

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Michael Woodland
Director
Metropolitan Projects

Sydney 22 DECEMBER 2010

SCHEDULE 1

PART A — TABLE

Application made by:	Meriton Apartments Pty Ltd .
Application made to:	Minister for Planning
Major Project Application:	MP 09_0148
On land comprising:	12 – 40 Bonar Street and 5 Loftus Street, Arncliffe.
Local Government Area	City of Rockdale
For the carrying out of:	• Excavation of and dewatering of site. • Construction of basement level car parking for 401 vehicles • Erect 4 residential flat buildings comprising 307 apartments • Undertake landscaping works
Estimated Cost of Works	\$109, 324, 820
Type of development:	Major Project under Part 3A of the Act.
Determination made on:	3 March 2010
Date approval is liable to lapse:	5 years from the date of determination unless the development has been physically commenced.

PART B—NOTES RELATING TO THE APPROVAL OF MP NO. MP09_0148

Responsibility for other consents / agreements

The Proponent is responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means City of Rockdale.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment (EA) means the Environmental Assessment prepared by Meriton Apartments and dated 11 September 2009.

Minister means the Minister for Planning.

MP No. MP09_0148 means the Major Project described in the Proponent's Environmental Assessment.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report (PPR) means Preferred Project Report prepared by Meriton Apartments dated December 2009.

Proponent means Meriton Apartments Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

End of Section

SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition A2 is amended by making the following changes:

A2 Development in Accordance with Plans and Documentation

Except where amended by the Modification Application submitted by Meriton Apartments Pty Ltd on 27 July 2010 and the following drawings:

12 – 40 Bonar Street and 5 Loftus Street, Arncliffe, MP09_0148 MOD 4			
Revision	Name of Plan	Drawing Number	Date
E	LEVEL 02 – ARCH 200	A-111-L02	22/07/10
B	LEVEL 03 – ARCH 200	A-112-L03	22/07/10
B	LEVEL 04 – ARCH 200	A-113-L04	22/07/10
C	LEVEL 04 – ARCH 200	A-113-L04	11/05/2010
B	LEVEL 05 – ARCH 200	A-114-L05	22/07/10
C	LEVEL 05 – ARCH 200	A-114-L05	11/05/2010
B	LEVEL 06 – ARCH 200	A-115-L06	22/07/10
B	LEVEL 07 – ARCH 200	A-116-L07	22/07/10
B	LEVEL 08 – ARCH 200	A-117-L08	22/07/10
B	LEVEL 09 – ARCH 200	A-118-L09	22/07/10
B	BLDG A ELEVATIONS	A-130-ELEVS	22/07/10
B	BLDG B ELEVATIONS	A-131-ELEVS	22/07/10
B	BLDG C ELEVATIONS	A-132-ELEVS	22/07/10
B	BLDG D ELEVATIONS	A-133-ELEVS	22/07/10

- b) Condition B2 is amended by inserting the following:

B2 Infrastructure Contribution

A Section 94 contribution of ~~\$1,834,131.00~~ **(\$1,829,111.00)** shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of a construction certificate in accordance with Council's adopted Section 94 contributions plan

- Construct widening of the western side of Bonar Street adjacent to the site in accordance with the requirements of DCP 80 and the Wollri Creek Streetscape Design Manual (or any design manual that supersedes this manual), including design, new levels, pavement, kerb and gutter and drainage. Design and construct a threshold or raised street level within Bonar Street to constrain floodwater / overland flows (\$846,972).
- Traffic / pedestrian management facilities on existing roads within and around precinct (roundabouts, traffic lights, intersection improvements and pedestrian islands, crossings, safety fence) ~~\$212,515~~ **(\$211,184)**
- Provide / upgrade pedestrian / cycle links to Arncliffe and Turrella stations ~~\$47,536~~ **(\$47,239)**
- Provide additional traffic management facilities within Wollongong Road system ~~\$5,592~~ **(\$5,557)**

- Upgrade existing bus stops within precinct (lighting, seating, shelters) ~~\$11,185~~ **(\$11,115)**
- Central square - provide land and embellish ~~\$44,740~~ **(\$44,460)**
- Streetscaping of Bonar Street (\$185,475)
- Undergrounding the existing State Rail 33kV power lines in Bonar Street and Hirst Street ~~\$480,446~~ **(\$477,108)**. If this money is not used for this purpose within 5 years it is to be returned to the Proponent.

c) Condition B6 is amended by inserting the following:

B6 Section 94 contributions towards provision/improvement of amenities and service

A Section 94 contribution of ~~\$2,423,633.92~~ **(\$2,408,449.52)** shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of the construction certificate in accordance with Council's adopted Section 94 contributions plan. The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Regional Open Space	(\$219,902.10) \$218,524.35
City Wide Open Space	(\$339,322.06) \$337,196.21
Arncliffe Local Open Space	(\$1,371,655.23) \$1,363,061.73
City Wide Town Centre & Streetscape	(\$45,851.36) \$45,564.06
Arncliffe Local Town Centre & Streetscape	(\$33,285.95) \$33,077.40
Pollution Control	(\$202,425.04) \$201,156.84
Administration & Management – Arncliffe Precinct	(\$16,068.95) \$15,968.25
Administration & Management – Bonar Street Precinct	(\$54,314.45) \$53,974.15
Child Care Services	(\$8,261.11) \$8,209.31
Community Services	(\$13,134.07) \$13,051.72
Library Services	(\$119,413.60) \$118,665.50

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.

END OF MODIFICATION TO MP09_0148