

# Modification of Major Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I approve the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.



Richards Pearson  
Deputy Director-General

Sydney 15<sup>th</sup> December 2011

MP 08\_0087 MOD 1

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## SCHEDULE 1

Project Application for Stage 1 demolition, remediation, and Torrens Title Subdivision, associated roads, landscaping and infrastructure and development of proposed Lot 11 (MP08\_0087) granted by the Minister on 4 February 2010, comprising:

- (1) Development approval is granted only to carrying out the development described in detail below:
  - (a) Demolition, remediation and Torrens Title Subdivision.
  - (b) Development of proposed Lot 11:
    - i. Four (4) storey multiple-unit residential building (with child care centre) – 6,521m<sup>2</sup>
    - ii. Child Care Centre - 547m<sup>2</sup>
    - iii. **Stratum subdivision for 2 lots and Strata subdivision**
  - (c) Construction of associated roads, landscaping and infrastructure.
- (2) Notwithstanding any other conditions of this approval, nothing in this instrument approves development on land referred to as proposed Lot 42, except development for the purpose of subdivision and for the purpose of remediation of land.

## **SCHEDULE 2**

The above approval is modified as follows:

**Condition A1 is amended by insertion of the underlined and bold words:**

### **A1 Development Description**

- (1) Development approval is granted only to carrying out the development described in detail below:
  - (d) Demolition, remediation and Torrens Title Subdivision.
  - (e) Development of proposed Lot 11:
    - i. Four (4) storey multiple-unit residential building (with child care centre) – 6,521m<sup>2</sup>
    - ii. Child Care Centre - **547m<sup>2</sup>**
    - iii. **Stratum subdivision for 2 lots and strata subdivision**
  - (f) Construction of associated roads, landscaping and infrastructure.
- (2) Notwithstanding any other conditions of this approval, nothing in this instrument approves development on land referred to as proposed Lot 42, except development for the purpose of subdivision and for the purpose of remediation of land.

**Condition A2 is amended by deletion of the struck out drawings and insertion of the underlined and bold words:**

### **A2 Development in Accordance with Plans and Documentation**

The development will be undertaken in accordance with MP No. MP08\_086 and the Environmental Assessment dated 23 October 2008 prepared by Planning Workshop Australia, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings

<b>Architectural (or Design) Drawings prepared for the Preferred Project Report by Marchese + Partners International – proposed Lot 11 (formerly proposed as Lot 3)</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA 1.02	N/A	LOT 3 Coversheet	20-04-09
DA 2.11	C	LOT 3 Site Plan	20-04-09
DA 2.12	B	LOT 3 Level-B	20-04-09
DA 2.13	C	LOT 3 Level-1	20-04-09
DA 2.14	B	LOT 3 Level-2	20-04-09
DA 2.15	B	LOT 3 Level-3	20-04-09
DA 2.16	B	LOT 3 Level-4	20-04-09
DA 2.17	B	LOT 3 Roof Level	20-04-09
DA 3.03	C	LOT 3 Sections	20-04-09
DA 4.01	C	LOT 3 Elevations	20-04-09
<b><u>S75W1.01</u></b>	<b><u>B</u></b>	<b><u>Coversheet</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W2.01</u></b>	<b><u>B</u></b>	<b><u>Level Basement Floor Plan</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W2.02</u></b>	<b><u>B</u></b>	<b><u>Level Ground Floor Plan</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W2.03</u></b>	<b><u>B</u></b>	<b><u>Level 01 Floor Plan</u></b>	<b><u>30-08-11</u></b>

<b><u>S75W2.04</u></b>	<b><u>B</u></b>	<b><u>Level 02 Floor Plan</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W2.05</u></b>	<b><u>B</u></b>	<b><u>Level 03 Floor Plan</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W2.06</u></b>	<b><u>B</u></b>	<b><u>Level Roof Floor Plan</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W3.01</u></b>	<b><u>B</u></b>	<b><u>Sections</u></b>	<b><u>30-08-11</u></b>
<b><u>S75W4.01</u></b>	<b><u>B</u></b>	<b><u>Elevations</u></b>	<b><u>30-08-11</u></b>

<b>Landscape Plans prepared by Habitation</b>		
<b>Drawing No.</b>	<b>Name of Plan</b>	<b>Date</b>
08-062 L02	Precinct B Landscape Plan — Project Application Plan	27-04-09
<b><u>08 062 L02</u></b>	<b><u>Precinct B Landscape Plan</u></b>	<b><u>9-12-2010</u></b>
08-062 L03	Precinct A Landscape Plan - Project Application Plan	27-04-09

<b>Subdivision Drawings prepared by Dunlop Thorpe and Co. Pty Ltd</b>		
<b>Drawing No.</b>	<b>Name of Plan</b>	<b>Date</b>
14200_1ST1	Plan of proposed subdivision of Lot A DP 431356 & Lot 1 DP 721721 – Stage 1	21-05-09
14200_1ST2	Plan of proposed subdivision of Lot 12 DP ___ (Being part of Lot A DP 431356 & Lot 1 DP 721721) – Stage 2	21-05-09
14200_1ST3	Plan of proposed subdivision of Lot 22 DP ___ (Being part of Lot A DP 431356 & Lot 1 DP 721721) – Stage 3	21-05-09
14200_1ST4	Plan of proposed subdivision of Lot 32 DP ___ (Being part of Lot A DP 431356 & Lot 1 DP 721721) – Stage 4	21-05-09
<b>Strata Subdivision Plan prepared by Dunlop Thorpe &amp; Co Pty Ltd as Follows:</b>		
<b><u>14200 1ST1</u></b>	<b><u>Plan of proposed subdivision of Lot 11 DP (Being part of Lot 1 D.P.721721) Sheet 1 of 2</u></b>	<b><u>7-2-11</u></b>
<b><u>14200 1ST1</u></b>	<b><u>Plan of proposed subdivision of Lot 11 DP (Being part of Lot 1 D.P.721721) Sheet 2 of 2</u></b>	<b><u>7-2-11</u></b>

