

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 NSW Planning Assessment Commission modifies the Concept Plan referred to in schedule 1, subject to the terms in schedule 2.

Member of the Commission

Member of the Commission

Sydney,

2014

SCHEDULE 1

Concept Approval: **MP10_0101** granted by the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure, on 1 July 2011.

For the following:

Mixed use development, including:

- Use of the sites for retail and residential purposes and associated car parking;
- Indicative building envelope to a maximum height of 55 metres (to a maximum of 114.6 metres AHD);
- Maximum GFA of 28,474m² (26,775m² residential, 1,499m² retail & 200m² community);
- Public domain improvements to Treacy Street;
- Landscaping areas throughout the site; and
- Staging of the Development

**Proposed
Modification**

MP10_0101 MOD 2: Modification includes:

- Change to building envelopes including increase in height to 66.4m ((to a maximum of 126.0 metres AHD)
- Addition of a upper ground floor mezzanine level incorporating additional parking and floor space;
- Increase maximum gross floor area to 32,497m² (30,459m residential, 200m² community 687m² retail and 1151 m² child care centre);
- Changes to floor levels; and
- Changes to carparking provision and layout.

SCHEDULE 2

PART A- TERMS OF APPROVAL

The above approval is modified as follows:

a) Term of Approval A1 is amended as follows:

A1. Development Description

Concept approval is granted to the development as described below:

- (a) Use of the site for retail and residential purposes and associated car parking;
- (b) Indicative building envelope to a maximum of ~~55~~ **66.4** metres (to a maximum of ~~114.6~~ **126.0** metres AHD);
- (c) Maximum GFA of 28,474m² (~~26,775m² residential, 1,499m² retail & 200m² community~~) **32,497m² (30,459m residential, 200m² community, and 1838m² retail and / or childcare centre)**;
- (d) Public domain improvements to Treacy Street;
- (e) Landscaping areas throughout the site: and
- (f) Staging of the development.

b) Term of Approval A2 is amended as follows:

A2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 10_0101 and with the Environmental Assessment, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings prepared by Stanisic Associates Architects and Habitation except where amended by the Section 75W Modification, prepared by Crosby Textor Pty Ltd, dated April 2012 except where amended by the Section 75W Modification, prepared by Crosby Textor Pty Ltd, dated June 2013 as amended by the Response to Submissions modified 8/11/2013 and letter dated 18 February 2014 from Gadens Lawyers and the following drawings prepared by Stanisic Associates Architects, Proposed modifications to the Statements of Commitments relating to a Green Travel Plan as out in the above documentation forming part of MP10 0101 MOD 2 are not approved.

Concept Plan Drawings prepared Stanisic Associates Architects			
Drawing No.	Revision	Name of Plan	Date
CD03	H	Site Plan	14.12.11
CD04	H	Basement 4A/4B	14.12.11
CD05	H	Basement 3A/3B	14.12.11
CD06	H	Basement 2A/2B	14.12.11
CD07	H	Basement 1A/1B	14.12.11
CD08	H	Ground-Floor	14.12.11
CD09	H	Level-1	14.12.11
CD10	H	Level-2	14.12.11
CD11	H	Level-3	14.12.11
CD12	H	Level-4	14.12.11
CD13	H	Level-5	14.12.11
CD14	H	Level-6	14.12.11
CD15	H	Level-7	14.12.11

CD16	H	Level 8	14.12.11
CD17	H	Level 9	14.12.11
CD18	H	Level 10	14.12.11
CD19	H	Level 11	14.12.11
CD20	H	Level 12	14.12.11
CD21	H	Level 13	14.12.11
CD22	H	Level 14	14.12.11
CD23	H	Level 15	14.12.11
CD24	H	Roof	14.12.11
CD25	H	North Elevation	14.12.11
CD26	H	South Elevation	14.12.11
CD27	H	East + West Elevations	14.12.11
CD28	H	Section AA	14.12.11
CD29	H	Section BB	14.12.11
CD30	H	Section CC	14.12.11
CD31	H	Section DD (West int) + EE (East int)	14.12.11
CD32	H	Unit Types ST + A+ D	14.12.11
CD33	H	Unit Types E	14.12.11
CD34	H	Unit Types E	14.12.11
CD35	H	Unit Types E	14.12.11
CD36	H	Unit Types G	14.12.11
CD37	H	Unit Types J	14.12.11
CD08/1	H	Staging Ground Floor	14.12.11
CD15/1	H	Staging Level 7	14.12.11
CD18/1	H	Staging Level 10	14.12.11
CD24/1	H	Staging Roof	14.12.11
CD25/1	H	Staging North Elevation	14.12.11
CD26/1	H	Staging South Elevation	14.12.11
CD27/1	H	Staging East-West Elevations	14.12.11
<u>CD03</u>	=	<u>Site Plan</u>	<u>12.04.13</u>
<u>CD04</u>	=	<u>Basement 4A/4B</u>	<u>12.04.13</u>
<u>CD05</u>	=	<u>Basement 3A/3B</u>	<u>12.04.13</u>
<u>CD06</u>	=	<u>Basement 2A/2B</u>	<u>12.04.13</u>
<u>CD07</u>	=	<u>Basement 1A/1B</u>	<u>12.04.13</u>
<u>CD08</u>	=	<u>Basement 1C</u>	<u>12.04.13</u>
<u>CD09</u>	=	<u>Ground Floor</u>	<u>12.04.13</u>
<u>CD10</u>	=	<u>Upper Ground Floor</u>	<u>12.04.13</u>
<u>CD11</u>	=	<u>Level 1</u>	<u>12.04.13</u>
<u>CD12</u>	=	<u>Level 2</u>	<u>12.04.13</u>
<u>CD13</u>	=	<u>Level 3</u>	<u>12.04.13</u>

