

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7702

Notice of Modification

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

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2016

SCHEDULE 1

Project Approval: MP 08_0241 granted by the Minister for Planning on 25 May 2010

For the following: Project Approval (including subsequent modifications) including:

- demolition of the existing buildings on both sites;
- excavation for 6 levels of basement;
- construction and use of a 36 storey commercial and retail building together with 6 levels of basement car parking with vehicular access via Walker Street; and
- construction of a ground floor podium level to allow for pedestrian thorough-fare and on-site streetscape, footpath reconstruction and infrastructure works in Mount Street, Walker Street and Spring Street together with public art works.

Proponent: Laing O'Rourke Mount Street Pty Ltd

Consent Authority: Minister for Planning

The Land: 86-96 Mount Street (Lot 1 DP 702144) and 100 Mount Street (Lot 100 in DP 624581), North Sydney

Modification: MP 08_0241 MOD 5: the modification includes:

- increase the GFA from 46,359m² to 47,186m²;
- reconfiguration of basement level layouts, including
 - increase the number of car parking spaces to 118; and
 - reduce the number of motorcycle spaces to 15;
- extend hours of construction and demolition;
- increase the height of roof plant (to a maximum height of RL203.1) and
- other internal and external amendments.

SCHEDULE 2

The approval (MP 08_0241) is modified as follows:

- (a) Schedule 2 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP 08_0241 and the Environmental Assessment dated July 2009 prepared by Urbis, except where amended by the Preferred Project Report dated December 2009 prepared by Urbis and **additional information, plans and reports provided with the Preferred Project Report, and the drawings prepared by Rice Daubney**; as amended by:

- a)** MP 08_0241 MOD 1, the Section 75W Modification prepared by Urbis dated September 2011 (as amended by correspondence dated 21 November 2011 and the drawings prepared by Architectus); **as amended by**
- b)** MP 08_0241 MOD 2, the Section 75W Modification prepared by Urbis dated December 2013; **and as amended by**
- c)** MP 08_0241 MOD 4, the Section 75W Modification prepared by Urbis dated December 2015, and Response to Submissions dated 25 February 2016;
- d)** MP08_0241 MOD5, the Section 75W Modification prepared by Urbis dated June 2016, and Response to Submissions dated 22 August 2016; and
- e)** the following drawings **prepared by Skidmore Owings and Merrill LLP and Architectus:**

Architectural (or Design) Drawings prepared by Architectus Sydney Pty Ltd at Appendix A of the Environmental Assessment, except where superseded by the Preferred Project Report and the Section 75W Modification and as listed below			
Drawing No.	Rev	Name of Plan	Date
DA 100	D <u>E</u>	Cover Sheet	16.12.15 <u>18.05.16</u>
DA 104	A	Existing Site Survey	12.08.11
DA 107	D <u>E</u>	Ground Plane	16.12.15 <u>18.05.16</u>
DA 109	C <u>D</u>	Site Plan	16.12.15 <u>18.05.16</u>
DA 116	D <u>E</u>	Ground Floor Plan	16.12.15 <u>18.05.16</u>
DA 116-1	<u>A B</u>	Lower Ground Mezzanine Plan – Retail <u>Mezzanine</u>	16.12.15 <u>18.05.16</u>
DA 117	D <u>E</u>	Retail Level Plan	16.12.15 <u>18.05.16</u>
DA 118	C <u>D</u>	Plan – B1 Level	16.12.15 <u>18.05.16</u>
DA 119	C <u>D</u>	Plan – B2 Level	16.12.15 <u>18.05.16</u>
DA 120	C <u>D</u>	Plan – B3 Level	16.12.15 <u>18.05.16</u>
DA 121	C <u>D</u>	Plan – B4 Level	16.12.15 <u>18.05.16</u>

