

# Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant  
Executive Director  
Key Sites and Industry Assessments

Sydney 14 March, 2018

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### SCHEDULE 1

<b>Project Approval:</b>	<b>MP 09_0146</b> granted by the Planning Assessment Commission on 19 September 2013
<b>For the following:</b>	Mixed use development incorporating basement car parking, ground floor retail area, and residential development above, communal open space, public domain landscaping and associated infrastructure works.
<b>Proponent:</b>	Crown Prosha Joint Venture
<b>Approval Authority:</b>	Minister for Planning
<b>The Land:</b>	Eastlakes Shopping Centre Eastlakes Lot 100 DP 700822 Lot 41 and 42 DP 601517 Lot 3 and 5 DP 248832
<b>Modification:</b>	<b>MP 09_0146 MOD 3:</b> the modification includes the removal of four existing trees along the northern side of Evans Avenue and replacement with six new trees.

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## SCHEDULE 2

The above approval 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 ~~struckout~~ words/numbers as follows:

### **Development in Accordance with Plans and Documentation**

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 12 July 2012 prepared by Don Fox Planning except where amended by the Preferred Project Report dated 14 March 2013 and as amended by information submitted on 8 May 2013, including all assessment documents and reports;
- the Draft Statement of Commitments prepared by Don Fox Planning and amended by Urbis dated 28 February 2018; and
- the following drawings:

<b>Architectural Plans by Rice Daubney</b>			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA02	F	Site Plan	07.05.13
DA03	G	Basement Level 2 Plan	15.02.13
DA04	H	Basement Level 1 Plan	07.05.13
DA05	H	Ground Floor Plan	15.02.13
DA06	G	Level 1 Plan	07.05.13
DA07	G	Level 2 Plan	07.05.13
DA08	G	Level 3 Plan	07.05.13
DA09	G	Level 4 Plan	07.05.13
DA10	G	Level 5 Plan	07.05.13
DA11	G	Level 6 Plan	07.05.13
DA12	G	Level 7 Plan	07.05.13
DA13	G	Level 8 Plan	07.05.13
DA14	F	Roof Plan	07.05.13
DA15	E	Building 1 & 1B Layouts	15.02.13
DA16	E	Building 1A Layouts	15.02.13
DA17	F	Building 2 & 3 Layouts	07.05.13
DA18	F	Building 4 & 4A Layouts	07.05.13
DA19	E	Building 5 Layouts	15.02.13
DA20	E	Building 6 & 6A Layouts	15.02.13
DA21	F	Building 7 Layouts	07.05.13
DA22	E	Elevations sheet 1 South Site: North and West Elevations	15.02.13
DA23	E	Elevations Sheet 2 South Site: East and South Elevations	15.02.13
DA24	E	Elevations Sheet 3 East and South Elevations	15.02.13
DA25	E	Elevations Sheet 4 North Site: North and West Elevations	15.02.13
DA26	E	Sections	15.02.13
DA27	E	Sections	15.02.13
DA28	E	Sections	15.02.13
DA45	A	Staging Plan	15.02.13
<b>Landscape Plans by Taylor Bramner</b>			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
LA01	<del>CD</del>	Concept Landscape MasterPlan	<del>28.02.1013</del>

LA02	<u>GD</u>	Tree Retention and Removal Plan	<del>28.02.1013</del> <b>03.01.2018</b>
LA03	<u>GD</u>	Public Domain Landscape Plan	<del>28.02.1013</del> <b>03.01.2018</b>
LA04	<u>GD</u>	Landscape Planning Plan	<del>28.02.1013</del> <b>03.01.2018</b>
LA05	C	Landscape Soil Depths Plan	28.02.1013
LA06	C	Landscape Details Plan	28.02.1013
LA07	C	Landscape Elevations- Barber Avenue	28.02.1013
LA08	<u>GD</u>	Landscape Elevations- Evans Avenue	<del>28.02.1013</del> <b>03.01.2018</b>
LA09	C	Landscape Elevation and Section – Gardeners Road	28.02.1013
LA10	C	Landscape Elevations- North Site East and West Elevations	28.02.1013
<b>Drawing No</b>			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
10116/6	-	Plan of Proposed Subdivision of Lot 3 DP248832, Lot 5 DP 248832, Lot 100 DP 700822 & Lot 41 DP 601517. Sheets 1 - 6	8.02.2013
10116/7	-	Plan of Proposed Subdivision of Proposed Lot 10 being part of Lot 3 DP248832, Lot 5 DP 248832, & Lot 41DP 601517. Sheets1-5	8.02.2013
<b>Engineering Plans by VDM Consulting</b>			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA010	D	Erosion & Sediment Control	05.03.13
DA011	F	Drainage & Road Modification Layout Sheet 1	26.04.13
DA012	F	Drainage & Road Modification Layout Sheet 2	26.04.13
DA013	F	Drainage & Road Modification Layout Sheet 3	06.05.13
DA014	E	OSD Tank Details	23.04.2013
DA015	D	Catchment Plan, Drainage Data & Results	23.04.2013

except for:

- 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
- 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 ~~struckout~~ words/numbers as follows:

#### **Amended Landscape Plan**

Amended landscape documentation is to be submitted and approved by the ~~Director General~~ **Secretary** prior to the issue of a Construction Certificate **for aboveground works**. The landscape plan by Taylor Brammer, Rev GD, dated ~~28 February 2013~~ **3 January 2018** shall be amended to include the following:

- (a) Three additional canopy trees (1 on the northern site and 2 on the southern site) to a mature height of 18 metres be provided to the podium communal open space areas
  - (b) Landscaping along the entire western edge of the northern podium
  - (c) Sufficient landscape details, sections and specifications are to be provided to detail planter wall finishes, podium planter construction, pavements, finishes, amenity, lighting and so on
  - (d) **Six replacement street trees are to be provided along the northern side of Evans Avenue. The replacement street trees are to be either Platanus x Acerifolia (London Plane Tree) or Corymbia Maculate (Spotted Gum), in accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council.**
- (c) Schedule 2 Part B – Condition B22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

### **Tree Protection**

The following existing trees within the public domain are to be retained:

- (a) ~~All trees on the northern side of Evans Avenue fronting/adjoining the site shown as being retained on Landscape Plan LA02 Rev C,~~
- (b) The Tristaniopsis laurina Sweeper street trees in Barber Avenue south, and
- (c) All trees within Eastlakes Reserve adjacent to the site. These trees including their above and below ground structures, must be retained and protected during development. Permission is not granted for the removal or pruning (either canopy or roots) of any of these trees without further consultation between the engaged Consultant Arborist and the City of Botany Bay Council.

In order to ensure that the abovementioned trees are protected during demolition, excavation and construction, and their health and structural stability ensured, a Consultant Arborist AQF Level 5 is to be engaged to

- (a) liaise with Council tree officers regarding their usual requirements for tree protection;
- (b) provide a survey of all existing trees;
- (c) recommend all necessary tree protection measures including
  - i. tree protection zones, ii. pruning or remedial work to trees,
  - iii. any necessary construction or excavation methods; and
  - iv. any necessary amendments to basement design to ensure the longevity of adjoining trees to be retained.

A copy of the report is to be forwarded to Council and all recommended measures are to be incorporated into the Construction Certificate drawings and Construction Environmental Management Plan.

- (d) Schedule 2 Part C – Prior to Construction is amended by the insertion of the following new Condition C10A:

### **Street Tree Installation**

**Council's Landscape Architect and Public Domain Engineer are to be invited to conduct an inspection prior to the installation of the street trees along the northern side of Evans Avenue.**

**End of Modification MP 09\_0146 MOD 3**