERFORMANCE

E11 Prior to the issue of the any Occupation Certificate, the applicant shall implement the commitments outlined in BASIX Certificate No. ~~686596M_02~~ **689521M 03 and 686596M 03.**

9. Part B – Prior to issue of the relevant construction certificate – Condition E19 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **bold and underlined** words/numbers as follows:

ENVIRONMENTAL ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E19 Prior to the issue of an Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with the recommendations and principles highlighted within the ESD Report, prepared by Cundall, dated ~~February 2016~~ **December 2018** and submitted with the EIS.

10. Part B – Prior to issue of the relevant construction certificate – Condition E26 is added by the insertion of **bold and underlined** words/numbers as follows:

BAKER'S TERRACE WET AREAS

E26 Prior to the issue of the relevant Occupation Certificate, the applicant shall demonstrate to the satisfaction of the certifier that the proposed wet areas within the Baker's Terraces have been installed in a manner that is reversible and does not impact on original or significant fabric.

End of Modification (SSD 7037 MOD 2)