DA 122	D E	Plan – B5 Level	24.02.16 18.05.16
DA 123	D E	Plan – B6 Level	24.02.16 18.05.16
DA 124	C D	General Arrangement Plan – Ground Mezzanine (Management Office)	16.12.15 18.05.16
DA 124-1	C D	General Arrangement Plan – Level 1 (Amenities)	16.12.15 18.05.16
DA 124-2	A B	Level 1 Mezzanine - Plant	16.12.15 18.05.16
DA 125	C	Plan – Typical Low Rise Level	16.12.15
DA 126	C	Plan – Typical Mid Rise Level	16.12.15
DA 127	C	Plan – Typical High Rise Level	16.12.15
DA 127-1	A B	Plan – Level 3334	16.12.15 18.05.16
DA 128	C D	Plant Level Plan Plan Level 35	16.12.15 18.05.16
DA 128-1	C D	Plant Mezzanine Level Plan Plan – Level 36	16.12.15 18.05.16
DA 129	C	Roof Plan	16.12.15
DA 130	C D	North + East Elevations	16.12.15 18.05.16
DA 130-1	C D	Contextual Elevation – North	16.12.15 18.05.16
DA 130-2	C D	Contextual Elevation – East	16.12.15 18.05.16
DA 131	C D	South + West Elevations	16.12.15 18.05.16
DA 131-1	C D	Contextual Elevation – South	16.12.15 18.05.16
DA 132	C E	Building Sections	16.12.15 18.05.16
DA 133	C D	Roof Sections	16.12.15 18.05.16
DA 134	C	Roof Rendering	16.12.15
DA 135	C D	Basement Sections	16.12.15 18.05.16
DA 139	C D	Area Schedule	16.12.15 18.05.16
DA 140	B	Material Board	16.12.11

except for:

- a) any modifications which are 'Exempt and Complying Development' as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- b) otherwise provided by the conditions of this approval.

- (b) Schedule 2 Part B – Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold struck out** words/numbers as follows:

B5 Monetary Contributions

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

(1) Amount of Contribution

Contribution*	Total (\$'s)	
Administration	77,746.99	<u>1,823.12</u>
Child Care Facilities	329,134.33	<u>7,718.89</u>
Community Centres	189,520.66	<u>4,444.71</u>
Library Acquisition	38,648.69	<u>906.39</u>
Library Premises & Equipment	117,492.74	<u>2,755.40</u>
Multi Purpose Indoor Sports Facility	44,457.68	<u>1,042.76</u>
Olympic Pool	144,883.13	<u>3,323.05</u>
Open Space Acquisition	141,699.88	<u>6,586.89</u>
Open Space Increased Capacity	280,863.94	<u>3,397.73</u>
Public Domain Improvements	3,178,526.58	<u>74,542.31</u>
Traffic Improvements	1919,930.58	<u>4,500.70</u>
Total	4,734,905.20	<u>111,041.95</u>

* Note that Section 94 contributions have been paid for MP08 0241 MOD 4. Accordingly, the above contributions have been calculated for the increased of 827m² GFA resulting from MP08 0241 MOD5.

(2) Adjustments

Should the total GFA be modified, the amount payable may be eligible for adjustment.

(3) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(4) Indexing

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

(5) Works-in-kind

In accordance with Section 2.4 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of a material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works - in - kind (for an item included on the works schedule of the North Sydney S94 Contributions Plan).

- (c) Schedule 2 Part B – Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

B6 Railway Infrastructure

The Proponent shall lodge with Council a Railway Infrastructure Contribution totalling ~~\$4,396,490.87~~ **\$4,489,479.96** to be paid by bank cheque in favour of the Transport Administration Corporation. Evidence of the payment shall be provided to the Certifying Authority prior to the issue of the relevant Occupation Certificate.

Should the total GFA be modified, the amount payable may be eligible for adjustment. In this case, a report by an appropriately qualified Surveyor shall be submitted to and approved by the Director-General demonstrating the total amount of constructed GFA.

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

- (d) Schedule 2 Part B – Condition B8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

B8 Required Infrastructure Works – Submission and Approval of Plans under Roads Act 1993

Prior to the issue of any Construction Certificate referencing ~~building works at or above ground floor level~~ **required infrastructure works, or any building works interfacing with the required infrastructure**, the Proponent must have construction issue engineering design plans and specifications prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide technical engineering detail and specification for the following road reserve infrastructure works that must be completed as part of the project approval:

Mount Street

- (a) Construction of a fully new standard upright concrete kerb and gutter over entire site frontage, gutter levels must match existing.
- (b) Construction of a fully new footpath over entire site frontage, to be constructed in North Sydney Council's CBD granite pavers. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- (c) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- (d) Construction of a new in-ground drainage line under the kerb and gutter at standard depth to replace the existing stormwater line over the full site frontage. The line must connect the existing Council pit in front of 84 Mount Street to the existing Council pit located at the intersection of Mount and Walker Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 525mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.
- (e) Show details and location of required street tree plantings and Council standard tree surrounds.
- (f) Re-instate parking arrangements and meters, at Applicant cost.

