

Notice of Modification 1

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, the Planning Assessment Commission of New South Wales modifies the project approval referred to in schedule 1, as set out in schedule 2.



Richard Thorp
MEMBER OF THE COMMISSION



Donna Campbell
MEMBER OF THE COMMISSION

Sydney

30 May 2012

SCHEDULE 1

Project Approval:

MP 09_0154 granted by the Minister for Planning on 23 February 2011.

For the following:

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

- 43 storey mixed use building consisting of a:
 - 5 storey podium accommodating retail/café tenancies, 4,876m² of commercial floor space and resident recreational facilities
 - 37 storey tower above containing 295 residential apartments
 - Plant within an enclosed roof structure on Level 43
 - Communal private open space on top of the Railway Enclosure Structure
- A seven level basement accommodating a total of 332 parking spaces;
- Public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link between Railway Street and Cambridge Street; and
 - Stratum subdivision of existing lot into two stratum lots and strata subdivision of the proposed residential stratum.

At:

7 Railway Street, Chatswood NSW
End of Schedule 1

SCHEDULE 2 CONDITIONS

The Project Approval for MP09_0154 is modified as follows:

- (a) Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers 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 residential, commercial and retail development consisting of a:

- 43 storey mixed use building (maximum height RL 231m AHD) consisting of a
 - 5 storey podium accommodating retail/café tenancies, 4,876m² of commercial floor space and resident recreational facilities
 - 37 storey tower above containing ~~295~~ **294** residential apartments
 - Plant within an enclosed roof structure on Level 43
 - Communal private open space on top of the Railway Enclosure Structure
- A seven level basement accommodating a total of 332 parking spaces; and
- Public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link between Railway Street and Cambridge Street.
- Stratum subdivision of existing lot into two stratum lots and strata subdivision of the proposed residential stratum.

- (b) Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Approved Plan/Details

- A2 The development will be undertaken generally in accordance with MP No. 09_0154 and the Environmental Assessment dated August 2010, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated December 2010, including all associated documents and reports, and the Statement of Commitments prepared by JBA Urban Planning Consultants Pty Ltd, and BASIX Certificates No. ~~348978M, 348979M, 348980M and 348983M dated 29 November 2010~~ **348978M 03, 348980M 03 and 348983M 03** and the following drawings:

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report / <u>Section 75W Application dated 10 November 2011</u> by Mirvac Design Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
PPR – 1000	03	Drawing Register	Nov 10
PPR – 1001	03	Locality & Context Plan	Nov 10
PPR – 1002	03	Site Plan	Nov 10

PPR – 1003	03	Site Analysis	Nov 10
PPR – 1004	03	Car parking Levels B6 & B7	Nov 10
PPR – 1005	03	Car parking Levels B4 & B5	Nov 10
PPR – 1006	03	Car parking Levels B2 & B3	Nov 10
PPR – 1007	03	Car parking Level B1	Nov 10
PPR – 1008	03 <u>5</u>	Level 1 (Ground) Floor Plan	Nov 10 <u>30/01/2012</u>
PPR – 1009	03 <u>5</u>	Level 2 – 5 Floor Plans	Nov 10 <u>08/02/2012</u>
PPR – 1010	03 <u>4</u>	Level 6 – 14 Floor Plans	Nov 10 <u>10/11/2011</u>
PPR – 1011	03 <u>4</u>	Level 15 – 24 Floor Plans	Nov 10 <u>10/11/2011</u>
PPR – 1012	03 <u>4</u>	Level 26-39 & Level 41 Floor Plans	Nov 10 <u>10/11/2011</u>
PPR – 1013	03 <u>4</u>	Level 40 & Level 42 Floor Plans	Nov 10 <u>10/11/2011</u>
PPR – 1014	03 <u>4</u>	Level 43 Plant Room, Mezzanine Plant Room & Roof Plans	Nov 10 <u>10/11/2011</u>
PPR – 1015	03 <u>4</u>	North Elevation	Nov 10 <u>10/11/2011</u>
PPR – 1016	03 <u>4</u>	South Elevation	Nov 10 <u>10/11/2011</u>
PPR – 1017	03 <u>4</u>	East Elevation	Nov 10 <u>10/11/2011</u>
PPR – 1018	03 <u>4</u>	West Elevation	Nov 10 <u>10/11/2011</u>
PPR – 1016	03 <u>4</u>	Section A – A	Nov 10 <u>10/11/2011</u>
PPR – 1020	03 <u>4</u>	Section B – B	Nov 10 <u>10/11/2011</u>
PPR – 1021	03	Pre-adaptable and Adaptable Mode Apartment Floor Plans Levels 12 - 42	Nov 10
PPR – 1022	01	Pre-adaptable and Adaptable Mode Apartment Floor Plans Levels 7 - 42	Nov 10
N/A	N/A	Indicative External Finishes Board	Dec 10
Landscape Master Plan prepared for the Environmental Assessment / Preferred Project Report / <u>Section 75W Application dated 10 November 2011</u> by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
PPR1025 <u>10028</u> <u>L75W 01</u>	2 <u>3</u>	Landscape Master Plan	10.11.2010 <u>09.11.2011</u>
<u>10028</u>	<u>1</u>	<u>Planting Palette</u>	<u>09.11.2011</u>

