

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 14 September 2011, the Planning Assessment Commission approves the modification of the project application referred to in Schedule 1 and subject to the conditions in Schedule 2.



Donna Campbell
MEMBER OF THE COMMISSION

Sydney

10 September 2014

SCHEDULE 1

| | |
|----------------------------|--|
| Application No.: | MP 09_0066 |
| Proponent: | Karimbla Constructions Services (NSW) Pty Ltd |
| Approval Authority: | Minister for Planning |
| Land: | Lots 22 – 30 in DP 2983, Lot 13 in DP 2983, Lots A & B in DP 381223 and Part of Fleet Lane |
| Project: | <p>Construction of a new mixed use serviced apartment, residential and retail development consisting of:</p> <ul style="list-style-type: none">• a serviced apartment tower building part 32 and 33 storeys high containing 337 apartments;• a residential tower building 38 storeys high containing 286 dwellings;• a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;• a five level basement containing car parking, including a public car park for 250 cars;• a gross floor area of 51,426m²;• total car parking of 570 spaces; and• public domain works comprising:<ul style="list-style-type: none">• publicly accessible open space with associated landscaping works;• a pedestrian through site link;• a vehicular right-of-way between Thomas Street and Fleet Lane; and• an accessible crossing of the vehicular right of way for pedestrians including a lift. |
| Modification: | <p>MP 09_0066 MOD 11: modification to Building 1 including:</p> <ul style="list-style-type: none">• reduction of total apartment numbers and number of adaptable units; |

- amendment to unit mix;
- amend the car parking allocation; and
- amend the Section 94 Contributions.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

The above approval is modified as follows:

1. In Schedule 1, amend the project description by the insertion of **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

Project: Construction of a new mixed use serviced apartment, residential and retail development consisting of:

- a serviced apartment tower building part 32 and 33 storeys high containing 337 apartments;
- a residential tower building 38 storeys high containing ~~286~~ **271** dwellings;
- a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;
- a five level basement containing car parking, including a public car park for 250 cars;
- a gross floor area of 51,426m²;
- total car parking of ~~570~~ **573** spaces; and
- public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link;
 - a vehicular right-of-way between Thomas Street and Fleet Lane; and
 - an accessible crossing of the vehicular right of way for pedestrians including a lift.

2. In Part A, Condition A1 is amended by the insertion of **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

Development Description

A1 Development approval is granted only to carrying out the development described in detail below:

Construction of a new mixed use serviced apartment, residential and retail development consisting of:

- a serviced apartment tower building part 32 and 33 storeys high containing 337 apartments;
- a residential tower building 38 storeys high containing ~~286~~ **271** dwellings;
- a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;
- a five level basement containing car parking, including a public car park for 250 cars;
- a gross floor area of 51,426m²;
- total car parking of ~~570~~ **573** spaces; and
- public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link;
 - a vehicular right-of-way between Thomas Street and Fleet Lane; and
 - an accessible crossing of the vehicular right of way for pedestrians including a lift.

3. In Part A, Condition A2 is amended by the insertion of **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

Approved Plan/Details

A2 The development will be undertaken in accordance with MP 09_0066 and the Environmental Assessment dated December 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated July 2010, prepared by JBA Urban Planning Consultants Pty Ltd, the further amendments contained within the additional submission by JBA dated 12 August 2010 as amended by:

Section 75W Application to MP 09_0066 (Modification 3) and the Environmental Assessment dated August 2012 prepared by Cardno, except where amended by the Response to Submissions dated 19 December 2012 prepared by Meriton Group and the following drawings as amended by:

Section 75W Application to MP 09_0066 (Modification 6) and the Environmental Assessment dated December 2012 prepared by Meriton Property Services, except where amended by the Preferred Project Report dated 21 May 2013 prepared by Meriton Property Services and the following drawings as amended by:

Section 75W Application to MP 09_0066 (Modification 10) and the Environmental Assessment dated 12 May 2014 and the following drawings **as amended by:**

Section 75W Application to MP 09 0066 (Modification 11) and the Environmental Assessment Report prepared by Planning Ingenuity dated 30 June 2014 and car parking allocation requested prepared by Meriton Group dated 19 August 2014 and the following drawings as amended by:

| Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by PTW Architects | | | |
|--|-----------------|--------------------------|-------------|
| Drawing No. | Revision | Name of Plan | Date |
| A – 0000 | E | Cover | 02.12.2013 |
| A – 0002 | E | Site analysis | 02.12.2013 |
| A – 0090 | E | Site / roof plan | 02.12.2013 |
| A – 0100 | F | Ground floor plan | 02.12.2013 |
| A – 0101 | E | Level 1 plan Car Parking | 02.12.2013 |
| A – 0102 | E | Level 2 plan Car Parking | 02.12.2013 |
| A – 0103 | E | Level 3 plan Car Parking | 02.12.2013 |
| A – 0104 | E | Level 4 plan | 02.12.2013 |
| A – 0105 | E | Level 5 - 8 plan | 02.12.2013 |
| A – 0106 | E | Level 9 - 21 plan | 02.12.2013 |
| A – 0107 | E | Level 22-31 plan | 02.12.2013 |
| A – 0108 | E | Level 32 plan | 02.12.2013 |
| A – 0109 | E | Level 33 plan | 02.12.2013 |
| A – 0110 | E | Level 34 - 36 plan | 02.12.2013 |

| | | | |
|---|----------------------------------|--|---|
| A – 0111 | E | Level 37 plan | 02.12.2013 |
| A – 0112 | E | Level 38 plan | 02.12.2013 |
| A – 0114 | G | Mezzanine Plan Loading Dock | 02.12.2013 |
| A – 0115 | G | Basement 1 plan | 02.12.2013 |
| A – 0116 | G | Basement 2 plan | 02.12.2013 |
| A – 0117 | G | Basement 3 plan | 02.12.2013 |
| A – 0118 | G | Basement 4 plan | 02.12.2013 |
| A – 0119 | G | Basement 5 plan | 02.12.2013 |
| A – 0121 | E | North elevation | 02.12.2013 |
| A – 0122 <u>A0071</u> | E <u>10</u> | South elevation | 02.12.2013 <u>27.06.2014</u> |
| A – 0123 <u>A-0072</u> | E <u>7</u> | Building 1 Elevation - East | 02.12.2013 <u>27.06.2014</u> |
| A – 0124 | E | Building 2 Elevation - East | 02.12.2013 |
| A – 0125 | E | Building 1 Elevation - West | 02.12.2013 |
| A – 0126 | E | Building 2 Elevation - West | 02.12.2013 |
| A – 0131 | E | Section – Building 1 (Residential) | 02.12.2013 |
| A – 0132 | E | Section – Building 2 (Serviced Apartments) | 02.12.2013 |
| A – 0140 | E | Perspective View 1 | 02.12.2013 |
| A – 0141 | E | Perspective View 2 | 02.12.2013 |
| A – 0142 | E | Perspective View 3 | 02.12.2013 |
| A – 0150 | E | Schedule of serviced apartments | 02.12.2013 |
| A – 0151 | E | Schedule of residential apartments | 02.12.2013 |
| A – 0181 | E | Building 1 façade finishes | 02.12.2013 |
| A – 0182 | E | Building 2 façade finishes | 02.12.2013 |
| A – 0201 | E | Comparable Height Study | 02.12.2013 |
| A – 0202 - 1 | E | Shadow Diagram 21 December | 02.12.2013 |
| A – 0202 – 2 | E | Shadow Diagram 21 March | 02.12.2013 |
| A – 0202 – 3 | E | Shadow Diagram 21 June | 02.12.2013 |
| A – 0202 – 4 | E | Shadow Diagram 21 September | 02.12.2013 |
| A – 0203 | E | View Analysis | 02.12.2013 |
| <u>Except as modified by:</u> | | | |
| <u>A0038</u> | <u>9</u> | <u>Level 22 Plan</u> | <u>23.05.2014</u> |
| <u>A0039</u> | <u>3</u> | <u>Levels 23-24 Plan</u> | <u>23.05.2014</u> |
| <u>A0041</u> | <u>3</u> | <u>Level 25 Plan</u> | <u>23.05.2014</u> |
| <u>A0042</u> | <u>3</u> | <u>Level 26-27 Plan</u> | <u>23.05.2014</u> |
| <u>A0044</u> | <u>3</u> | <u>Levels 28-31 Plan</u> | <u>23.05.2014</u> |

| <u>A0048</u> | <u>10</u> | <u>Level 32 Plan</u> | <u>23.05.2014</u> |
|---|-----------------|-----------------------------|-------------------|
| <u>A0049</u> | <u>9</u> | <u>Level 33 Plan</u> | <u>23.05.2014</u> |
| <u>A0050</u> | <u>9</u> | <u>Level 34 Plan</u> | <u>23.05.2014</u> |
| <u>A0051</u> | <u>3</u> | <u>Level 35 Plan</u> | <u>23.05.2014</u> |
| <u>A0052</u> | <u>2</u> | <u>Level 36 Plan</u> | <u>23.05.2014</u> |
| Landscape plans prepared for the Environmental Assessment / Preferred Project Report by Site Image | | | |
| Drawing No. | Revision | Name of Plan | Date |
| 001 | E | Site Analysis | 02.12.13 |
| 101 | S75W | Landscape Analysis | 24.05.12 |
| 101 | S75W | Removed Tree Plan | 24.05.12 |
| 102 | S75W | Landscape Master Plan | 24.05.12 |
| 103 | S75W | Landscape Design Features | 24.05.12 |
| 104 | S75W | Plant Schedule | 24.05.12 |
| 105 | S75W | Landscape Standard Details | 24.05.12 |
| Signage plans prepared for the Section 75W Application (MP 09_0066 Modification 10) | | | |
| Drawing No. | Revision | Name of Plan | Date |
| A – 0049 | 11 | Level 33 plan | 01.07.2014 |
| A – 0071 | 10 | South elevation | 01.07.2014 |
| A – 0075 | 11 | Building 2 Elevation - West | 01.07.2014 |