In lieu of the above conditions, the Applicant must design the Mount Street frontage, in consultation with Council's public domain officers and have regard to the North Sydney Council Public Domain Strategy for the pedestrianisation of Mount Street between Walker Street and Mount Street Plaza. The ground levels at the property boundary and all works to the public domain (other than tree planting) must be approved by Council prior to the issue of a Construction

Certificate for required infrastructure works, or any building works interfacing with the required infrastructure.

Walker Street

- a) Construction of a fully new standard upright concrete kerb and gutter over entire site frontage, gutter levels must match existing.
- b) Construction of a fully new footpath over entire site frontage, to be constructed in North Sydney Council's CBD granite pavers. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- c) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- d) Show details and location of required street tree plantings and Council standard tree surrounds.
- e) Re-instate parking arrangements and meters, at Applicant cost.
- f) Construct new commercial grade layback at vehicle/loading entry point(s) and car parking entry point(s).

Spring Street

- a) Street lighting to entire site frontage to meet the North Sydney CBD Lighting Upgrade Specification as required by and to the satisfaction of the Director of Engineering & Property Services.
- b) Full road width reconstruction in Spring Street over entire site frontage, concrete base slab.
- c) Provide new concrete dish crossings at the street intersections, in accordance with Council standard drawing S103.
- d) Provision for surface drainage interception and gravity conveyance to the nearest downstream in-ground system.
- e) Construct fully new upright kerb and gutter over entire site frontage adjacent to development site.
- f) Construction of a fully new footpath over entire site frontage, to be constructed in North Sydney Council's CBD granite pavers. Footpath must have 3% crossfall from site boundary falling to top of new kerb, site boundary/entrance levels to be raised from existing and accordingly above top of new kerb.
- g) Construction of new drainage lintels and kerb inlet facilities over existing pits.
- h) Show details and location of required street tree plantings and Council standard tree surrounds, if required.

Cross sections at a scale of 1:50 along the centre-line of each ground level access point to the site the must be provided. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

As levels set by Council may impact on ground floor levels within the site, the Certifying Authority must not issue any Construction Certificate referencing building works at or above ground floor level without the formal approved plans and written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for RoadWorks, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected/proposed by the works, erosion control requirements and traffic management requirements during the course of works. Detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying Major Project number.

8. Schedule 2 Part B – Condition B8A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

B8A. Public Domain Treatment

The design for the public domain and publicly accessible areas at ground level on the site is to complement the design and materials palette outlined in North Sydney Public Domain Style Manual for the public domain surrounding the site. The detailed designs for these areas must be submitted to Council for approval by Council's Director Engineering and Property Services **prior to the issue of the issue of a Construction Certificate for public domain works, or any building works which interface with the public domain.**

The bike parking on the ground floor plan, at Mount Street and Spring Street, is to be consistent with designs indicated in the North Sydney Public Domain Style Manual and installed in accordance with AS2890.3 and other relevant codes of practice. The bike parking design must be submitted to Council for approval by Council's Manager Traffic Planning.

9. Schedule 2 Part B – Condition B24 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

B24 Proposed Street Trees

All proposed street tree planting shall be resolved through further discussion with Council and that an amended landscape plan including agreed **location of plantings species**, shall be submitted and approved by Council prior to the undertaking of the road works. **Final species selection can be determined at a later date in accordance with condition E23.**

