


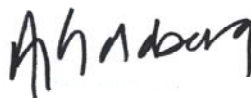
# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, the Planning Assessment Commission approves the modification of the concept application referred to in Schedule 1, subject to the Terms of Approval in Schedule 2, the Future Environmental Assessment Requirements in Schedule 3 and the Statement of Commitments in Schedule 4.



**Paul Forward**  
MEMBER OF THE COMMISSION



**Abigail Goldberg**  
MEMBER OF THE COMMISSION

Sydney

2 December 2013

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### SCHEDULE 1

<b>Application No.:</b>	MP10_0148 granted by the Planning Assessment Commission on 14 August 2012.
<b>Proponent:</b>	Catra Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 21 DP 825400
<b>Project:</b>	<p>150 Epping Road, Lane Cove</p> <p>Concept approval is granted to the development for:</p> <ul style="list-style-type: none"><li>• demolition of all existing structures;</li><li>• remediation of the land;</li><li>• rehabilitation of 1.35ha of bushland and the provision of a walking trail and associated infrastructure;</li><li>• basement car parking;</li><li>• residential floor space for approximately 400 residential apartments including 10% 'affordable housing' apartments;</li><li>• retail, commercial and community floor space; and</li><li>• open space, internal vehicular/pedestrian access and associated landscaping.</li></ul>
<b>Modification Application No. 1:</b>	Modifications to provide a child care centre, changes to the floor space mix, dedication to Council of 1.35 hectares of bushland, deletion of a requirement to prepare a Stage 2 road safety audit, clarification

of staging, and minor changes to some Future Environmental Assessment Requirements.

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
<b>Advisory Notes</b>	means advisory information in relation to the approved development.
<b>BCA</b>	means the <i>Building Code of Australia</i> .
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means Lane Cove Council.
<b>Department</b>	means the Department of Planning and Infrastructure or its successors.
<b>Director-General</b>	means the Director-General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by Perica & Associates dated 28 June 2011.
<b>Minister</b>	means the Minister for Planning & Infrastructure.
<b>MP No. 10_0148</b>	means the Major Project described in the Environmental Assessment as amended by the Preferred Project Report.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report prepared by Perica & Associates dated 5 March 2012.
<b>Proponent</b>	means Catra Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the <i>Environmental Planning and Assessment Regulation 2000</i> (as amended).

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## SCHEDULE 2

### PART A - TERMS OF APPROVAL

(1) Term of Approval A1 is modified as follows:

#### A1 DEVELOPMENT DESCRIPTION

Concept approval is granted to the development as described below:

- demolition of all existing structures;
- remediation of the land;
- retention, ~~and~~ rehabilitation **and dedication to Council** of 1.35ha of bushland and the provision of a walking trail and associated infrastructure;
- a basement car park for approximately ~~646~~ **596** spaces;
- approximately 400 residential apartments including 'affordable housing' apartments;
- ~~769sqm~~ **258sqm** of retail floor space;
- ~~800sqm~~ **0sqm** of commercial floor space;
- ~~1,850sqm~~ **816sqm** of community floor space;
- up to ~~31,615sqm~~ **33,310sqm** of residential floor space;
- subdivision to create a development lot and open space lot; and
- open space, internal vehicular/pedestrian access and associated landscaping.

Note: The number of apartments and car spaces may vary by a maximum of 10% without any change to the approved gross floor area or building envelopes.

(2) Term of Approval A2 is modified as follows:

#### A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10\_0148, ~~and~~ the Environmental Assessment prepared by Perica & Associates 28 June 2011, and the revised Statement of Commitments (refer to Schedule 4), except where amended by the Preferred Project Report prepared by Perica and Associates dated 5 March 2012, **and the Section 75W application Planning Report dated 14 June 2013 and Preferred Project Report dated 19 September 2013 both prepared by Meriton Property Services Pty Ltd**, and the following drawings:

Architectural Drawings prepared by CM+(Conybeare Morrison International Pty Ltd)			
Drawing No.	Issue	Title of Plan	Date
A010	<del>2</del> <b>4</b>	Building Envelope Plan	<del>27 July 2012</del> <b>16 September 2013</b>
A101	<del>2</del> <b>6</b>	Roof Plan	<del>27 July 2012</del> <b>16 September 2013</b>
A102	<del>2</del> <b>3</b>	Plan at RL 30.5	<del>27 July 2012</del> <b>6 June 2013</b>
A103	<del>2</del> <b>4</b>	Plan at RL 27.5	<del>27 July 2012</del> <b>16 September 2013</b>
A104	<del>2</del> <b>3</b>	Plan at RL <del>24.5</del> <b>24.3</b>	<del>27 July 2012</del> <b>6 June 2013</b>
A105	<del>2</del> <b>3</b>	Plan at RL <del>22</del> <b>21.1</b>	<del>27 July 2012</del> <b>6 June 2013</b>

