

# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation effective from 1 October 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of consent outlined in Schedule 2.



Richard Pearson  
Deputy Director-General  
Development Assessment & Systems Performance

Sydney

29 January

2013

### SCHEDULE 1

**Project Approval:**

MP10\_0105 granted by the Planning Assessment Commission on 21 April 2011.

**Proponent:**

Billbergia Developments Pty Ltd

**Land:**

Lot 201 DP 1101828 – 44–46 Walker Street, Rhodes, City of Canada Bay local government area.

**Project:**

Project Application for a development including:

- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling 1050msq within the lower levels of buildings A,D and E; and,
- Basement car park over three levels containing 773 spaces; and, provision of external communal open space areas adjacent to Buildings B & C.

**Modification:**

Amendments involving:

- the deletion of 8 x 3-bed units and the provision of 16 x 1-bed units (8 additional units in total);
- six additional residential car parking spaces;
- revised architectural drawings for buildings A and B; and
- amendments to conditions 1, 22 and 34.

## SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

### SCHEDULE 1

- Schedule 1 is amended as follows:*

<b>Application No.:</b>	<b>MP10_0105</b>
<b>Proponent:</b>	Billbergia Developments Pty Ltd
<b>Approval Authority:</b>	Planning Assessment Commission
<b>Land:</b>	44-46 Walker Street, Rhodes (Lot 201 in DP 1101828)
<b>Project:</b>	<p>Project Application for a development including:</p> <ul style="list-style-type: none"><li>735 743 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;</li><li>Retail tenancies totalling 1348m<sup>2</sup> within the lower levels of buildings A,D and E;</li><li>Basement car park over three levels containing 783 789 spaces; and, provision of external communal open space areas adjacent to Buildings B &amp; C.</li></ul>

### SCHEDULE 2

#### PART A - GENERAL CONDITIONS

- Condition 1 is amended as follows:*

#### **1. GCP1 Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and / or documentation listed below **except where modified by any following conditions:**

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A - Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011 )			
Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44–46 Walker Street Rhodes, prepared by Architectus, dated May 2012 (MOD 1)			
Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44–46 Walker Street Rhodes, prepared by Architectus, dated November 2012 (MOD 2)			
<i>Architectural (or Design) Drawings prepared by SJB Architects</i>			
<i>Drawing</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
A-01014/2012	A-2	Locality / Context Plan	18/04/2012
A-01024/2012	A-2	Site Analysis Plan 1	18/04/2012
A-020109/2012	A-4 A-5	Level 2 Basement	06/09/2012

			<b>22/10/2012</b>
A-0202	A-4 A-5	Level 1 Basement	06/09/2012 <b>22/10/2012</b>
A-0203	A-4 A-5	Podium Plan	<b>18/04/2012</b> <b>22/10/2012</b>
A-0204	A-4 A-5	Level 01 Plan	18/04/2012 <b>22/10/2012</b>
A-0205	1A A-2	Level 02 Plan	22/02/2011 <b>18/04/2012</b>
A-0206	A-2	Level 03 Plan	18/04/2012
A-0207	A-2	Level 04 Plan	18/04/2012
A-0208	A-2 A-5	Level 05 Plan	18/04/2012 <b>22/10/2012</b>
A-0209	A-2 A-5	Level 06 Plan	18/04/2012 <b>22/10/2012</b>
A-0210	A-2	Level 07 Plan	18/04/2012
A-0211	A-2	Level 08 Plan	18/04/2012
A-0212	A-2	Level 13 Plan Levels 14-15 similar	18/04/2012
A-0213	A-2	Level 16 Plan	18/04/2012
A-0214	A-2	Level 17 Plan Level 18 similar	18/04/2012
A-0215	A-2 A-5	Level 19 Plan	18/04/2012 <b>22/10/2012</b>
A-0216	A-2 A-5	Level 20 Plan	18/04/2012 <b>22/10/2012</b>
A-0217	A-2 A-5	Level 21 Plan Levels 22-24 similar	18/04/2012 <b>22/10/2012</b>
A-0218	A-2 A-5	Roof Plan	18/04/2012 <b>22/10/2012</b>
A-0221	A-2	Area Calculations - GFA	18/04/2012
A-0222	A-2 A-5	Area Calculations - GFA	18/04/2012 <b>22/10/2012</b>
A-0223	1A	Area Calculations - Open Space	22/02/2011
A-0231	A-2 A-5	Apartment Typologies - Bldg A	18/04/2012 <b>22/10/2012</b>
A-0232	A-2	Apartment Typologies - Bldg B & C	18/04/2012
A-0233	1A	Apartment Typologies - Bldg D & E	22/02/2011
A-0234	1A	Apartment Typologies - Adaptable	22/02/2011
A-0251	1A	Shadows (Winter) - June 21 (9am - 12pm)	22/02/2011
A-0252	1A	Shadows (Winter) - June 21 (1pm - 3pm)	22/02/2011
A-0253	1A	Shadows (Summer) - December 21 (9am - 12pm)	22/02/2011
A-0254	1A	Shadows (Summer) - December 21 (1pm - 3pm)	22/02/2011
A-0255	1A	Shadows - Equinox 9am - 12pm	22/02/2011
A-0256	1A	Shadows - Equinox 1 - 3pm	22/02/2011
A-0501	A-2 A-5	Elevation - Walker St & Timbrol Avenue Elevation	18/04/2012 <b>22/10/2012</b>
A-0502	A-2	Elevation - Shoreline Avenue & Gauthorpe Street Elevation	18/04/2012
A-0503	A-2 A-5	Elevations - BLDG A North & East	18/04/2012 <b>22/10/2012</b>
A-0504	A-2 A-5	Elevations - BLDG A East & West	18/04/2012 <b>22/10/2012</b>

