

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 September 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of consent outlined in Schedule 2.



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney

26

September 2012

SCHEDULE 1

- Project Approval:** MP 10_0105 granted by the Planning Assessment Commission on 21 April 2011.
- Proponent:** Billbergia Developments Pty Ltd
- Land:** Lots 201 DP 1101828 – 44–46 Walker Street, Rhodes, City of Canada Bay local government area.
- Project:** Project Application for a development including:
- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
 - Retail tenancies totalling 1050msq within the lower levels of buildings A,D and E; and,
 - Basement car park over three levels containing 773 spaces; and, provision of external communal open space areas adjacent to Buildings B & C.
- Modification:** Amendments involving:
- deletion of common rooms and home office use within Building A, to be replaced as retail tenancies involving an overall increase of 298m² of retail gross floor area;
 - revised architectural drawings for Buildings A, B, C and D;
 - three additional retail car parking spaces; and,
 - amendments to conditions 1, 22, 34, 38 and 82.

SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

(a) Schedule 1 is amended as follows:

SCHEDULE 1

Application No.: MP10_0105

Proponent: Billbergia Developments Pty Ltd

Approval Authority: Planning Assessment Commission

Land: 40 Walker Street, Rhodes (Lot 201 in DP 1101828)

Project: Project Application for a development including:

- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling 4050msq **1348m²** within the lower levels of buildings A,D and E;
- Basement car park over three levels containing **773 783** spaces; and, provision of external communal open space areas adjacent to Buildings B & C.

(b) Condition 1 is amended as follows:

1. GCP1 Approved Plans and Supporting Documents

The development shall be carried out substantially in accordance with the approved stamped and signed plans and / or documentation listed below **except where modified by any following conditions:**

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A - Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011)			
Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44–46 Walker Street Rhodes, prepared by Architectus, dated May 2012 (MOD 1)			
<i>Architectural (or Design) Drawings prepared by SJB Architects</i>			
<i>Drawing</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
A-0101	4A A-2	Locality / Context Plan	22/02/2011 18.04.2012
A-0102	4A A-2	Site Analysis Plan 1	22/02/2011 18.04.2012
A-0201	4A A-4	Level 2 Basement	22/02/2011 06.09.2012
A-0202	4A A-4	Level 1 Basement	22/02/2011 06.09.2012

A-0203	4A A-2	Podium Plan	22/02/2011 18.04.2012
A-0204	4A A-2	Level 01 Plan	22/02/2011 18.04.2012
A-0205	1A	Level 02 Plan	22/02/2011
A-0206	4A A-2	Level 03 Plan	22/02/2011 18.04.2012
A-0207	4A A-2	Level 04 Plan	22/02/2011 18.04.2012
A-0208	4A A-2	Level 05 Plan	22/02/2011 18.04.2012
A-0209	4A A-2	Level 06 Plan	22/02/2011 18.04.2012
A-0210	4A A-2	Level 07 Plan	22/02/2011 18.04.2012
A-0211	4A A-2	Level 09 Plan Level 08 Plan Levels 09-12 similar	22/02/2011 18.04.2012
A-0212	4A A-2	Level 13 Plan Levels 14-15 similar	22/02/2011 18.04.2012
A-0213	4A A-2	Level 16 Plan	22/02/2011 18.04.2012
A-0214	4A A-2	Level 17 Plan Level 18 similar	22/02/2011 18.04.2012
A-0215	4A A-2	Level 19 Plan	22/02/2011 18.04.2012
A-0216	4A A-2	Level 20 Plan	22/02/2011 18.04.2012
A-0217	4A A-2	Level 21 Plan Levels 22-24 similar	22/02/2011 18.04.2012
A-0218	4A A-2	Roof Plan	22/02/2011 18.04.2012
A-0221	4A A-2	Area Calculations - GFA	22/02/2011 18.04.2012
A-0222	4A A-2	Area Calculations - GFA	22/02/2011 18.04.2012
A-0223	1A	Area Calculations - Open Space	22/02/2011
A-0231	4A A-2	Apartment Typologies - Bldg A	22/02/2011 18.04.2012
A-0232	4A A-2	Apartment Typologies - Bldg B & C	22/02/2011 18.04.2012
A-0233	1A	Apartment Typologies - Bldg D & E	22/02/2011
A-0234	1A	Apartment Typologies - Adaptable	22/02/2011
A-0251	1A	Shadows (Winter) - June 21 (9am - 12pm)	22/02/2011
A-0252	1A	Shadows (Winter) - June 21 (1pm - 3pm)	22/02/2011
A-0253	1A	Shadows (Summer) - December 21 (9am - 12pm)	22/02/2011
A-0254	1A	Shadows (Summer) - December 21 (1pm - 3pm)	22/02/2011
A-0255	1A	Shadows - Equinox 9am - 12pm	22/02/2011
A-0256	1A	Shadows - Equinox 1 - 3pm	22/02/2011
A-0501	4A A-2	Elevation - Walker St & Timbrol Avenue Elevation	22/02/2011 18.04.2012
A-0502	4A A-2	Elevation - Shoreline Avenue & Gauthorpe Street Elevation	22/02/2011 18.04.2012
A-0503	4A A-2	Elevations - BLDG A North & East	22/02/2011 18.04.2012
A-0504	4A A-2	Elevations - BLDG A	22/02/2011