A106	<del>2</del> <b>3</b>	Plan at RL <del>49</del> <b>18</b>	<del>27 July 2012</del> <b>6 June 2013</b>
A201	<del>2</del> <b>5</b>	Site Elevation - North	<del>27 July 2012</del> <b>19 August 2013</b>
A202	<del>2</del> <b>5</b>	Site Elevation – West	<del>27 July 2012</del> <b>19 August 2013</b>
A203	<del>2</del> <b>5</b>	Site Elevation – East	<del>27 July 2012</del> <b>19 August 2013</b>
A204	<del>2</del> <b>6</b>	Site Section A	<del>27 July 2012</del> <b>19 August 2013</b>
A205	<del>2</del> <b>6</b>	Site Section B	<del>27 July 2012</del> <b>19 August 2013</b>
A601	<del>2</del> <b>4</b>	Schedule of Areas	<del>27 July 2012</del> <b>19 August 2013</b>

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

(3) Term of Approval A3 is modified as follows:

### **A3 LAPSING OF APPROVAL**

Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development **for** which concept approval has been given prior to the lapsing of the Concept Plan.

## **SCHEDULE 3**

### **FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

(1) Future Environmental Assessment Requirement 3 is modified as follows:

#### **3. NOISE MANAGEMENT ASSESSMENT**

- a) A detailed Noise Management Assessment, prepared by a suitably qualified acoustic consultant in accordance with the NSW Industrial Noise Policy. The noise assessment shall identify which buildings or parts of buildings require acoustic treatment to habitable spaces to provide satisfactory indoor noise levels. The assessment is to include all noise sources surrounding the site including traffic and industrial activities. The mitigation measures to minimise noise impacts (eg. landscape buffers, building design, **enclosure of balconies**, construction techniques) are to inform the detailed design stage of the development.

(2) Future Environmental Assessment Requirement 4 is modified as follows:

#### **4. CONTAMINATION**

- a) Preparation of a detailed contamination assessment, prepared by a suitably qualified person including a Sampling, Analysis and Quality Plan.
- b) A ~~Remediation~~ **Remedial** Action Plan, prepared by a suitably qualified person in accordance with *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP/EPA 1998)*, based on recommendations and conclusions in the Contamination Assessment Report, prepared by AECOM, dated 4 March 2011.

- c) Should contamination be identified through intrusive monitoring, a comprehensive human health risk assessment taking into account pathways of human exposure shall be conducted to inform the ~~remediation~~ **remedial** plan.
- d) **The National Environment Protection Measure low density residential health-based investigation level should be applied to the proposed child care centre unless the proponent can demonstrate to the satisfaction of Council that children from the child care centre will have very limited access to contaminated soil.**

(3) Future Environmental Assessment Requirement 7 is modified as follows:

## **7. AIR QUALITY**

- a) A detailed Air Quality Assessment, prepared by a suitably qualified consultant is to provide mitigation measures that can be incorporated into the design of the buildings to minimise odour impacts from the National Starch facility to future residents on the site. The assessment must be based on the current activities and analysis should be undertaken using the facility-specific data from the National Pollution Inventory. The mitigation measures to minimise odour impacts are to inform the detailed design stage of the development **(and may include measures such as enclosed balconies and location of air intakes).**

(4) Future Environmental Assessment Requirement 8 is modified as follows:

## **8. VEHICULAR ACCESS**

~~A Stage 2 Road Safety Audit, prepared by a suitably qualified consultant is to review the proposed access arrangements for vehicles entering and exiting the site. The safety audit is to be undertaken in consultation with the RTA and any relevant findings are to inform the final design of the vehicular access arrangements.~~

(5) Future Environmental Assessment Requirement 10 is modified as follows:

## **10. PARKING PLAN**

- a) A Parking Plan showing the proposed car parking areas including driveways, grades, turning paths, site distance requirements, aisle widths, aisle lengths and parking bay dimensions in accordance with AS 2890.1 – 2004, **including Amendment 1:2005 Parking Facilities – Off-street Car Parking** and AS2890.2 – 2002 **Off-street commercial vehicle facilities** ~~for heavy vehicle usage.~~
- b) Details of bicycle storage in the basement of apartments and bicycle lockers and bicycle parking areas for the retail ~~and commercial~~ components in accordance with Lane Cove Council's Development Control Plan.