<u>L75W 02</u>			
<u>10028</u> <u>L75W 03</u>	<u>2</u>	<u>Street Tree Plan – Option One</u>	<u>16.05.2012</u>

Stratum and Strata Subdivision Plans prepared for the Environmental Assessment / Preferred Project Report / <u>Section 75W Application dated 10 November 2011</u> by Denny Linker & Co Surveyors <u>Surveyors</u>			
Drawing No.	Revision	Name of Plan	Date
080406D-SUB	7	Plan of proposed Subdivision of Lot 6 in DP 1058962	15 Nov 2010
080406 DSP	4 <u>9</u>	Plan of Subdivision of proposed Lot 1 in the subdivision of Lot 6 DP 1058962	19 Nov 2010 <u>08 Nov 2011</u>

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.
- (c) Condition B2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Additional Details and Information

B2. Any requirements outlined by conditions of this project approval requiring changes and/or information to be noted on plans are to addressed to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate.

In particular, the following issues are to be addressed:

- a) All the proposed external finishes are to be demonstrated to be low maintenance high quality finishes that consider the locality and blend with the style of the urban setting.
- b) Wind Tunnel testing shall be undertaken of the approved design and any recommendations and requirements to achieve a minimum of 60% of apartments able to be naturally cross-ventilated or achieve equivalent resultant natural ventilation.
- c) Preparation of a detailed landscape plan. The landscape plan shall demonstrate the requirements for structural design of the base building to ensure the required soil depths, irrigation and drainage is provided to facilitate achievement of the landscape outcomes. Should the wind management rely on planting treatments the wind consultant shall verify that the landscape plan achieves the requirements for wind management.
- d) The Landscape Plan shall be accompanied by the lighting, public art and furniture plan for the public precinct area, including the provision of bicycle storage. The lighting shall comply with AS/NZS 1158 – Lighting for Public Streets and Pedestrian Areas. All proposed lighting is to incorporate vandal

resistant lamps. The furniture plan shall comply with Willoughby Council's Manual for street furniture in Chatswood CBD.

- e) The Landscape Plan shall identify the use of the land on top of the Railway Enclosure Structure and distinguish between private communal open space for residents of the approved building, and communal open space accessible by all buildings within the Pacific Place precinct.
 - f) Design of the path of travel for the through site link and tunnel, including the Schedule of finishes and materials to be used, shall be approved by Council in consultation with Chatswood Police Crime Prevention Officer. The tunnel design shall include internal illuminated (back-lit) walls with public art integrated into the wall surface (NOT third party advertising) to provide visual interest to the link and contribute to the lighting of the space. The finishes shall be vandal resistant and low maintenance.
 - g) Provision of access to a loading/waste handling area capable of handling two trucks at the same time ~~and manoeuvring space that is separate to~~ and does not conflict with the access to the car park. **The conflict between service vehicles and residential vehicles is to be managed by the implementation of "Car Park Access Traffic Signal System" shown in Drawing No: PTC-01. In all other respects** the access ramp and entry shall be designed in accordance with AS 2890.2.
- (d) Condition B32 to be added by the insertion of the **bold and underlined** words / numbers as follows:

Internal works on Commercial levels

B32. Inter-tenancy walls, bathrooms and kitchenettes within Levels 2-5 shall be generally in accordance with the indicative layout shown on Drawing No. PPR 1009 Revision 5 dated 08/02/2012 and approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- (e) Condition C24 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Dedication of Drainage Easement

C24. The Proponent shall dedicate, at no cost to Council, a drainage easement of a ~~minimum 3.0 metre(s) wide~~ **variable width** over the allotment in favour of Council. The Plan of Dedication **and the associated 88B Instrument** shall be lodged with Council for approval and registered with the Dept of Land and Property Information **prior to the release of the final Occupation Certificate.**

- (f) Condition E9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Certification of slip resistant surfaces

E9. Upon completion, certification being submitted to the PCA that all floor finishes and floor surfaces (excluding carpet) have **either** been tested on site **or where certification is available from the manufacturer, that certification is submitted to the PCA demonstrating that the surface** ~~to achieve~~ a slip resistant classification under wet and dry conditions to comply with the current version of AS/NZS 4586, Table 3 of CSIRO/SA publication HB 197 (An Introductory Guide to the Slip Resistance of Pedestrian Surface Materials) and Willoughby Development Control Plan Part C.6 Access, Mobility and Adaptability.

