

# 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 November 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Director  
Metropolitan & Regional Projects South

Sydney 16 May 2013

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## SCHEDULE 1

**Concept Plan:**

MP10\_0110 granted by the Planning Assessment Commission on 14 November 2012

**For the following:**

Concept Plan for Residential Development including:

- 35,000m<sup>2</sup> of residential gross floor area;
- 5 Residential building envelopes and a communal facility building envelope;
- 3 level basement car park envelope;
- retention and reuse of the Tellaraga cottage; and
- public domain works including a through site link and road upgrades.

**Modification:**

MP10\_0110 MOD2 including:

- an increase in height of the building envelope at the southern end of Building B from 2 to 4 storeys;
- reduction of the 7<sup>th</sup> floor setback of buildings fronting Belmore and Porters Streets from 4 metres to a minimum of 3 metres, as measured from the building facade;
- an increase in the height of any lift overruns to Building B by an additional 300mm above the maximum of envelope height (to RL 43.8); and
- vehicular servicing for the apartments to be carried out at grade (instead of within the basement) and within the building.

## SCHEDULE 2 CONDITIONS

The Concept Plan for MP10\_0110 is modified as follows:

- (a) Part A – Terms of Approval, A1 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~struck-out~~ words / numbers as follows:

### A1. Development Description

Concept Approval is granted to the development described below:

- (a) a residential development involving a maximum Gross Floor Area of 35,000m<sup>2</sup>;
  - (b) 5 residential building envelopes ranging in height from ~~2~~ **4** to 8 storeys and a 1 storey communal facility building envelope;
  - (c) 3 level basement car park envelope;
  - (d) retention and reuse of the Tellaraga cottage and other associated significant features; and
  - (e) landscaping and open space areas.
  - (f) provision of a pedestrian/bicycle through site link; and
  - (g) road upgrades at the intersection of Constitution Road and Belmore Street.
- (b) Part A – Terms of Approval, A2 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~struck-out~~ words / numbers as follows:

### A2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with:

- the Environmental Assessment dated August 2011 prepared by Don Fox Planning, except where amended by the Preferred Project Report dated May 2012 including all associated documents and reports, and additional information submitted 27 June 2012, 6 August 2012, 23 August 2012, and 7 September 2012;
- the Statement of Commitments prepared by Don Fox Planning; **and**
- **the Environmental Assessment for MP10\_0110 MOD2 dated 8 April 2013 and addendum dated 24 April 2013 modification; and**
- the following drawings:

Concept Plan Drawings prepared by NBRSPartners			
Drawing No.	Revision	Name of Plan	Date
09002-EA02-C	C	Concept Plan Zoning	03/04/2012
09002-EA03-C	<del>C</del> <b><u>D</u></b>	Above Ground Primary Development Controls – Depth, Separation & Setbacks	<del>03/04/2012</del> <b><u>23/04/2013</u></b>
09002-EA04-C	<del>C</del> <b><u>D</u></b>	Above Ground Primary Development Controls – Heights	<del>03/04/2012</del> <b><u>23/04/2013</u></b>
09002-EA05-C	<del>C</del> <b><u>D</u></b>	Below Ground Building Envelopes	<del>03/04/2012</del> <b><u>23/04/2013</u></b>
09002-EA06-C	<del>C</del> <b><u>D</u></b>	Accommodation Types & Site Access/ Exit Zones	<del>03/04/2012</del> <b><u>23/04/2013</u></b>
09002-EA07-C	C	Street Elevations	03/04/2012
09002-EA08-C	<del>C</del> <b><u>D</u></b>	Street Elevations	<del>03/04/2012</del> <b><u>23/04/2013</u></b>
09002-EA09-C	C	Sections	03/04/2012
09002-EA10-C	C	Sections	03/04/2012

09002-EA11-C	C	Sections	03/04/2012
09002-EA12-C	<b><u>C D</u></b>	Belmore Street Elevation	<b><u>03/04/2012</u></b> <b><u>23/04/2013</u></b>
09002-EA13-C	<b><u>C D</u></b>	Staging Plan	<b><u>03/04/2012</u></b> <b><u>23/04/2013</u></b>
09002-EA51-C	<b><u>C D</u></b>	Potential Communal Open Space	<b><u>03/04/2012</u></b> <b><u>23/04/2013</u></b>
09002-EA53-C	<b><u>C D</u></b>	Deep Soil Area	<b><u>03/04/2012</u></b> <b><u>23/04/2013</u></b>
09002-EA54-C	<b><u>C D</u></b>	Public Accessways	<b><u>03/04/2012</u></b> <b><u>23/04/2013</u></b>

- (c) Part A – Terms of Approval, A6 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~struck-out~~ words / numbers as follows:

#### **A6. Maximum Height**

The maximum height for the development shall be consistent with the Concept Plan height plans for each building as detailed in the table below.

<b>Building</b>	<b>Maximum Building Height</b>
Building A	Maximum RL of 45.5 metres AHD (4-7 storeys + plant)
Building B	Maximum RL of 43.5 metres AHD ( <del>2</del> <b><u>4</u></b> -7 storeys + plant)
Building C	Maximum RL of 43.8 metres AHD (4-6 storeys + plant)
Building D	Maximum RL of 46.8 metres AHD (Part 7/8 storeys + plant)
Building E	Maximum RL of 46.8 metres AHD (7 storeys + plant)
Building F	Maximum RL of 28.5 metres AHD (1 storey + plant)

**The maximum height specified excludes any lift overrun to Building B, which may be permitted to project to a maximum extent of 300mm above the nominated RL as set out in the table above.**

- (d) Future Environmental Assessment Requirements C1 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~struck-out~~ words / numbers as follows:

#### **C1. Built Form**

Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation/articulation of the buildings and range of high quality materials and finishes. In particular:

- the upper 7<sup>th</sup> storey of buildings facing Belmore and Porter street are to provide a minimum setback of ~~4~~ **3** metres from the building façade;
- the upper 6<sup>th</sup> and 7<sup>th</sup> storey of Building E at the southern façade shall be setback a minimum of 5 metres from the building façade;
- the building separation between Building Envelopes B and C shall be increased to a minimum of 9 metres; and
- all storeys above the 4<sup>th</sup> storey are to use light colours and an architectural treatment that achieves a light weight external appearance that reduces the visual bulk of the buildings.

- (e) Future Environmental Assessment Requirements C13 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~struck-out~~ words / numbers as follows:

### **C13. Apartment Servicing**

Future development applications shall demonstrate that vehicular servicing and waste receptacles and collection for the residential apartments can be accommodated within the basement car park. Such facilities may be alternatively located at ground level within the approved building envelope, subject to an assessment of whether they are:

- a) wholly contained within the building envelope,
- b) appropriately and sympathetically designed; and
- c) accessed in an appropriate manner.

**End of Modification to MP10\_0110**