(6) Future Environmental Assessment Requirement 12 is modified as follows:

## **12. CONSTRUCTION MANAGEMENT PLAN**

- a) A detailed Construction Management Plan (CMP) shall be provided for ~~both stages of~~ the development on the site to a level of detail commensurate to the type of application lodged. The CMP shall address, but not be limited to, the following matters where relevant: hours of work; contact details of site manager; erosion and sediment control; traffic management; noise and vibration management; waste management and flora and fauna management.

- b) The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and will not cause erosion or sedimentation. All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialised field. This also relates to vegetation rehabilitation practices in the eastern part of the site.
- c) The CMP shall be prepared in consultation with the RMS and NSW State Transit Authority.
- d) A Construction Environmental Management Plan (CEMP) shall provide details on measures to avoid, minimise, mitigate, manage and if required offset residual environmental impacts of the proposed construction works on surrounding bushland. The CEMP shall include the measures identified in the Flora and Fauna Assessment, prepared by Aecom, dated 7 March 2011.

(7) Future Environmental Assessment Requirement 14 is modified as follows:

#### 14. STAGING PLAN

- a) **If staging is proposed, a** A detailed Staging Plan showing the development being carried out in a sequential manner. ~~The first stage should include all~~ **All** road works to Epping Road for the entire development, **(within Epping Road and associated with the development)** and access arrangements for new residents ~~and provision of a suitable buffer to the second stage~~ **shall be completed prior to the first occupation certificate.**

(8) Future Environmental Assessment Requirement 15 is modified as follows:

#### 15. GEOTECHNICAL ASSESSMENT

- a) A Geotechnical Assessment is required to assess **and ensure there are no** the impacts of the development on the Lane Cove Tunnel during and after development construction. The assessment will need to include detailed information on the proposed final design, depth and type of footings and foundations of all the buildings. The Geotechnical Assessment is to be submitted to the Roads and ~~Traffic Authority~~ **Maritime Services (RTA—RMS)** for review and comment prior to being finalised **and construction commencing**, with any comments received within 30 days of being submitted to the ~~RTA RMS~~ included in the report.

(9) Future Environmental Assessment Requirement 16 is modified as follows:

#### 16. RIPARIAN LAND/VEGETATION MANAGEMENT PLAN

- a) A Vegetation Management Plan (VMP) shall be provided for riparian land in the undeveloped southern and eastern portions of the site. The VMP must consider the criteria identified in the ~~Vegetation Management Plan Guidelines, prepared by the Department of Water and Energy, (February 2008)~~ **Guidelines for Vegetation Management Plans on Waterfront Land** (Office of Water, July 2012). The VMP is to be prepared by a suitably qualified person and should address but not be limited to, the following:
  1. Provide details of vegetation to be retained and measures to protect riparian vegetation during the construction and operation phases of the development.
  2. Identify areas to be rehabilitated and details of the vegetation species, composition, planting, layout and densities of plants to re-vegetate these areas.

3. Long term financial commitment to any proposed conservation measures, including any mechanisms to be implemented to achieve this and costings.
4. Outline ongoing management arrangements, including but not limited to responsibilities, funding and long term maintenance.
5. Provide details on weed control, access control, rubbish control, planting, monitoring and timing of revegetation works within the retained vegetation and the areas to be revegetated.
6. A plan showing the location of the Asset Protection Zone (APZ) around the southern developable portion of the site in relation to riparian land and the proposed walking track and associated infrastructure and sewer infrastructure.

