

# 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 executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) determines to approve the modification to the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2, future assessment requirements in Schedule 3 and the Proponent's Revised Statement of Commitments in Schedule 4.

Member of the Commission

Sydney

2013

### SCHEDULE 1

**Concept Approval:** **MP 08\_0195** granted by the Planning Assessment Commission on 15 March 2012.

**For the following:** Mixed use residential, retail and commercial development at 78-90 Old Canterbury Road, Lewisham consisting of:

- residential building retail and commercial floor space;
- basement car parking;
- publicly accessible open space and through site links;
- road works; and
- pedestrian and cycle pathways.

**Modification:** **MP 08\_0195 MOD 1** includes various amendments to the Concept Plan including the re-alignment of the space between Buildings A and B, the introduction of the concept of "dual use" spaces to provide flexibility in providing ground floor retail / commercial floor space, changes to solar access requirements, clarification around the provision of affordable housing, treatment of the public domain, relocation of the loading dock and amending the Terms of Approval and the Statement of Commitments.

## SCHEDULE 2

The above approval is modified as follows:

- (a) Term of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words / numbers as follows:

### Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated October 2010 prepared by Planning Ingenuity, except where amended by the Preferred Project Report dated August 2011 and the Response to PPR submissions dated 30 November 2011 including all associated documents and reports **and the Statement of Commitments prepared by Planning Ingenuity as amended by;**
- ~~the Statement of Commitments prepared by Planning Ingenuity; and~~
- Section 75W Application to MP08 0195 (Modification 1) and the Environmental Assessment dated January 2013 prepared by Meriton Property Services Limited, except where amended by the Response to Submissions dated 23 April 2013 prepared by Meriton Property Services Limited and** the following drawings:

Drawing No.	Name of Plan	Drawn By	Date
12.2 <b><u>(Rev E)</u></b>	Concept Plan	Tony Owen Partners	November 2011 <b><u>16 May 2013</u></b>
12.3 <b><u>(Rev E)</u></b>	Traffic, Access & Parking	Tony Owen Partners	November 2011 <b><u>16 May 2013</u></b>
12.4 <b><u>(Rev F)</u></b>	Land Use	Tony Owen Partners	November 2011 <b><u>20 June 2013</u></b>
12.5 <b><u>(Rev E)</u></b>	Building Height	Tony Owen Partners	November 2011 <b><u>16 May 2013</u></b>
22.1 (800 Revision <del>D</del> <b><u>E</u></b> )	Green Space Calculation Analysis	Tony Owen Partners	22.11.11 <b><u>19 April 2013</u></b>

except for as modified by the following pursuant to Section 75O(4) of the Act.

## SCHEDULE 3

- (b) Future Assessment Requirement 4. is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words / numbers as follows:

### Residential Amenity

4. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:
- (a) ~~a minimum of 70% of apartments within each building receive a minimum of 3 hours solar access to living areas and balconies mid-winter; and~~

- (a) at least 70% of apartments within the Building A envelope shall receive a minimum of 3 hours solar access to living areas and balconies in mid winter;
- (b) at least 70% of apartments within Building envelopes D, E and F shall receive a minimum of 2.5 hours solar access to living areas and balconies in mid winter;
- (c) at least 70% of apartments within Building envelopes B, C and G shall receive a minimum of 2 hours solar access to living areas and balconies in mid winter; and
- (b)(d)a minimum of 60% of apartments within each building are capable of being naturally cross ventilated.

- (c) Future Assessment Requirement 6 is amended by the insertion of the **bold and underlined** words and deletion of the ~~stuck-out~~ words as follows:

#### ESD

6. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives **as detailed in the ESD Report prepared by Efficient Living, dated 3 April 2013.**

- (d) Future Assessment Requirement 10 is amended by the insertion of the **bold and underlined** words and deletion of the ~~stuck-out~~ words as follows:

#### Servicing

10. Future Development Applications shall provide for all servicing, including waste collection, removalist vehicles and all loading/unloading operations to occur within the basement- **with the exception of the proposed loading dock located on the ground floor, at the eastern end of the Building D envelope. Detailed plans shall be submitted to Council as part of future development applications which demonstrate the provision of adequate vehicle manoeuvring areas.**

- (e) Future Assessment Requirement 18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words / numbers as follows:

#### Road Works

18. Future Development Applications shall provide for minimum road widths as follows:
- ~~(a) William and Brown Streets shall be a minimum of 9.6 metres (6 metre carriageway and 1.8 metre footpaths on each side);~~
  - (a) The William Street carriageway width shall be a minimum of 6 metres. A new 1.8 metre wide footpath shall be constructed along the southern side of the street along the entire length of the Concept Plan site;
  - (b) The Brown Street carriageway shall be a minimum of 6 metres. A new 1.8 metre wide footpath shall be constructed along the western side of the street along the entire length of the Concept Plan site;
  - ~~(b)(c)~~ Hudson Street shall be a minimum of 6 to 8.5 metres (6 metre carriageway and 2.5 metre indented parking bays); and
  - ~~(e)(d)~~ the north-south street (private road) shall be a minimum of 9.5 metres (5.5 metre carriageway, 3 metre footpath on the eastern side and 1 metre footpath on the western side).

**Note: Appropriate arrangements shall be made for those parts of the new footpaths on the southern side of William Street and the western side of Brown Street that are currently on private land, to be dedicated to Council.**

- (f) Future Assessment Requirement 21 is amended by the insertion of the **bold and underlined** words and deletion of the ~~stuck out~~ words as follows:

**Sydney Airports**

21. Future applications shall demonstrate all necessary approvals have been obtained from **applications have been made to** Sydney Airports Commission and Air Services Australia.

- (g) Insert new Future Assessment Requirement 28 as follows:

**Affordable Rental Housing**

- 28. Future Development Applications shall demonstrate the provision of affordable rental housing equivalent to 3% of total dwelling yield.**

**The Proponent shall ensure that the appropriate arrangements are made to provide the affordable housing units on site to Council's satisfaction.**

- (h) Insert new Future Assessment Requirement 29 as follows:

**Loading Dock**

- 29. Future development applications shall demonstrate a suitable design treatment to the loading dock on the ground floor, at the eastern end of Building D and which addresses the following matters:**
- (a) the means of minimising visual impacts on the public domain;**
  - (b) noise management measures to preserve the amenity of adjoining dwellings, including proposed hours of operation;**
  - (c) full details of swept paths demonstrating the ability of service vehicles to safely manoeuvre in and around the facility without adversely impacting traffic flows in William and Brown Streets.**

## **SCHEDULE 4**

### **STATEMENT OF COMMITMENTS (Source: Preferred Project Report)**