A-0505	A-2 A-5	Elevations - BLDG B North, South, East & West	18/04/2012 <b>22/10/2012</b>
A-0506	A-2	Elevations - BLDG C North & South	18/04/2012
A-0507	A-2	Elevations - BLDG C East & West	18/04/2012
A-0508	A-2	Elevations - BLDG D North & East	18/04/2012
A-0509	A-2 A-5	Elevations - BLDG D South & West	18/04/2012 <b>22/10/2012</b>
A-0510	A-2	Elevations - BLDG E North, South, East & West	18/04/2012
A-0601	1A-A-5	North-South Site Section	22/02/2011 <b>22/10/2012</b>
A-0602	1A-A-5	East-West Site Section	22/02/2011 <b>22/10/2012</b>
A-0603	1A	External Material Finishes	22/02/2011
A-0901	1A	3D Visualisations	22/02/2011
A-0902	1A	3D Visualisations	22/02/2011
A-0903	1A	3D Visualisations	22/02/2011
<b>Stormwater Concept Plans prepared by Cardno ITC</b>			
<b>Drawing</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
N10957-STW - H00	02	Coversheet	16/02/2011
N10957-STW - H01	02	Basement 2	16/02/2011
N10957-STW - H02	02	Basement 1	16/02/2011
N10957-STW - H03	02	Stormwater Sketch	16/02/2011
N10957-STW - H04	02	Stormwater Details	16/02/2011
N10957-STW - H05	02	Rainwater Tank Details	16/02/2011
N10957-STW - H06	02	Sediment & Erosions Control Plan	16/02/2011

**Note 1:**

*Modifications to the approved plans will require the lodgement and consideration by Council the **Department of Planning and Infrastructure**. of a modification pursuant to Section 75W of the Environmental Planning and Assessment Act.*

**Note 2:**

*A warning to all Accredited Certifiers. You should always insist on sighting the original approved plans/documentation containing the stamp of the approving authority and not rely solely upon the plan reference numbers in this condition. Should the proponent not be able to provide you with original copies, you should request the approving authority to provide you with access to its files so you that may review the original copies of approved documentation.*

**Note 3:**

*The approved plans and supporting documentation may be subject to conditions imposed under section 75J of the Act modifying or amending the development (refer to conditions of approval which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

## PART B - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- *Condition 22 is amended as follows:*

### 22. Renewing Rhodes Contributions:

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall be paid to Council under the *Renewing Rhodes Contributions Framework*:

#### ***Total Amount of Contribution***

##### Residential Component

<b>Category</b>	<b>Rate</b>	<b>Amount</b>
Community Facilities	1 bedroom unit (\$1,176.44) x 292 306	\$343,520.48
		<b>\$359,990.64</b>
	2 bedroom unit (\$2,138.98) x 413 415	\$883,398.74
		<b>\$887,676.70</b>
	3 bedroom unit (\$2,780.67) x 30 22	\$83,420.10
		<b>\$61,174.74</b>
<b>SUB-TOTAL</b>		<b>\$1,310,339.32</b>
		<b>\$1,308,842.08</b>
Open Space	1 bedroom unit (\$1,196.39) x 292 306	\$349,345.88
		<b>\$366,095.34</b>
	2 bedroom unit (\$2,175.26) x 413 415	\$898,382.38
		<b>\$902,732.90</b>
	3 bedroom unit (\$2,827.84) x 30 22	\$84,832.20
		<b>\$62,212.48</b>
<b>SUB-TOTAL</b>		<b>\$1,332,563.46</b>
		<b>\$1,331,040.72</b>
Roads	1 bedroom unit (\$630.33) x 292 306	\$184,056.36
		<b>\$192,880.98</b>
	2 bedroom unit (\$1,146.06) x 413 415	\$473,322.78
		<b>\$475,614.90</b>
	3 bedroom unit (\$1,489.88) x 30 22	\$44,696.40
		<b>\$32,777.36</b>
<b>SUB-TOTAL</b>		<b>\$702,075.54</b>
		<b>\$701,273.24</b>
<b>TOTAL</b>		<b>\$3,344,978.32</b>
		<b>\$3,341,156.04</b>

Retail Component (based on 1348m<sup>2</sup>)

<b>Category</b>	<b>Rate</b>	<b>Amount</b>
Library	\$72.23 (per100m <sup>2</sup> )	\$973.66
Roads	\$2518.74 (per100m <sup>2</sup> )	\$33,952.62
<b>TOTAL</b>		<b>\$34,926.28</b>

<b>OVERALL TOTAL</b>		<b>\$3,379,904.60</b> <b>\$3,376,082.32</b>
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***Timing and Method of Payment***

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate for above ground works on each lot.**

Note - Subject to negotiation with the proponent Council may permit the staged payment of the above-mentioned contributions.

***Indexing***

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently ~~173.4~~ **102.2** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

*(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)*

- **Condition 34 is amended as follows:**

#### **34. CCV8 Off Street Car Parking Space Provision**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than ~~783~~ **789** spaces are required and designated as follows:

<b>Car Parking Allocation</b>	<b>Number</b>
Residential Car Parking Spaces	<del>735</del> <b>741</b>
Inclusive Residential Adaptable Car Spaces	<del>444</del> <b>112</b>
Visitor Parking	30
Motorcycle Parking	Equiv. to 7
Retail Parking	11
<b>Total Spaces Agreed by this Approval</b>	<del>783</del> <b>789</b>

- All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above
- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard. Adaptable car parking spaces may have a minimum width of 3600mm (x 5400mm), and may share space with adjacent walkways and other adaptable car parking spaces.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Parking and access)*