<u>CD14</u>	=	<u>Level 4</u>	<u>12.04.13</u>
<u>CD15</u>	=	<u>Level 5</u>	<u>12.04.13</u>
<u>CD16</u>	=	<u>Level 6</u>	<u>12.04.13</u>
<u>CD17</u>	=	<u>Level 7</u>	<u>12.04.13</u>
<u>CD18</u>	=	<u>Level 8</u>	<u>12.04.13</u>
<u>CD19</u>	=	<u>Level 9</u>	<u>12.04.13</u>
<u>CD20</u>	=	<u>Level 10</u>	<u>12.04.13</u>
<u>CD21</u>	=	<u>Level 11</u>	<u>12.04.13</u>
<u>CD22</u>	=	<u>Level 12</u>	<u>12.04.13</u>
<u>CD23</u>	=	<u>Level 13</u>	<u>12.04.13</u>
<u>CD24</u>	=	<u>Level 14</u>	<u>12.04.13</u>
<u>CD25</u>	=	<u>Level 15</u>	<u>12.04.13</u>
<u>CD26</u>	=	<u>Level 16</u>	<u>12.04.13</u>
<u>CD27</u>	=	<u>Level 17</u>	<u>12.04.13</u>
<u>CD28</u>	=	<u>Level 18</u>	<u>12.04.13</u>
<u>CD29</u>	=	<u>Roof</u>	<u>12.04.13</u>
<u>CD30</u>	=	<u>North Elevation</u>	<u>12.04.13</u>
<u>CD31</u>	=	<u>South Elevation</u>	<u>12.04.13</u>
<u>CD32</u>	=	<u>East + West Elevations</u>	<u>12.04.13</u>
<u>CD33</u>	=	<u>Section AA</u>	<u>12.04.13</u>
<u>CD34</u>	=	<u>Section BB</u>	<u>12.04.13</u>
<u>CD35</u>	=	<u>Section CC</u>	<u>12.04.13</u>
<u>CD36</u>	=	<u>Section DD (West int) + EE (East int)</u>	<u>12.04.13</u>
<u>CD37</u>	=	<u>Unit Types ST + A+ D</u>	<u>12.04.13</u>
<u>CD38</u>	=	<u>Unit Types E</u>	<u>12.04.13</u>
<u>CD39</u>	=	<u>Unit Types E</u>	<u>12.04.13</u>
<u>CD40</u>	=	<u>Unit Types E</u>	<u>12.04.13</u>
<u>CD41</u>	=	<u>Unit Types G</u>	<u>12.04.13</u>
<u>CD42</u>	=	<u>Unit Types J</u>	<u>12.04.13</u>
<u>CD09/1</u>	=	<u>Staging Ground Floor</u>	<u>12.04.13</u>
<u>CD17/1</u>	=	<u>Staging Level 7</u>	<u>12.04.13</u>
<u>CD20/1</u>	=	<u>Staging Level 10</u>	<u>12.04.13</u>
<u>CD29/1</u>	=	<u>Staging Roof</u>	<u>12.04.13</u>
<u>DA30/1</u>	=	<u>Staging North Elevation</u>	<u>12.04.13</u>
<u>DA31/1</u>	=	<u>Staging South Elevation</u>	<u>12.04.13</u>
<u>CD32/1</u>	=	<u>Staging East-West Elevations</u>	<u>12.04.13</u>

c) Term of Approval A8 is amended as follows:

A8. Parking Provision

Residential Parking provision shall comply with Hurstville City Council Development Control Plan No. 2 requirements **(as in force at the time of this approval)** and a minimum of 30 **31** parking spaces are to be provided for retail **and childcare** uses and 5 spaces for community uses.

d) New Term of Approval A10 is added, and reads as follows:

A10. Voluntary Planning Agreement

Prior to the submission of any future application under Part 4 of the Act, the Proponent shall provide written evidence to the Director General that it has entered into, or used its best endeavours to enter into, a Voluntary Planning Agreement with Hurstville City Council in accordance with the terms of the letter of offer and draft planning agreement dated 18 February 2014.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

e) New Future Environmental Assessment Requirement 16 is added, and reads as follows:

16 Detailed Floor Plans

Future applications are to be accompanied by amended detailed floor plans which are demonstrated to maximise ground floor street activation, delete above ground mezzanine car parking, provide adequate on-site loading bays to service all non-commercial uses and residential waste collection entirely within the building envelope, and investigate the potential to provide such loading areas at the basement level.

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP10_0101

CONCEPT PLAN FOR A MIXED RETAIL & RESIDENTIAL DEVELOPMENT

21-35 TREACY STREET, HURSTVILLE

(Source: Section 75W Modification, April 2012 and letter from Crosby Textor dated 18 February 2014)

f) New Commitment is added, and reads as follows:

8.15 Voluntary Planning Agreement

Earliest Pty Ltd commit to using its best endeavours to enter into a Voluntary Planning Agreement with the City of Hurstville in the form of a monetary contribution of \$540,000 to be applied towards a public purpose.