

# Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation dated 10 November 2014, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson  
Executive Director  
Infrastructure and Industry Assessments

Sydney

19 December

2015

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### SCHEDULE 1

<b>Application No.:</b>	MP 10_0105
<b>Proponent:</b>	Billbergia Developments Pty Ltd
<b>Approval Authority:</b>	Planning Assessment Commission
<b>Land:</b>	40-42 and 44 – 46 Walker Street, Rhodes (Lot 201 DP 1101828)
<b>Project:</b>	<p>Project Approval (including subsequent modifications) for a development comprising:</p> <ul style="list-style-type: none"><li>• 759 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;</li><li>• retail tenancies totalling 1,566m<sup>2</sup> within the lower levels of buildings A, D and E; and</li><li>• basement car park over three levels containing 789 spaces and provision of external communal open space areas adjacent to Buildings B &amp; C.</li></ul>
<b>Modification Number:</b>	MP10_0105 MOD 6
<b>Modification Proponent:</b>	Waterpoint Suite 2 Lessors Pty Ltd
<b>Modification:</b>	To convert one dual key apartment in Building D into two separate apartments.

## SCHEDULE 1

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

### Schedule 1

<b>Application No:</b>	MP 10_0105
<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>• <del>759-760</del> residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;</li><li>• retail tenancies totalling 4566m<sup>2</sup> within the lower levels of buildings A, D and E;</li><li>• basement car park over three levels containing 789 spaces; and, provision of external communal open space areas adjacent to Buildings B and C.</li></ul>

## SCHEDULE 2 CONDITIONS

2. 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)
<u>Section 75W Modification Request – Proposed Mixed Use Development Site 2A &amp; 3A, 44-46 Walker Street Rhodes, prepared by Urbis, dated 03 October 2014 (MOD 6)</u>

<b>Architectural (or Design) Drawings prepared by SJB Architects</b>			
<b>Drawing</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
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	<del>MOD 3</del> <b>MOD 6</b>	Level 06 Plan	28/06/2013 <b>11/11/2014</b>
A-0210	<del>MOD 3</del> <b>MOD 6</b>	Level 07 Plan	28/06/2013 <b>10/03/2014</b>
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	22/10/2012

		North, South, East & West	
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	<del>MOD 3</del> <b>MOD 6</b>	Elevations - BLDG D South & West	<del>28/06/2013</del> <b>11/11/2014</b>
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
<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
<b>BASIX Certificate No. 347934M_13 for Rhodes 2A/3A - Build D_13 dated 17 December 2014</b>			

**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)*

- 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**

<b>Category</b>	<b>Rate</b>	<b>Amount</b>
Community Facilities	1 bedroom unit (\$1,176.44) x <del>356</del> <b>357</b>	\$418,812.64
		<b>\$419,989.08</b>
	2 bedroom unit (\$2,138.98) x <del>387</del> <b>388</b>	\$827,785.26
		<b>\$829,924.24</b>
	3 bedroom unit (\$2,780.67) x <del>16</del> <b>15</b>	\$44,490.72
		<b>\$41,710.05</b>
<b>SUB-TOTAL</b>		\$1,291,088.62
		<b>\$1,291,623.37</b>
Open Space	1 bedroom unit (\$1,196.39) x <del>356</del> <b>357</b>	\$425,914.84
		<b>\$427,111.23</b>
	2 bedroom unit (\$2,175.26) x <del>387</del> <b>388</b>	\$841,825.62
		<b>\$844,000.88</b>
	3 bedroom unit (\$2,827.84) x <del>16</del> <b>15</b>	\$45,245.44
		<b>\$42,417.60</b>
<b>SUB-TOTAL</b>		\$1,312,985.90
		<b>\$1,313,529.71</b>
Roads	1 bedroom unit (\$630.33) x <del>356</del> <b>357</b>	\$224,397.48
		<b>\$225,027.81</b>
	2 bedroom unit (\$1,146.06) x <del>387</del> <b>388</b>	\$443,525.22
		<b>\$444,671.28</b>
	3 bedroom unit (\$1,489.88) x <del>16</del> <b>15</b>	\$23,838.08
		<b>\$22,348.20</b>
<b>SUB-TOTAL</b>		\$691,760.78
		<b>\$692,047.29</b>
<b>TOTAL</b>		\$3,295,835.30
		<b>\$3,297,200.37</b>

**Retail Component** (based on 2,070m<sup>2</sup>)

<b>Category</b>	<b>Rate</b>	<b>Amount</b>
Library	\$72.23 (per100m <sup>2</sup> )	\$1,495.16
Roads	\$2518.74 (per100m <sup>2</sup> )	\$52,137.92
<b>TOTAL</b>		\$53,633.08

<b>OVERALL TOTAL</b>		\$3,349,468.38
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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 **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)*

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**End of Modification to MP 10\_0105 MOD 6**