10. Schedule 2 Part B – Condition B35 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

B35 Wind Impact

An updated Wind Impact Assessment is to be prepared and is to incorporate amelioration measures to ensure the outdoor terrace achieves a pedestrian comfort level suitable for its intended use, and footpaths surrounding the site achieve a comfort level suitable for pedestrian standing, or where this is not achievable, amelioration measures are incorporated to maximise pedestrian comfort as far as possible. The proposed development shall incorporate the recommendations contained in **the updated report. Where the recommended amelioration measures require amendments to the plans, updated plans are to be submitted for the approval of the Secretary.** ~~“Pedestrian Wind Environment Study” prepared by Windtech Consultants Pty Ltd, dated 7 December 2009 and referenced “No. WA641-03F03 (rev0) – WE Report (Combined)”.~~ A report demonstrating compliance with these requirements is to be submitted

to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

11. Schedule 2 Part B – Condition B38 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~bold struck out~~ words/numbers as follows:

B38 Number of Parking Spaces

The maximum number of parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car Parking allocation	Number
Commercial / Retail car parking spaces including three (3) disabled spaces	416 <u>118</u>
Motorcycle	19 <u>15</u>

12. Schedule 2 Part B – Condition B39 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

Car Park

The proposed car park shall satisfy the following requirements:

1. That all vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.
2. The layout of the car park shall generally comply with Australian Standard AS2890.1: 1993 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be linemarked.
3. The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
4. The loading dock and access to it shall have a clear height of 3.6m. All other aspects shall generally comply with the Australian Standard AS2890.2.
5. The driveways to the site must provide minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.
6. The location of any boom gate or other vehicular access control for driveway entry to the car park (**excluding the garage roller security shutter at the Walker Street building line**) should be located a minimum of 12 metres within the boundary of the property to avoid queuing.
7. That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.
8. That “Stop” signage and “Give Way to Pedestrians” signage be installed at the exit from the car park
9. Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the relevant Construction Certificate and approved by the Certifying Authority prior to issuing of the relevant Construction Certificate

13. Schedule 2 Part B – Condition B42 is amended by the insertion of the **bold and underlined** words / numbers and deletion of ~~bold struck out~~ words/numbers as follows:

B42 Number of Loading/Unloading Spaces

The total ~~six (6)~~ **five (5)** courier car spaces, **three (3) courier motorbike spaces** and two (2) truck parking spaces shall be provided for the development to be located within the basement. Details confirming the number and location of the required spaces shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

14. Schedule 2 Part B – Condition B45 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

B45 Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) ~~The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;~~ **Evidence is to be provided to the Certifying Authority to verify that waste collection from the building can be suitably serviced on site by a private waste contractor;**
- d) ~~If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;~~
- e) ~~Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses;~~ and
- f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail, and obtain a copy of Council's Waste Handling Guide for reference purposes.

15. Schedule 2 Part B – Condition B54 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

B54 Green Star/NABERS

The Proponent shall ensure the commercial/retail building achieves ~~the relevant energy star rating as indicated in the EA dated July 2009 and the PPR dated December 2009~~ **a five star rating under Green Star Design and As Built v1.1.** The Proponent shall submit

to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

16. Schedule 2 Part C – Condition C9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

C9 Notification of New Address Developments

Prior to the ~~**commencement of any building works**~~ **issue of any Occupation Certificate**, the Private Certifying Authority must ensure that the person acting upon this consent has complied with the following:

- (a) Apply to North Sydney Council and receive written confirmation of the allocated street address. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing.

17. Schedule 2 Part D – Condition D1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

D1 Construction Hours

- 1) Building construction **works** shall be restricted to within the hours of:
- a) 7.00am to ~~5.00~~ **10:00**pm Monday to Friday;
 - b) ~~on Saturday within the hours of 8.00~~ **7:00**am to ~~4.00~~ **5:00**pm **inclusive** Saturday, ~~with; and~~
 - c) no work on Sundays and Public Holidays.
- 2) Demolition and excavation works shall be restricted to within the hours of:
- a) ~~8.00~~ **7:00**am to ~~5.00~~ **6:00**pm Monday to Friday;
 - b) ~~only~~ **7:00am to 5:00pm Saturday; and**
 - c) ~~no work on Sundays and Public Holidays.~~
- 3) ~~Construction works between the hours of 6:00pm - 10:00pm Monday to Friday shall be limited to internal fit-out works only (with the exception of deliveries, crane, hoist and external elevator operations) and shall be wholly contained within the sealed building façade with doors and windows shut. Works shall be limited to:~~
- a) ~~installation of plasterboard ceilings;~~
 - b) ~~painting;~~
 - c) ~~joinery;~~
 - d) ~~floor sanding;~~
 - e) ~~laying of carpet; and~~
 - f) ~~installation of internal services.~~
- 4) ~~Construction works between the hours of 1:00pm - 5:00pm Saturday shall be limited to:~~
- a) ~~the works listed at point 3a to 3f of this condition;~~
 - b) ~~services installation;~~
 - c) ~~jumpform works;~~
 - d) ~~formwork and reinforcement installation;~~
 - e) ~~concrete finishing work;~~
 - f) ~~survey;~~
 - g) ~~basement blockwork installation;~~

