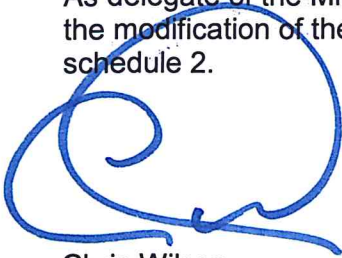


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 4 April 2013, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

9 September 2014

SCHEDULE 1

| | |
|----------------------------|---|
| Application No.: | MP 10_0105 |
| Proponent: | Billbergia Developments Pty Ltd |
| Approval Authority: | Minister for Planning |
| Land: | 40-42 and 44-46 Walker Street, Rhodes (Lot 201 DP 1101828) |
| Project: | <p>Project Application for a development including:</p> <ul style="list-style-type: none">• 759 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;• retail tenancies totalling 1,566m² within the lower levels of buildings A, D and E; and• basement car park over three levels containing 789 spaces and provision of external communal open space areas adjacent to Buildings B & C. |
| Modification: | <p>MP 10_0105 MOD 4: modification includes an amendment to:</p> <ul style="list-style-type: none">• convert common areas into retail tenancies;• the lobby area; and• car parking allocation. |

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) *Schedule 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:*

Application No.: MP 10_0105

Proponent: Billbergia Developments Pty Ltd

Approval Authority: ~~Planning Assessment Commission~~ **Minister for Planning**

Land: 40-42 and 44-46 Walker Street, Rhodes (Lot 201 in DP 1101828)

Project: Project Application for a development including:

- 759 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling ~~1,566m²~~ **2,070m²** within the lower levels of buildings A, ~~C~~, D and E;
- Basement car park over three levels containing 789 spaces; and, provision of external communal open space areas adjacent to Buildings B & C.

- b) *Condition 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:*

1. GCP1 Approved Plans and Supporting Documentation

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)

Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44-46 Walker Street Rhodes, prepared by Urbis, dated July 2013 (MOD 3)

Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44-46 Walker Street Rhodes, prepared by Urbis, dated 24 May 2014 (MOD 5)

Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44-46 Walker Street Rhodes, prepared by Urbis, dated 14 May 2014 (MOD 4)

| Architectural (or Design) Drawings prepared by SJB Architects | | | |
|--|-----------------|---|-------------|
| Drawing | Revision | Name of Plan | Date |
| A-0101 | MOD 3 | Locality / Context Plan | 28/06/2013 |
| A-0102 | MOD 3 | Site Analysis Plan 1 | 28/06/2013 |
| A-0201 | MOD 3 | Level 2 Basement | 28/06/2013 |
| A-0202 | MOD 3 | Level 1 Basement | 28/06/2013 |
| A-0203 | MOD 3 | Podium Plan | 28/06/2013 |
| A-0204 | MOD 3 | Level 01 Plan | 28/06/2013 |
| A-0205 | MOD 3 | Level 02 Plan | 28/06/2013 |
| A-0206 | MOD 3 | Level 03 Plan | 28/06/2013 |
| A-0207 | MOD 3 | Level 04 Plan | 28/06/2013 |
| A-0208 | MOD 3 | Level 05 Plan | 28/06/2013 |
| A-0209 | MOD 3 | Level 06 Plan | 28/06/2013 |
| A-0210 | MOD 3 | Level 07 Plan | 28/06/2013 |
| A-0211 | MOD 3 | Level 08 Plan | 28/06/2013 |
| A-0212 | MOD 3 | Level 09 Plan | 28/06/2013 |
| A-0213 | MOD 3 | Level 10 Plan | 28/06/2013 |
| A-0214 | MOD 3 | Level 11 Plan | 28/06/2013 |
| A-0215 | MOD 3 | Level 12 Plan | 28/06/2013 |
| A-0216 | MOD 3 | Level 13 Plan | 28/06/2013 |
| A-0217 | MOD 3 | Level 14 Plan | 28/06/2013 |
| A-0218 | MOD 3 | Level 15 Plan | 28/06/2013 |
| A-0219 | MOD 3 | Level 16 Plan | 28/06/2013 |
| A-0220 | MOD 3 | Level 17 Plan | 28/06/2013 |
| A-0221 | MOD 3 | Level 18 Plan | 28/06/2013 |
| A-0222 | MOD 3 | Level 19 Plan | 28/06/2013 |
| A-0223 | MOD 5 | Level 20 Plan | 16/05/2014 |
| A-0224 | 1A | Level 21 Plan | 28/06/2013 |
| A-0225 | 1A | Level 22 Plan | 28/06/2013 |
| A-0226 | 1A | Level 23 Plan | 28/06/2013 |
| A-0227 | 1A | Level 24 Plan | 28/06/2013 |
| A-0228 | 1A | Roof Plan | 28/06/2013 |
| A-0231 | A-5 | Apartment Typologies - Bldg A | 22/10/2012 |
| 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-2901 | MOD 3 | Area Calculations - GFA | 28/06/2013 |
| A-2902 | MOD 3 | Area Calculations - GFA | 28/06/2013 |
| A-2903 | MOD 3 | Area Calculations - GFA | 28/06/2013 |
| A-251 | | Building C Wintergarden Overlay | 13/11/2013 |
| A-252 | | Building D Wintergarden Overlay | 13/11/2013 |
| A-253 | | Building E Wintergarden Overlay | 13/11/2013 |
| A-0501 | MOD 3 | Walker St & Timbrol Avenue Elevation | 28/06/2013 |
| A-0502 | MOD 3 | Shoreline Avenue & Gauthorpe Street Elevation | 28/06/2013 |
| A-0503 | A-5 | Elevations - BLDG A - North & East | 22/10/2012 |
| A-0504 | A-5 | Elevations - BLDG A - East & West | 22/10/2012 |
| A-0505 | A-5 | Elevations - BLDG B - North, South, East & West | 22/10/2012 |
| A-0506 | MOD 5 | Elevations - BLDG C - North & South | 16/05/2014 |
| A-0507 | MOD 5 | Elevations - BLDG C - East & West | 16/05/2014 |
| A-0508 | MOD 3 | Elevations - BLDG D - North & East | 28/06/2013 |
| A-0509 | MOD 3 | Elevations - BLDG D - South & West | 28/06/2013 |

