

# 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.



Gabrielle Kibble AO  
Member of the Commission



Garry Payne AM  
Member of the Commission

Sydney

5 July 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	<del>November 2011</del> <b><u>16 May 2013</u></b>
12.3 <b><u>(Rev E)</u></b>	Traffic, Access & Parking	Tony Owen Partners	<del>November 2011</del> <b><u>16 May 2013</u></b>
12.4 <b><u>(Rev F)</u></b>	Land Use	Tony Owen Partners	<del>November 2011</del> <b><u>20 June 2013</u></b>
12.5 <b><u>(Rev E)</u></b>	Building Height	Tony Owen Partners	<del>November 2011</del> <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	<del>22.11.11</del> <b><u>19 April 2013</u></b>

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

**Note:** The legend “ground floor retail” in Drawing No 12.4 (Rev F) should read “ground floor retail/commercial”.

## 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
  - ~~(c)~~**(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.**

- (a) **The affordable housing units shall be leased out at a 20% discount to the median rental price of the site for a period of 10 years.**
- (b) **A restriction on the title shall be put in place for the relevant units.**
- (c) **Prospective tenants are to be recommended from a Local Community Housing Provider.**
- (d) **Details are to be provided to Marrickville Council prior to the final occupation certificate being issued of the affordable housing units.**

- (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)**

### **Construction Management**

A detailed Demolition and Construction Management Plan will be prepared and submitted as required with future Project/Development Applications or at the Construction Certificate Stage, prior to the commencement of any demolition or construction works on site.

### **Traffic Management**

A detailed Traffic Management Plan will be prepared and submitted as required with future Project/Development Applications or at the Construction Certificate Stage, prior to the commencement of any demolition or construction works on site.

Within the site, car share spaces will be prioritised in convenient locations under future Project/Development Applications.

### **RTA**

The proponent commits to complying as far as practicable with the parking, loading, construction, excavation, noise, hydraulic and road safety requirements of the RTA as described in Attachment A of their submission dated 11 January 2011 and subject to any modification as a consequence of the RTA's assessment of the preferred project.

### **Waste Management**

A detailed waste management plan (construction and operational) will be prepared and submitted with future Project/Development Applications or at the Construction Certification Stage, prior to the commencement of any works on site.

### **Noise and Vibration**

The recommendations of the Noise and Vibration Report provided at Annexure 0 of the EA will be adopted and reflected in future Project/Development Applications. In addition, future Project/Development Applications will comply with the requirements of the Sydney Airport Corporation in terms of minimising the impacts of aircraft noise on residential premises.

## Flora and Fauna

The recommendations of the Flora and Fauna Report attached at Annexure K of the EA will be adopted and reflected in future Project/Development Applications. In consideration of competing constraints on the site and adjacent GreenWay, the development will be designed where practicable to be sensitive to the needs of the fauna of the GreenWay including:

- Provision of appropriate lighting which minimises impacts on nocturnal fauna and the GreenWay generally; and
- Reinforcement of permeability between the GreenWay and the built environment for local fauna, wherever practical (e.g. raised footpath/cycle way sections at appropriate locations).

## Ecologically Sustainable Development

The development commits to the consideration of sustainability measures as detailed in the ESD report ~~provided at Annexure N of the EA prepared by Efficient Living, dated 3 April 2013~~. Details of adopted measures will be detailed in future Project/Development Applications.

## Heritage and Archaeological

The recommendations of the Heritage Impact Assessment and the Archaeological Assessment provided at respective Annexures Q and R of the EA respectively will be adopted and reflected in future Project/Development Applications.

## Geotechnical

The recommendations of the Geotechnical Report provided at Annexure P of the EA will be adopted and reflected in future Project/Development Applications and during the construction process. In addition the following reports will be updated and/or additional matters provided to reflect the following requirements of NSW RailCorp:

- Geotechnical and Structural Reports, and excavation methodology to meet RailCorp requirements; and
- Updated cross-sectional drawings providing accurate measurements and including excavation for on-site detention tank along the rail corridor boundary.

## Site Contamination

The recommendations of the Environmental Site Assessment provided at Annexure F of the EA will be adopted and reflected in future Project/Development Applications and during the construction process.