(10) Future Environmental Assessment Requirement 17 is modified as follows:

## **17. BUSHFIRE**

- a) A report demonstrating how the final design complies with the *New South Wales Planning for Bushfire Protection Guidelines 2006* and *AS 3959-2009 Construction of Buildings in Bush Fire Prone Areas* and has regard to the comments from the NSW RFS in their letter dated 25 July 2012 (S12/0013).
- b) The proposed child care centre must be constructed to BAL 12.5 in accordance with AS 3959-2009 Construction of Buildings in Bush Fire Prone Areas.**

(11) Future Environmental Assessment Requirement 18 is modified as follows:

## **18. ABORIGINAL HERITAGE**

- a) An Aboriginal Heritage Statement to assess the impact of the works to be undertaken for a walking trail and associated infrastructure in the eastern part of the site.
- b) Provide details of consultation with Aboriginal groups as set out in ~~the draft *Guidelines of Aboriginal Cultural Heritage Impact Assessment and Community Consultation July 2005*~~ ***Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)***.

(12) Future Environmental Assessment Requirement 21 is modified as follows:

## **21. VOLUNTARY PLANNING AGREEMENT**

- a) The future application for the first stage of building development **(if staged, otherwise the first development application)** shall provide details in the form of discussions and/or correspondence with Lane Cove Council regarding the progress or otherwise of a voluntary planning agreement.

(13) Future Environmental Assessment Requirement 23 is modified as follows:

## **23. PUBLIC ACCESS**

- a) The future application shall provide design details of a public walking trail with rest points, seats and information posts through the undeveloped riparian bushland portion of the site.
- b) The future application shall clearly set out the mechanism for creating rights of public access to the undeveloped riparian bushland with the relevant instrument/s to be executed prior to commencement of the **final** occupation/use of the development.

(14) Future Environmental Assessment Requirement 24 is modified as follows:

#### **24. PUBLIC ART**

- a) The future application shall provide details of the type and location of a permanent public art installation ~~commissioned by Catra Pty Ltd~~ in accordance with Part L of the Lane Cove Development Control Plan adopted on 22 February 2010. **The public art shall be constructed prior to the issue of the final occupation certificate for the development.**

(15) Future Environmental Assessment Requirement 25 is modified as follows:

#### **25. SUSTAINABILITY MEASURES**

- a) The future application shall provide details on the provision of sustainability measures such as car share spaces, a community bus **(funds for which may be provided as part of a voluntary planning agreement with Council)**, charge points for electric cars, bicycle parking and storage.

(16) Future Environmental Assessment Requirement 26 is modified as follows:

#### **26. HOUSING AFFORDABILITY**

- (d) *At the discretion of the proponent in consultation with Council, 4% of units to be dedicated to Council as affordable housing **OR** 10% of units to be allocated as Affordable Housing for a period of 10 years that is consistent with the State Environmental Planning Policy Affordable Rental Housing 2009, which allows for housing within the National Rental Affordability Housing Scheme. A diversity of unit sizes is to be provided in either option.*

(17) Future Environmental Assessment Requirement 27 is modified as follows:

#### **27. BUSHLAND REHABILITATION**

- a) The future application shall provide details on **the dedication, free of cost to Lane Cove Council and the upgrade to Council's agreed standard, of the** ~~whether the undeveloped riparian bushland portion of the site will be dedicated to Lane Cove Council or retained in private ownership and maintained by the landowner.~~

**End of Schedule 3**



## SCHEDULE 4

### STATEMENT OF COMMITMENTS

#### PART A – ADMINISTRATIVE COMMITMENTS

(1) Statement of commitment A1 is modified as follows:

**A1. Project Description**

A Mixed Use development comprising a total of ~~35,066~~ **35,034** sqm of Gross Floor Area (as defined under Lane Cove LEP 2009) including ~~742 sqm of retail space, 800 sqm of commercial space, 1,850 sqm of community uses, and 31,674 sqm of residential Gross Floor Area (GFA), to accommodate a total of 402 units\* and approximately 645 car spaces.~~

*Responsibility – Proponent and Department of Planning*

(2) Statement of commitment A2 is modified as follows:

**A2. Future Development Applications**

Future Development Applications will be submitted to Lane Cove Council under Part 4 of the EP&A Act and be generally in accordance with the Concept Plan approval ~~submitted with this application.~~

*Responsibility -Proponent and Department of Planning*

\* The final unit number may vary by +/- 10%, provided the gross floor area and envelopes are complied with. The same applies for car parking.