On site testing shall be undertaken where the finish of the original product is altered in any way during or after installation.

- (g) Condition E17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Footpath trees – Commercial Zones

E17. Footpath planting of ~~Platanus X hybrida (Railway Street and West of the railway line in Help Street) and Tristaniopsis laurina (Help Street)~~ **Tristaniopsis Laurina 'luscious'**, are ~~is~~ to be consistent with **Street Tree Plan Option 1 Drawing 10028 L75W 03 rev 02 and** the following tree planting specification:

- a) Super – advanced, minimum 400 litre sized container stock grown to NATSPEC 2 “Purchasing Landscape Trees” standard.
- b) The root ball shall be healthy, free from pests and disease, show no evidence of damage or restriction, and no roots circling the root ball.
- c) The trunk shall be free of damage or insect attack, and have a strong leading shoot with lateral branches forming a regular shaped crown for the species.
- d) Tree pit to be ~~2000mm x 4000mm~~ **the maximum possible width available between the existing Ausgrid service zone and the existing fibre optic cables, with a minimum of 1100mm x 3000mm** x depth of tree root ball. Longest dimension parallel to kerb.
- e) Base of tree pit shall have a minimum 1:50 grade for drainage purposes. Drain to the nearest drainage line.
- f) Tree pit to be filled with Sand and Gravel 40mm Structural Soil Mix, or similar, and applied as per specification.
- g) Tree to be planted directly into the structural soil mix, any levelling or backfilling to use Type B soil mix. Tree root-ball is to rest on the undisturbed base of the planting hole.
- h) ~~Tree to be located so that the trunk is a minimum of 1000mm from the front edge of the kerb.~~
- i) Install DWS series Tree Root Barrier along ~~the rear of the kerb, extending minimum 1000mm beyond the tree pit~~ **both sides of the tree pit**.
- j) Install DWS series Tree Root Control Barrier to screen services located in tree planting hole area.
- k) The tree planting pit and surface treatment shall be **designed to comply to the maximum extent possible with** ~~as per Willoughby City Councils CBD Street tree Specification and to the satisfaction of the Director of Infrastructure Services, Willoughby City Council,~~ **without requiring the relocation of existing services.**
- l) The planter pits are to be linked by a root breakout zone trench.

- m) The trench shall be ~~set back 1000mm from the rear of and parallel to the kerb,~~ 300mm deep measured from the underside of the paving detail, and a minimum of 1000mm in width **except where the trench is required to be narrowed to avoid a service pit.**
- n) The trench shall provide a continuous link between all the proposed tree planting pits **on that street.**
- o) The trench to be filled with Sand and Gravel 40mm Structural Soil Mix, or similar, and applied as per specification.
- p) Infill paving treatment over the trench area shall be as per Willoughby Council specification.

Prior to the final preparation and planting of foot-path plants, the Proponent is to inspect the actual location of any underground services under, and adjacent to the subject plantings. Should such services be located, and there is a reasonable belief that damage may occur to those services by the new plantings, the Proponent shall consult with Willoughby Council to determine alternatives.

- (h) Condition E45 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Easement in Gross

- E45. Prior to any occupation certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the publicly accessible landscaped area and through site link and tunnel is to be registered over the land in favour of Willoughby City Council.

The terms of the easement are to be approved by Council prior to the issue of any Certificate of Subdivision or registration of the approved Plan of Subdivision, **and shall reflect the following:**

The rights granted under this easement for public access are subject to the completion of construction of the landscaping and walkways (Works) forming part of the Easement Site by the Grantor. The Grantor must complete construction of the Works by the date being 6 months from the issue of the first subdivision certificate for the Lot Burdened (Sunset Date). Mirvac Projects Pty Limited as the Grantor at the time of registration of the Plan covenants with Council to complete construction of the Works by the Sunset Date.

- (i) Condition E48 to be added by the insertion of the **bold and underlined** words / numbers as follows:

E48. The trees to be provided along the frontage of Railway Street in the on-site planter beds to the north of the street trees are to be *Magnolia Grandiflora*.

- (j) Condition F13 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Separate Development Consent – Various Uses

- F13. The initial use and fit-out of ~~the~~ all the commercial and retail premises in the development shall be the subject of separate development applications to Willoughby City Council, **apart from the construction of inter-tenancy walls, bathrooms and kitchenettes where they are approved as part of this development.**

End of Modifications to MP09_0154