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in City of Canterbury Development Control Plan 2001 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

**Condition A6 is added:**

**A6 Approval Time Limit**

**Approval of the Project Application shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.**

**Condition B3 is amended by the deletion of the struck out words and insertion of the following bold and underlined words:**

### **B3 Monetary Contributions**

- (1) ~~Prior to physical commencement of any building, engineering or construction work or the issue of a construction certificate (whichever is the earlier) on proposed Lot 11, a total monetary contribution of \$469,453.02 must be paid to Canterbury City Council for Open Space Acquisition, Recreation Facilities, Monitoring, and Research and Administration and Community Facilities as calculated in accordance with Canterbury City Council's Section 94 Contributions Plan 2005. The amount payable is currently calculated as follows but will be adjusted at the time of payment in accordance with the contributions plan if it is not paid within the current quarterly period:~~

Open Space Acquisition	\$263,486.40
Recreation Facilities	\$44,219.50
Monitoring, Research and Administration	\$21,539.40
Community Facilities	<u>\$140,207.72</u>
<b>Total</b>	<b>\$469,453.02</b>

A copy of Canterbury City Council's Section 94 Contributions Plan 2005 may be inspected at Council's Administration Centre 137 Beamish Street, Campsie or on the Council's Website [www.canterbury.nsw.gov.au](http://www.canterbury.nsw.gov.au).

- (1) **This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.**

**The monetary contribution of \$679,594.40 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:**

<b>Contribution Element</b>	<b>Contribution</b>	<b>Account No.</b>
• <u><b>Open Space Acquisition</b></u>	<u><b>\$373,619.86</b></u>	<u><b>711</b></u>
• <u><b>Recreation Facilities</b></u>	<u><b>\$62,702.62</b></u>	<u><b>712</b></u>
• <u><b>Community Services</b></u>	<u><b>\$198,812.47</b></u>	<u><b>713</b></u>
• <u><b>Monitoring, research and administration</b></u>	<u><b>\$44,459.45</b></u>	<u><b>717</b></u>

**Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined.**

**Council's Section 94 Contributions Plan 2005 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website [www.canterbury.nsw.gov.au](http://www.canterbury.nsw.gov.au). A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.**

**Condition B19 is amended by deletion of the struck out words and insertion of the bold underlined words:**

## **B19 Number of Car Spaces**

The maximum number of car 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 a Construction Certificate.

<b>Car parking allocation</b>	<b>Number</b>
Residential <b>and visitor</b> car parking spaces	<b>85 102</b>
Childcare car parking spaces	8

Disabled Parking is to be provided in accordance with the Building Code of Australia, Section D.

**Condition B20 is amended by deletion of the struck out words and insertion of the underlined words:**

## **B20 Number of Bicycle Spaces**

A minimum of **22 27** bicycle spaces are to be provided for proposed Lot 11. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**Condition B23 is amended by deletion of the struck out words and insertion of the bold and underlined words:**

## **B23 BASIX Certificate requirements**

Prior to the issue of a Construction Certificate, details of all amendments and treatments outlined in the *BASIX Certificate No. 211296M 216340M 02*, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA.

**Condition B34 is amended by deletion of the struck out words and insertion of the bold and underlined words:**

## **B34 Privacy**

Fixed upward facing louvres must be attached to the top of the balustrade of all of the balconies on the northern **north-east corner** elevation of the building **for levels 1- 3 (6 units)** on proposed Lot 11. The louvres must extend to the underside of the ceiling of the balcony, and must be sliding to cover a minimum 50% of the width of each balcony of the building to protect neighbours' privacy.

## **PART E – PRIOR TO SUBDIVISION**

**Condition E15 is amended by deletion of the struck out words and insertion of the bold and underlined words:**

## **E15 Strata Subdivision**

~~No Strata subdivision approval is given as part of this application.~~

**A subdivision certificate must be obtained from the consent authority / accredited certifier in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.**



**Insert the following conditions:**

***E16 Submission of Plans of Subdivision (Strata/Stratum)***

For issue of the subdivision certificate, an application must be made to the certifying authority to obtain approval of the strata plan under Section 37 of the Strata Schemes (Freehold development) Act 1973. The Proponent shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the certifying authority.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

***E17 Covenants***

A positive covenant shall be provided over the on-site detention/retention system. The positive covenants and four copies shall be lodged with the Strata certificate.

***E18 Submission of Certification of As-Constructed Development.***

Prior to the issue of the Strata/Stratum Certificate, the proponent is to submit a survey report and surveyor's certificate to the Council or accredited certifier which confirms that:

- a) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
- b) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
- c) Any facilities required by the development approval for the building (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

The Council or accredited certifier should also be satisfied that:

- d) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- e) Any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

***E19 Building Management Statement***

The Building Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to the approval authority's/accredited certifier's satisfaction.

***E20 Rights of Access***

Except where provided by registered easements, rights of access must be provided for in the Building Management Statement, to provide for the necessary access to areas within the site that are for the use and benefit of more than one stratum lot including fire stairs, fire control rooms, parking, loading and servicing.