

# Modification to a Major Projects application



NSW GOVERNMENT  
Department of Planning

Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Modification Application No. \_\_\_\_\_

## 1. Before you lodge

Under section 75W of the *Environmental Planning and Assessment Act, 1979* (the Act) this form is required to apply for the modification of an approval of the Minister to carry out a Project to which Part 3A of the Act applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your Project.

To ensure that your application is accepted as being duly made, you must:

- complete ALL parts of this form, and
- submit all relevant information required by this form.

**All applications must be lodged with the Director-General, by courier or mail.**

Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000

GPO Box 39, SYDNEY NSW 2001

T: 02 9228 6111

F: 02 9228 6455

## 2. Details of the proponent

Company/organisation/agency

ABN

COLONIAL FIRST STATE PROJECT MANAGEMENT

101504045

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Family name

### STREET ADDRESS

Unit/street no.

Street name

134

DANDENONG ROAD

Suburb or town

State

Postcode

CHRISTINE

VIC

3148

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

03 99301495

0405 134857

E-mail

daniel.stubbings@cfpm.com.au

### 3. Identify the land you propose to develop

#### STREET ADDRESS

Unit/street no.

345

Street or property name

VICTORIA AVENUE

Suburb, town or locality

CHATWOOD

Postcode

NSW

Local government area

#### REAL PROPERTY DESCRIPTION

CHATWOOD CHASE SHOPPING CENTRE

OR: detailed description of land attached ☐

The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the Modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

### 4. Details of the original Major Project

Describe what the original consent allows

ALTERATIONS AND ADDITIONS TO CHATWOOD CHASE SHOPPING CENTRE  
AT 345 VICTORIA AVE, 19 HAVILAH ST + 8 MALVERN AVENUE CHATWOOD

What is the Project  
Application no?

What is the date of  
consent?

What was the original estimated  
cost of the project (incl GST)

MAJOR PROJECT NO. 06-0301 19/12/07 \$103.5m

### 5. Describe the modification you propose to make

AS OUTLINED IN ATTACHED LETTER FROM WILLOUGHBY CITY  
COUNCIL. CONDITIONS F1 AND F24.

## 6. Application fee

For development that involves a building or other work, the fee for your modification application is based on the estimated cost of the original development.

Estimated Project Cost:

Total fees lodged:

## 7. Signatures

The owner(s) of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application.  
If the land is Crown land, an officer of the Department of Lands must sign the application.

Signature:

Name:

Date:

Signature:

Name:

Date:

## 8. Proponent's Signatures

As the proponent(s) of the proposed Major Project and in signing below, I/we hereby declare that all information contained within this application is accurate at the time of signing.

Signature:

Name:

Date:

If not Proponent, in what capacity are you signing:

Name, if you are not the proponent:



## ENVIRONMENTAL SERVICES

8 September 2008

The Director General  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Andrew Smith – Urban Assessments

Dear Andrew,

**Re: 345 Victoria Avenue, CHATSWOOD NSW 2067.  
SPP-2007/9**

A complication has arisen with respect to the timing requirements of conditions F1 and F24 of Major Projects consent M06\_301 for alterations and additions to Chatswood Chase Shopping Centre.

Attached is a letter form CFSPM outlining the circumstances.

Condition F1 concerns a standard requirement to consolidate the site into one allotment and Condition F24 concerns a standard requirement for a positive covenant/restriction on use over the stormwater retention and detention systems required to be installed on the site.

The timing complication arises due to the company ownership pattern for the land held by Colonial First State Property Management Pty Ltd. The satisfying of conditions F1 and F24 will involve transfer of the allotments to a single entity as part of the legal processes to satisfy those conditions.

The staged nature of the construction works that facilitate the continued functioning of the Chatswood Chase Shopping Centre throughout the construction program will mean the need for release of interim occupation certificates for areas of completed work prior to the possible completion date of the requirements Conditions F1 and F24.

Council has no objection to and supports a minor variation of the conditions of consent to accommodate the circumstances. Council acknowledges the complex nature and timing of the construction work while maintaining an operating shopping centre.

It is considered that the Minister should give consideration to varying the terms of Part F of MP06\_0301 as follows (changes identified in italics):

Reference: S070009  
Enquiries: Noni De Carvalho

## Willoughby City Council

### F1 Registration of Plan of Consolidation

Prior to the issue of a *Final* Occupation Certificate in zones A, B, C and D (Construction Certificate CC3), all individual allotments in the development site shall be consolidated into a single allotment and evidence of registration of the plan of consolidation shall be submitted to Willoughby Council.


### F24 S88B/88E(iii) Instrument

Create a Positive Covenant and Restriction on Use of Land on the Title in favour of Willoughby Council prior to issue of a *Final* Occupation Certificate for Construction Certificate CC3. The purpose of this is to ensure that the registered proprietor has control and maintenance obligations of the on-site stormwater retention system (OSR) and on-site stormwater detention system (OSD), including roof guttering and downpipe systems. A copy of Council's draft terms for the instrument is available from Council on request. Documentary evidence of registration of these instruments with the NSW Department of Land is to be submitted to Council.

The above instruments can be created under Section 88b of the Conveyancing Act 1919 for newly created lots. For an existing lot, a Positive Covenant and Restriction on the Use of Land can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSR and OSD systems, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Council considers that the proposed variations are of a minor nature relating only to procedural conditions. No notification of the variation is considered necessary as there are no external environmental impacts arising from the proposed variations.

Yours faithfully



Noni De Carvalho  
Chatswood CBD Place Manager

**Colonial**  
**First State**  
**Property Management**

Colonial First State Property Management  
PO Box 104  
Chadstone Shopping Centre  
Victoria 3148  
Telephone: +61 3 9936 1222  
Facsimile: +61 3 9936 1333  
Website: [www.cfspm.com.au](http://www.cfspm.com.au)

5<sup>th</sup> September 2008

Noni De Carvalho  
Willoughby City Council  
PO Box 57  
Chatswood NSW 2057

Dear Noni

**RE: Chatswood Chase Shopping Centre**

We refer to our recent discussions regarding the redevelopment of Chatswood Chase Shopping Centre and in particular the obligation to consolidate the development sites into a single allotment prior to the issue of any Occupancy Certificate in Zone A,B,C and D.

As we discussed, the plan of consolidation has been prepared by our surveyors and is ready to be lodged however prior to doing so the various allotments need firstly to be transferred into a common entity. This process is likely to take at least 8 weeks following which the Plan of Consolidation can be registered.

CFSPM on behalf of the owners of Chatswood Chase undertake to proceed with the registration of the Plan of Consolidation and seek the consent of the Council and Department of Planning to amend Condition F1 to apply prior to the issue of the Final Occupancy Certificate.

In addition, we also propose to amend Condition F24 so that it also applies prior to the issue of the Final Occupancy Certificate. The on-site stormwater detention system will not be in operation until the development is complete, therefore we suggest it would be more practical to comply with this condition prior to completion of the development.

We look forward to your response in due course.

Yours faithfully  
COLONIAL FIRST STATE PROPERTY MANAGEMENT PTY LTD  
ACN 101 504 045



Daryl Stubbings  
REGIONAL MANAGER DEVELOPMENT