except for:

- (1) 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
- (2) otherwise provided by the conditions of this approval.

4. In Part B, Condition B4 is amended by the insertion of **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

Developer Contributions

B4. a) A cash contribution is to be paid in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, in relation to the following items specified below:

| | | |
|----------|---|--|
| A | Childcare <u>Calculation</u> | \$NA |
| | A contribution of \$464,119.77 has been waived in recognition that the site provides for Child Care on-site, if this situation changes the contribution will apply. | |
| B | Open space and Recreational Facilities <u>Calculation</u> | \$4,016,163.80 <u>\$3,999,573.26</u> |

Residential

\$6,790.71 per one bedroom dwelling (424 ~~109~~)

\$10,306.28 per two bedroom dwelling (444 ~~111~~)

\$13,148.61 per three bedroom dwelling (24 ~~51~~)

Retail

\$180.04 per m² of retail/commercial floor area
(325)

Serviced Apartments

\$4,113.64 per Serviced Apartment (337)

| | | |
|--------------|---|--|
| C | Roads and Traffic Transport Management | \$1,444,863.90 |
| | <u>Calculation</u> | \$1,411,787.21 |
| | <i>Residential/Serviced Apartments</i> | |
| | \$2,205.12 per residential unit/serviced apartment (286 271 +337) | |
| | <i>Retail/Commercial</i> | |
| | \$218.69 per m ² of floor area (325) | |
| Total | | <u>\$5,461,027.70</u> <u>\$5,411,360.47</u> |

This contribution is based on needs generated by the development as identified in the relevant adopted Section 94 Contributions Plan. The contribution rate and calculation is current until 30 June 2013, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

Please note that payment will only be accepted by way of a bank cheque or cash.

Copies of the Contributions Plans and revised rates are available for inspection at the Councils Administration Building, 31 Victor Street, Chatswood or online at www.willoughby.nsw.gov.au

Payment of the total contribution is required prior to the issues of the Construction Certificate for Stage 1B of the development.

- b) A monetary contribution of **\$2,078,849.44** shall be paid to offset the short fall of 74 on-site parking spaces as identified and determined in the development approval. This is based on a rate of \$28,092.56 per space identified in the Willoughby Council Section 94 Contributions Plan – Car Parking.

This is to be paid to Council prior to the issue of the Construction Certificate for Stage 1B of the development and is to be lodged in the special trust fund for the provision of parking within the Chatswood Town Centre.

The contribution rate and calculation is current until 30 June 2013, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

5. In Part B, Condition B9 is amended by the insertion of **bold and underlined** words and deletion of ~~struck-out-words~~ as follows:

Adaptable units

- B9. Adaptable residential units for disabled persons are to be provided to no less than 20% of the total number of units. This requires the provision of ~~57~~ **54** adaptable units. ~~Nine~~ **Seven** disable car parking spaces are to be provided that are linked to ~~nine~~ **seven** of

the adaptable units. Each adaptable unit is to be nominated on the relevant Construction Certificate drawings.

6. In Part B, Condition F6 is amended by the insertion of **bold and underlined** words and deletion of ~~struck out~~ words as follows:

On-site car parking

F6. The on-site car parking provision shall be arranged as follows:

- 250 public spaces;
- ~~222~~ **253** resident spaces (including ~~29~~ **28** visitors spaces and 9 disabled spaces for adaptable units)
- ~~84~~ **56** serviced apartment spaces (including 4 disabled spaces for adaptable units **and 3 designated as courier spaces/service bays**)
- 10 child care centre spaces
- ~~4~~ *commercial/retail* spaces
- Total ~~570~~ **573** spaces

Two car spaces are to be provided within the secure car park for the residential flat building that allows for the parking of a car share vehicle being used by a resident of the building. (Note these are in addition to any car share space that may be allocated by Council in the public car park for storage of a car share vehicle when not in use).

Parking spaces numbered 1 to 3 located in the loading dock (and allocated as serviced apartment parking) shall be redesignated as courier spaces/service bays.

End of Modifications to MP09_0066 MOD 11