		East & West	18.04.2012
A-0505	4A A-2	Elevations - BLDG B North, South, East & West	22/02/2011 18.04.2012
A-0506	4A A-2	Elevations - BLDG C North & South	22/02/2011 18.04.2012
A-0507	4A A-2	Elevations - BLDG C East & West	22/02/2011 18.04.2012
A-0508	4A A-2	Elevations - BLDG D North & East	22/02/2011 18.04.2012
A-0509	4A A-2	Elevations - BLDG D South & West	22/02/2011 18.04.2012
A-0510	4A A-2	Elevations - BLDG E North, South, East & West	22/02/2011 18.04.2012
A-0601	1A	North South Site Section	22/02/2011
A-0602	1A	East West Site Section	22/02/2011
A-0603	1A	External Material Finishes	22/02/2011
A-0901	1A	3D Visualisations	22/02/2011
A-0902	1A	3D Visualisations	22/02/2011
A-0903	1A	3D Visualisations	22/02/2011
Stormwater Concept Plans prepared by Cardno ITC			
Drawing	Revision	Name of Plan	Date
N10957-STW - H00	02	Coversheet	16/02/2011
N10957-STW - H01	02	Basement 2	16/02/2011
N10957-STW - H02	02	Basement 1	16/02/2011
N10957-STW - H03	02	Stormwater Sketch	16/02/2011
N10957-STW - H04	02	Stormwater Details	16/02/2011
N10957-STW - H05	02	Rainwater Tank Details	16/02/2011
N10957-STW - H06	02	Sediment & Erosions Control Plan	16/02/2011

Note 1:

Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 75W of the Environmental Planning and Assessment Act.

Note 2:

A warning to all Accredited Certifiers. You should always insist on sighting the original approved plans/documentation containing the stamp of the approving authority and not rely solely upon the plan reference numbers in this condition. Should the proponent not be able to provide you with original copies, you should request the approving authority to provide you with access to its files so you that may review the original copies of approved documentation.

Note 3:

The approved plans and supporting documentation may be subject to conditions imposed under section 75J of the Act modifying or amending the development (refer to conditions of approval which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

(c) Condition 22 is amended as follows:

22. Renewing Rhodes Contributions:

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall be paid to Council under the *Renewing Rhodes Contributions Framework*:

Total Amount of Contribution

Residential Component

Category	Rate	Amount
Community Facilities	1 bedroom unit (\$1,176.44) x 292	\$343,520.48
	2 bedroom unit (\$2,138.98) x 413	\$883,398.74
	3 bedroom unit (\$2,780.67) x 30	\$83,420.10
SUB-TOTAL		\$1,310,339.32
Open Space	1 bedroom unit (\$1,196.39) x 292	\$349,345.88
	2 bedroom unit (\$2,175.26) x 413	\$898,382.38
	3 bedroom unit (\$2,827.84) x 30	\$84,832.20
SUB-TOTAL		\$1,332,563.46
Roads	1 bedroom unit (\$630.33) x 292	\$184,056.36
	2 bedroom unit (\$1,146.06) x 413	\$473,322.78
	3 bedroom unit (\$1,489.88) x 30	\$44,696.40
SUB-TOTAL		\$702,075.54
TOTAL		\$3,344,978.32

Retail Component (based on 1050m² 1348m²)

Category	Rate	Amount
Library	\$72.23 (per100m ²)	\$758.42
		\$973.66
Roads	\$2518.74 (per100m ²)	\$26,446.77
		\$33,952.62
TOTAL		\$27,205.19
		\$34,926.28

OVERALL TOTAL		\$3,372,183.51
		\$3,379,904.60

Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate for above ground works on each lot.**

Note - Subject to negotiation with the proponent Council may permit the staged payment of the above-mentioned contributions.

Indexing

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently **173.1** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)

(d) **Condition 34 is amended as follows:**

34. CCV8 Off Street Car Parking Space Provision

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than ~~780~~ **783** spaces are required and designated as follows:

Car Parking Allocation	Number
Standard Residential Car Parking Spaces	735
Inclusive Residential Adaptable Car Spaces	111
Visitor Parking	30
Residential Service Vehicles	Nil
Motorcycle Parking	Equiv. to 7
Retail Parking	8 11
Retail Service Vehicles	Nil
Total Spaces Agreed by this Approval	780 783

- All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above

- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard. **Adaptable car parking spaces may have a minimum width of 3600mm (x 5400mm), and may share space with adjacent walkways and other adaptable car parking spaces.**
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

(Reason: Parking and access)

(e) **Condition 38 is amended as follows:**

38. CCV14 Vehicular Circulation, Aisles & Ramps

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 – Off-Street Car Parking Code.

~~**Note: Any security gates to be provided at both entrances to the proposed carpark off Nina Grey Avenue and Meredith Avenue to the ground level areas of each carpark shall be located and/or designed to ensure that full and unrestricted access to the child care centre and retail spaces is available during all hours that these uses are in operation. Arrangements shall be made through Council prior to occupation of the building to enable access for garbage trucks.**~~

(Reason: Parking and access)

(f) **Condition 82 is amended as follows:**

82. DWS1 Progress Survey – Major Development (greater than two stories)

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work;
- (c) Post placement of concrete at each ~~second floor~~ **roof** level showing the principal level of the formwork;

- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

As-built levels may vary +/- 30mm from the levels (SSL's) shown on the drawings.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)