| | | | |
|--------|-------|---|------------|
| A-0510 | MOD 3 | Elevations - BLDG E - North, South, East & West | 28/06/2013 |
| A-0601 | MOD 3 | North-South Site Section | 28/06/2013 |
| A-0602 | MOD 3 | East-West Site Section | 28/06/2013 |
| 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 |

Stormwater Concept Plans prepared by Cardno ITC

| Drawing | Revision | Name of Plan | Date |
|------------------|-----------------|----------------------------------|-------------|
| 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 |

Architectural (or Design) Drawings prepared by SJB Architects for MOD 4

| <u>Drawing</u> | <u>Revision</u> | <u>Name of Plan</u> | <u>Date</u> |
|-----------------------|------------------------|--|--------------------------|
| <u>A-0201</u> | <u>MOD 4</u> | <u>Level 2 Basement</u> | <u>10/03/2014</u> |
| <u>A-0202</u> | <u>MOD 4</u> | <u>Level 1 Basement</u> | <u>10/03/2014</u> |
| <u>A-2901</u> | <u>MOD 4</u> | <u>Area Calculations - GFA</u> | <u>10/03/2014</u> |
| <u>A-0506</u> | <u>MOD 4</u> | <u>Elevations - BLDG C</u> <u>North & South</u> | <u>10/03/2014</u> |
| <u>A-0507</u> | <u>MOD 4</u> | <u>Elevations - BLDG C</u> <u>East & West</u> | <u>10/03/2014</u> |

Note 1:

Modifications to the approved plans will require the lodgement and consideration by the Department of Planning and Infrastructure.

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)

- c) Condition 22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers 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

| Category | Rate | Amount |
|----------------------|-----------------------------------|-----------------------|
| Community Facilities | 1 bedroom unit (\$1,176.44) x 356 | \$418,812.64 |
| | 2 bedroom unit (\$2,138.98) x 387 | \$827,785.26 |
| | 3 bedroom unit (\$2,780.67) x 16 | \$44,490.72 |
| SUB-TOTAL | | \$1,291,088.62 |
| Open Space | 1 bedroom unit (\$1,196.39) x 356 | \$425,914.84 |
| | 2 bedroom unit (\$2,175.26) x 387 | \$841,825.62 |
| | 3 bedroom unit (\$2,827.84) x 16 | \$45,245.44 |
| SUB-TOTAL | | \$1,312,985.90 |
| Roads | 1 bedroom unit (\$630.33) x 356 | \$224,397.48 |
| | 2 bedroom unit (\$1,146.06) x 387 | \$443,525.22 |
| | 3 bedroom unit (\$1,489.88) x 16 | \$23,838.08 |
| SUB-TOTAL | | \$691,760.78 |
| TOTAL | | \$3,295,835.30 |

Retail Component (based on 1,566m² **2,070m²**)

| Category | Rate | Amount |
|-----------------|-----------------------------------|---------------------------|
| Library | \$72.23 (per100m ²) | \$1,103.67 |
| | | <u>\$1,495.16</u> |
| Roads | \$2518.74 (per100m ²) | \$38,486.35 |
| | | <u>\$52,137.92</u> |
| TOTAL | | <u>\$39,590.02</u> |
| | | <u>\$53,633.08</u> |

| | | |
|----------------------|--|------------------------------|
| OVERALL TOTAL | | <u>\$3,335,425.32</u> |
| | | <u>\$3,349,468.38</u> |

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 **102.2** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **75.6**. **The proponent should consult with Council prior to making a payment to ensure that there is agreement on the exact amount payable.**

(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)

- d) Insert Condition 22B by the insertion of the **bold and underlined** words as follows:

22B. Deed of Variation to the Voluntary Planning Agreement – Modification 4

The proponent shall enter into/undertake the deed of variation to the Voluntary Planning Agreement (VPA) with Council, in accordance with Division 6 of Part 4 of the EP&A Act as part of MOD 4 prior to the issue of the Construction Certificate. All monetary contributions required under the Voluntary Planning Agreement shall be paid to Council to correspond with the Stage(s) being released, as otherwise specified in the VPA.

- e) Condition 34 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers 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 789 spaces are required and designated as follows:

| <i>Car Parking Allocation</i> | <i>Number</i> |
|--|----------------------------------|
| Residential Car Parking Spaces | 741 <u>739</u> |
| Inclusive Residential Adaptable Car Spaces | 113 |
| Visitor Parking | 30 |

| | |
|---|-------------------------|
| Motorcycle Parking | Equiv. to 7 |
| Retail Parking | 44 13 |
| Total Spaces Agreed by this Approval | 789 |

- 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)

End of Modifications for MP 10_0105 MOD 4