## Affordable Rental Accommodation

The proponent commits to include affordable housing units in the future redevelopment of the site. The quantum of units proposed will be resolved under future Project/Development Applications. This may be provided as affordable housing under the National Rental Affordability Scheme (NRAS) – or similar scheme - or as a cash contribution to Marrickville Council or other designated authority.

## Stormwater Management

The recommendations and design outcomes of the stormwater management report and the flood report (see respective annexures F & G) will be adopted and reflected in future Project/Development Applications. In addition, the requirements of Water Sensitive Urban Design will be reflected in the stormwater design, including:

- A 90% reduction in the post development mean annual load of total gross pollutant loads.
- A 85% reduction in the post development mean annual load of Total Suspended Solids.
- A 60% reduction in the post development mean annual load of Total Phosphorus.
- A 45% reduction in the post development mean annual load of Total Nitrogen.

The stormwater design will be accompanied by a Model for Urban Stormwater Improvement Conceptualisation (MUSIC) for submission and approval to Sydney Water. This model will be prepared in accordance with the NSW MUSIC Modelling Guidelines (SMCMA, August 2010).

## Building Height

~~In terms of aircraft safety, the building height inclusive of all lifts, over runs, vents, chimneys, aerials, TV antennae, construction cranes etc. shall not exceed 79 metres above Australian Height Datum (AHD). In the event that the building does exceed this height, a new application will be submitted to Sydney Airport Corporation under the Civil Aviation Safety Authority. Should the height of any temporary structure and/or equipment be greater than 45.72 metres above existing ground height (AEGH), a new~~



~~approval will be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.~~

### **Access**

The proponent commits to providing pedestrian and bicycle access connections to the future light rail stop and to Lewisham Station, including a new public footbridge extending from the northern end of Brown Street (to be resolved as part of a VPA I public benefit offer). Consultation will be held with RailCorp and Marrickville Council with respect to requirements for linking the site with Lewisham Station.

### **Transport Access Guide (TAG)**

A TAG will be provided on the site in accordance with the requirements of the RTA. The RTA will be consulted with respect to the location and content of the TAG on the site as required.

### **NSW Office of Water**

The requirements of the NSW Office of Water will be met where necessary under future Project/Development Applications, including all licencing and stormwater treatment measures.

### **Sydney Water**

- The existing water main that traverses the site will be amplified as required to meet the demand of the new population on the subject site. Similarly, the existing sewer main that traverses the site will be diverted and amplified as required by the new population on the subject site. The proponent reserves their right to seek suitable compensation from Sydney Water, as may be necessary.
- A Section 73 Notice of Requirements will be obtained prior to the commencement of any works on site, noting that the proposal is for a Concept Plan only and no construction works will be authorised.

### **Landscaping**

- Landscaping and fencing within 20m of the rail corridor will be designed to meet the requirements of RailCorp.
- Landscaping will contain locally indigenous native species in areas adjacent to the GreenWay. Such landscaping will be designed to provide opportunities for compatible and appropriately varied habitats. Selection of appropriate species may be guided through the GreenWay's documentation "Bushcare Management

Plan" and Missing Jigsaw Pieces: bushland plants of the Cooks River Valley by D Benson, D Ondinea and V Bear.

- Landscaping will reflect and complement the adjacent portions of the GreenWay including both duplication of existing vegetation and companion planting.

### **Light Rail**

- Future Project/Development Applications will be designed in consideration of the anticipated impacts created by the future light rail in terms of noise, vibration, lighting and privacy.
- A way finding and information strategy will be produced in accordance with the signage convention established for the GreenWay/Light Rail Corridor, including GreenWay branding.

### **Building Materials and Finishes**

Buildings, furniture and structures on the site will utilise materials and colours that enhance the visual amenity of the GreenWay.

### **Community and Cultural**

Investigations will be made into opportunities for street activation and/or public art and animation, particularly in the vicinity of the Light Rail stops. This may include public art, community meeting places, community celebrations and where appropriate, cafes, convenience stores adjacent Light Rail stops. Community spaces may facilitate community events and other elements supporting social cohesion. Formal spaces may generally be designed as fully accessible, multi-function areas suitable for adaptation to the varying needs of the community. Such matters will be fully resolved under future Project/Development Applications and may also form part of a VPA/public benefit offer.