

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 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Director
Metropolitan & Regional Projects South

Sydney 22 FEBRUARY 2011

SCHEDULE 1

- Project Approval:** MP09_169 granted by the Minister for Planning on 7 July 2010.
- For the following:** Stage 1 Project Application for the temporary use of the site for retail purposes, including demolition and construction works.
- Modification:** **MP09_0169 MOD 1:** Modification to:
- Increase retail floor area by 408m²;
 - Extend Loading Dock Operation Hours;
 - Amend car parking layout;
 - Relocate plant and equipment;
 - Minor design changes to the building, layout and elevations; and
 - Amend Section 94 Contributions.

SCHEDULE 2

The above approval is modified as follows:

- a) *Condition A2 is amended by deletion of the struck out words and insertion of the **bold and underlined** words as follows:*

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 09_0169, the Environmental Assessment and Appendices dated December 2009 prepared by Mecone, the Response to submissions dated 9 April 2010, 16 April 2010 and 15 May 2010, and the following drawings prepared by Marchese and Partners International, **as amended by the modification documentation submitted by Mecone on 22 September 2010, 27 October 2010 and 21 November 2010 including plans prepared by Morrison Design Partnership Architects and Xeriscapes Pty Ltd Landscaped Architects:**

Architectural Drawings prepared for the Environmental Assessment as amended			
Drawing No.	Revision	Name of Plan	Date
DA 00.00	A	Cover Sheet	27/11/2009
DA 00.02		Site Survey	31/10/2007
DA 01.01	A	Site Location	27/11/2009
DA 01.02	A	Site Analysis & Locality Content	27/11/2009
DA 01.03	A	Demolition Plan	27/11/2009
DA 02.00	B	Ground Floor Plan Phase A	27/11/2009
DA 02.01 <u>A110</u>	A <u>L</u>	Ground Floor Plan Phase A & B <u>Site Plan</u>	27/11/2009 <u>06/2010</u>
DA 02.02 <u>A203</u>	A <u>G</u>	Roof Plan <u>Roof Plan</u>	27/11/2009 <u>06/2010</u>
<u>A204</u>	<u>B</u>	<u>Roof Plan – Phase 2</u>	<u>J06/2010</u>
DA 03.01 <u>A401</u>	A <u>F</u>	Elevations <u>Elevations</u>	27/11/2009 <u>06/2010</u>
<u>A402</u>	<u>E</u>	<u>Elevations</u>	<u>06/2010</u>
DA 04.01	A	Sections A-A & B-B	27/11/2009
DA 05.01	A	Shadow Diagrams	27/11/2009
DA 06.01	A	Signage Details	27/11/2009
DA 06.02	A	Corner feature details	27/11/2009

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in any relevant environmental planning instrument 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.

- b) Condition B7 is amended by deletion of the struck out words and insertion of the **bold and underlined** words as follows:

B7 Monetary Contributions

A Section 94 contribution of ~~\$581,699.00~~ **\$674,767.88** shall be paid to Council unless offset by agreed works-in-kind. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid **in accordance with Council's agreement for periodic payment of Section 94 Contributions, as per Council's letter dated 27 October 2010, and any subsequent letter from Council adjusting payment of fees in accordance with the Section 94 Contribution required below**, prior to the issue of the Construction Certificate for construction Phase A works and evidence of payment shall be provided to the Certifying Authority. The contribution is calculated from Council's adopted Section 94 Contributions Plan in the following manner:

Fund	Contribution
City Wide Open Space Fund	\$24,141.00 <u>\$28,000.68</u>
Wolli Creek Local Open Space Fund	\$136,619.50 <u>\$158,480.14</u>
Wolli Creek Local Town Centre & Streetscape Fund	\$31,474.00 <u>\$36,508.72</u>
Road Traffic Management and Public Parking	\$299,602.50 <u>\$347,538.42</u>
Flood Mitigation and Stormwater	\$55,775.50 <u>\$64,698.46</u>
Pedestrian and Cyclist	\$18,686.50 <u>\$21,677.14</u>
Administration and Management	\$13,868.50 <u>\$16,088.02</u>
Community Services	\$1,531.50 <u>\$1,776.30</u>
Total Contribution:	<u>\$581,699.00 \$674,767.88</u>

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale

Note: The above contributions are based on the temporary use of the land and a maximum of 50 persons working in the supermarket premises at any one time. The contributions payable by any future development on the land will be calculated strictly in accordance with the requirements of the development contributions plan applicable at the time, with deductions only for the contributions paid pursuant to this condition.

- c) *Condition B25 is amended by deletion of the struck out words and insertion of the **bold and underlined** words as follows:*

B25 Number of Car/Motorcycle Spaces

The maximum number of car/motorcycle 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 the relevant Construction Certificate.

Car parking allocation – Phase A	Number
Customer car parking spaces	158
Disabled car parking spaces	4
Staff car parking spaces	6
TOTAL	168
Motorcycle parking spaces	8
Car parking allocation – Phase B	Number
Customer car parking spaces	174 <u>166</u>
Disabled car parking spaces	4
Staff car parking spaces	6
TOTAL	184 <u>172</u>
Motorcycle parking spaces	8

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works for each Phase and prior to issue of an Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development.

- d) *Condition B26 is amended by deletion of the struck out words and insertion of the **bold and underlined** words as follows:*

B26 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1:2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2002 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.

(3a) A pedestrian marked crossing shall be provided between the landscaping bay north of the vehicular entrance at Princes Highway and Phase B Retail area as per Drawing No. DA 02.01, issue A and dated 21/05/08.

- (4) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

NOTE: All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials and the like and not for any other purpose.

e) Insertion of Condition E18 as **bold and underlined** words as follows:

E18 Loading Dock Operation Management Plan

Prior to the issue of any Occupation Certificate, a Loading Dock Operation Management Plan shall be submitted and approved by the Director, Metropolitan and Regional Projects South of Department of Planning. The Loading Dock Operation Management Plan shall identify potential noise sources during operation of the loading dock and implement appropriate systems and procedures, and provide training to staff and drivers in mitigation of noise impacts on adjoining neighbours. The Management Plan shall also prescribe complaints handling procedures. A complaints register shall be maintained on site at all times.

f) Condition F3 is amended by deletion of the struck out words as follows:

F3 Hours of Operation

The hours of operation shall be restricted to between:

- trading hours are 6:00am – 12:00 midnight seven days per week, and
- ~~loading hours are 8:00am – 9:00pm Monday to Friday and 8:00am – 7:00pm Sundays and Public Holidays.~~

g) Condition F3A as **bold and underlined** words as follows

F3A Hours of Operation for loading dock

The loading dock hours of operation shall be restricted to between:

- **7:00am – 10:00pm Monday to Saturday, and**
- **8:00am – 9:00pm Sundays and Public Holidays,**

and shall operate for a trial period of 6 months from date of issue of the Final Occupation Certificate. During the 6 month trial, a report shall be submitted to the Director, Metropolitan and Regional Projects South of Department of Planning every 3 months, outlining complaints, if any, received relating to operation of the loading dock. In the event that the Department advises the Proponent, in writing at the end of the 6 month period, that it is not satisfied that the loading dock is operating with an acceptable level of impact on adjoining residents, the loading dock hours of operation will be restricted to operate between:

- **8:00am – 9:00pm Monday to Saturday, and**
- **8:00am – 7:00pm Sundays and Public Holidays.**