#### PART B - GENERAL

(3) Statement of commitment B1 is modified as follows:

**B1. Bushfire Management**

Bushfire hazard will be managed consistent with Planning for Bushfire Protection Guidelines and be in accordance with the recommendations of the Bushfire Hazard Assessment report prepared by ~~Barry Eadie Consulting~~ **Building Code and Bushfire Hazard Solutions, as amended by any conditions of approval.**

*Responsibility -Proponent and Occupants*

(4) Statement of commitment B2 is modified as follows:

**B2 Land Contamination Investigation**

To ensure the site is suitable for residential purposes additional assessment will be carried out as required. Site audits will be carried out as necessary to certify the suitability of the site for the proposed uses and according to SEPP55 Guidelines and in accordance with the recommendations made in the Contamination Assessment Report prepared by Aecom **and/or conditions of any other development approval issued for the land.**

*Responsibility –Proponent*

(5) Statement of commitment B3 is modified as follows:

**B3. Flora and Fauna**

To ensure that impacts on the surrounding ecology are minimised, all works will comply with the mitigation measures outlined in the Flora and Fauna Assessment report prepared

by Aecom **and/or conditions of any other development approval issued for the land.**

*Responsibility -Proponent*

(6) Statement of commitment B4 is modified as follows:

**B4. Heritage**

An assessment of non-Indigenous and Aboriginal heritage was undertaken for the Concept Plan. Further Heritage Impact statements and Consultation shall be carried out in accordance with the recommendations of the Heritage Study prepared by Artefact Heritage Services **if required.**

*Responsibility -Proponent*

(7) Statement of commitment B5 is modified as follows:

**B5. Air Quality & Odour**

The Proponent commits to comply with the recommendations of the Air Quality & Odour Constraints Study prepared by Aecom **where required.**

*Responsibility -Proponent*

(8) Statement of commitment B7 is modified as follows:

**B7. Geotechnical and Contamination**

Preliminary geotechnical information has been assessed. Further detailed geotechnical assessment and reports will be undertaken at Development Application stage. A Remedial Action Plan will be prepared as part of any future Development Application or Project Application **if required.**

*Responsibility –Proponent*

(9) Statement of commitment B8 is modified as follows:

**B8. Traffic and Public Transport**

~~All roadworks related to the development will be paid for by the developer, including footpath works, bicycle way, roadworks within the site and immediately adjoining (where necessary/affected by the proposal) and management works during construction and for ongoing operation.~~

**Roadworks, footpaths and bicycle ways will be provided in accordance with a Voluntary Planning Agreement. Management of works will be undertaken by the proponent.**

~~The developer will provide a pedestrian bridge over Epping Road, with disabled access, subject to agreement with the NSW Roads and Traffic Authority. An application for approval for the pedestrian bridge will be submitted with the RTA prior to a Development Application being lodged for the site.~~

The developer will also commit to changing the current bus stop just to the east of the development to an all-weather bus shelter **as outlined in a Voluntary Planning Agreement.**

In lieu of the pedestrian bridge, the proponent will contribute two million dollars (\$2,000,000) to Lane Cove Council prior to the issue of the first Construction Certificate to improve public infrastructure facilities in the Council area.

*Responsibility –Proponent / RTA RMS*

(10) Statement of commitment B9 is modified as follows:

***B9. Storm water***

All stormwater drainage and treatment **will be designed in consultation with Lane Cove Council** and ~~design will conform to Lane Cove Council published requirements.~~ Other Recommendations of the Stormwater Report prepared by Hyder will be complied with **taken into account where relevant to the buildings and land uses on the site.**

*Responsibility –Proponent*

(11) Statement of commitment B12 is modified as follows:

***B12. Developer Contributions and Voluntary Planning Agreement***

The ~~developer has offered~~ **proponent** to enter into a Planning Agreement (VPA) with Lane Cove Council **pursuant to conditions 20 and 21, in Schedule 3 of MP10\_0148 and any subsequent modifications to that approval, including section 94 / cash contribution offsets towards agreed works-in-kind,** in the terms outlined in a letter to Council dating 9th March 2011. ~~Such a VPA would be prepared and exhibited prior to or concurrently with a development application for the future buildings.~~

*Responsibility –Proponent / Lane Cove Council*

(12) Statement of commitment B13 is modified as follows:

***B13. Dedications & Titling Arrangements***

Dedication of the E2 Zoned handle of the site is proposed to be dedicated to Council as outlined in a draft VPA.

~~It is envisaged that the site will be Community Title with 6 Torrens Title lots in one community lot. There would be approximately 460 strata lots on the site.~~ **The site will be appropriately subdivided to take into account the multiple land uses, public access and land dedications.**

*Responsibility –Proponent / Department of Planning/Lane Cove Council*

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