- h) substation works in basement;**
 - i) podium and lobby works;**
 - j) facade installation;**
 - k) plant room and lift work; and**
 - l) finishing trades in tower.**
- 5) All proposed demolition and construction works shall be carried out in accordance with the recommendations of the Assessment of Proposed Additional Construction Hours report prepared by Acoustic Logic dated 26 May 2016 and the requirements of Condition B52.**
- 6) No external building works shall be undertaken outside the standard construction hours of 7:00am to 6:00pm, Monday to Friday, and 8:00am to 1:00pm on Saturdays, unless specified above. The use of jackhammers and other noise generating machinery is strictly prohibited for building construction works after 6:00pm on weekdays and 1.00pm on Saturdays.**
- 7) All building construction work, including all plant and equipment operating contemporaneously, shall be subject to the maximum noise levels of 5dB(A) above the background noise level measured at the nearest residential receiver, in accordance with Section 4 of the EPA Industrial Noise Policy.**
- 8) If investigation of complaint(s), through appropriate noise testing, establishes that 'offensive' noise over the 5dB(A) background limit has occurred, and the complaint is justified, then Council or the Department will require by notice to the applicant, owner and developer, that the construction hours must revert to the hours nominated in the original consent;**
- 9) Car parking associated within the extended construction hours for internal works shall be contained wholly within the subject site on completed basement levels. The applicant/builder shall prepare a Parking Management Plan that shall specify the parking arrangements for workers after 6.00pm weekdays and 1pm Saturdays, this shall include the total number of vehicles and the proposed location where these vehicles will be parking. This Plan should also address noise abatement measures that will be in place to minimise disturbance to local residents when workers are leaving the site after the extended hours. This Parking Management Plan shall be provided to Council for approval prior to the commencement of extended construction hours of internal fitout works specified under Condition D1(3)(a) to (f) above.**

For the purposes of this condition:

- i. "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- ii. "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- iii. "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

18. Schedule 2 Part E – Condition E2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

E2 Certification and Works as Executed - Drainage Works

Prior to issue of any Occupation Certificate the Applicant shall obtain a certification from a qualified and experienced engineer that the site drainage system is installed and operating as designed in the plans and specifications referenced by the Construction Certificate. In addition, a registered surveyor must provide a works-as executed drawing showing the as built levels at all pit inlet and outlet inverts, as well as the connection point to the inground pit in ~~Willoughby~~ **Mount** Street.

19. Schedule 2 Part E – Condition E23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

E23 Required Tree Planting

~~Trees in accordance with the schedule hereunder shall be planted in Council's nature strip/footpath prior to the issue of the final Occupation Certificate required on completion of works: -~~

Schedule

Tree Species	Location	Pot Size
3 x Platanus acerifolius	Mount Street footpath area	200 litre
2 x Platanus acerifolius	Walker Street footpath area	200 litre

Street tree plantings, including design and species are to be determined in consultation with Council's public domain officers and having regard to the North Sydney Council's Public Domain Strategy and the Wind Impact Assessment required by condition B35.

The trees shall be planted in Council's nature strip/footpath prior to the issue of the final Occupation Certificate required on completion of works

The installation of **such** trees, their current health and their prospects future survival shall be certified upon completion and prior to the issue of any **a final** Occupation Certificate, by an appropriately qualified horticulturalist.

**End of Modifications to MP 08_0241
(MP08_0241 MOD 5)**