

Modification of Minister's Approval

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

As delegate of the Minister for Planning, under delegation dated 10 November 2014, I approve the modification of the concept plan referred to in Schedule 1, subject to the amendments to the terms of approval and future environmental assessment requirements in Schedule 2.



Ben Lusher
Acting Director
Industry and Key Sites

Sydney 12 November

2014

SCHEDULE 1

Application No.:	MP10_0237
Proponent:	Mirvac Projects/AMP Capital Investors
Approval Authority:	Minister for Planning
Land:	71-79 Macquarie Street, Sydney, including Lot 1 DP 202431, the adjoining public road to the west and the basement beneath Macquarie Street to the east
Concept Approval:	Concept Approval comprising: <ul style="list-style-type: none">• the building envelope (above and below ground);• land uses being a mix of permanent residential, serviced apartment and retail land uses;• a pedestrian colonnade and through-site pedestrian link; and• pedestrian and vehicular access arrangements.
Modification Number:	MP10_0237 MOD 1
Modifications:	The modification includes the addition of new provisions relating to the calculation of floor space ratio and heritage floor space.

SCHEDULE 2

AMENDMENTS TO TERMS OF APPROVAL

1. In Schedule 2, Part A, insert the following new Term of Approval:

A6. FLOOR SPACE RATIO AND HERITAGE FLOOR SPACE

Part 6 of Sydney Local Environmental Plan 2012 does not apply to the determination of any future application pursuant to this Concept Plan, and FSR and HFS are instead to be calculated in accordance with Schedule 3.

Any future application that will require the allocation of HFS in accordance with Schedule 3 will be subject to an appropriate condition of consent to ensure that the allocation occurs, in accordance with Schedule 3.

AMENDMENTS TO FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

2. In Schedule 3, insert the following 2 new Future Environmental Assessment Requirements:

22. FLOOR SPACE RATIO AND HERITAGE FLOOR SPACE

For the purpose of calculating the Floor Space Ratio (FSR), the site area is 1,207 m².

Gross Floor Area (GFA) is to be calculated in accordance with Sydney Local Environmental Plan 2012 definitions (with the exception that all car parking in accordance with Sydney Local Environmental Plan 2005 is to be deducted from GFA).

Any GFA for the site over and above 9,656m² (FSR of 8:1) is to be treated as additional floor space (being 'accommodation floor space') and will require the allocation of Heritage Floor Space (HFS) (purchased and transferred) to the development. The allocation of HFS is to be undertaken with regard to the provisions of the Sydney Local Environmental Plan 2012, as set out below.

The formula to be used when calculating the applicable HFS for this development is:

- Site Area: 1,207 m²
- Base FSR = 8:1

$$\text{HFS} = \frac{(\text{gross floor area} - 9,656\text{m}^2)}{2}$$

Less HFS Deductions

HFS Deductions:

- Through Site Link Deduction - (250sqm or 50% of HFS, whichever is the lesser)

23. ALLOCATION OF HERITAGE FLOOR SPACE

Prior to the final Construction Certificate being issued, Council's written verification must be obtained, confirming that heritage floor space (as calculated in accordance with condition 22 of Schedule 3) was allocated (purchased and transferred) to the development. Notwithstanding condition A6, the process of allocation is to be undertaken in accordance with the provisions of the Sydney Local Environmental Plan 2012.

END OF MODIFICATIONS - MP10_0237 MOD 1