

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, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Mark Schofield
A/Director

Metropolitan & Regional Projects South

Sydney,

4 / 9 / 2012

SCHEDULE 1

Project 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 number of 257 dwellings;
- Public domain improvements to Treacy Street; and
- Landscaping areas throughout the site

**Proposed
Modification**

MP10_0101 MOD 1: Modification includes:

- an increase in residential floor area to 26,775m²;
- a decrease in retail floor area to 1,499m²;
- provision of 200m² of community floor area;
- staging of development; and
- modification to floor layouts.

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 metres (to a maximum of 114.6 metres AHD);
- (c) **Maximum GFA of 28,474m² (26,775m² residential, 1,499m² retail & 200m² community)**
Maximum number of 257 dwellings;
- (d) Public domain improvements to Treacy Street; and
- (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 and the following drawings prepared by Stanisic Associates Architects.

| Concept Plan Drawings prepared Stanisic Associates Architects | | | |
|---|----------|-----------------------|-----------------|
| Drawing No. | Revision | Name of Plan | Date |
| <u>CD03</u> | <u>H</u> | <u>Site Plan</u> | <u>14.12.11</u> |
| <u>CD04</u> | <u>H</u> | <u>Basement 4A/4B</u> | <u>14.12.11</u> |
| <u>CD05</u> | <u>H</u> | <u>Basement 3A/3B</u> | <u>14.12.11</u> |
| <u>CD06</u> | <u>H</u> | <u>Basement 2A/2B</u> | <u>14.12.11</u> |
| <u>CD07</u> | <u>H</u> | <u>Basement 1A/1B</u> | <u>14.12.11</u> |
| <u>CD08</u> | <u>H</u> | <u>Ground Floor</u> | <u>14.12.11</u> |
| <u>CD09</u> | <u>H</u> | <u>Level 1</u> | <u>14.12.11</u> |
| <u>CD10</u> | <u>H</u> | <u>Level 2</u> | <u>14.12.11</u> |
| <u>CD11</u> | <u>H</u> | <u>Level 3</u> | <u>14.12.11</u> |
| <u>CD12</u> | <u>H</u> | <u>Level 4</u> | <u>14.12.11</u> |
| <u>CD13</u> | <u>H</u> | <u>Level 5</u> | <u>14.12.11</u> |
| <u>CD14</u> | <u>H</u> | <u>Level 6</u> | <u>14.12.11</u> |
| <u>CD15</u> | <u>H</u> | <u>Level 7</u> | <u>14.12.11</u> |
| <u>CD16</u> | <u>H</u> | <u>Level 8</u> | <u>14.12.11</u> |
| <u>CD17</u> | <u>H</u> | <u>Level 9</u> | <u>14.12.11</u> |
| <u>CD18</u> | <u>H</u> | <u>Level 10</u> | <u>14.12.11</u> |
| <u>CD19</u> | <u>H</u> | <u>Level 11</u> | <u>14.12.11</u> |
| <u>CD20</u> | <u>H</u> | <u>Level 12</u> | <u>14.12.11</u> |

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| <u>CD21</u> | <u>H</u> | <u>Level 13</u> | <u>14.12.11</u> |
| <u>CD22</u> | <u>H</u> | <u>Level 14</u> | <u>14.12.11</u> |
| <u>CD23</u> | <u>H</u> | <u>Level 15</u> | <u>14.12.11</u> |
| <u>CD24</u> | <u>H</u> | <u>Roof</u> | <u>14.12.11</u> |
| <u>CD25</u> | <u>H</u> | <u>North Elevation</u> | <u>14.12.11</u> |
| <u>CD26</u> | <u>H</u> | <u>South Elevation</u> | <u>14.12.11</u> |
| <u>CD27</u> | <u>H</u> | <u>East + West Elevations</u> | <u>14.12.11</u> |
| <u>CD28</u> | <u>H</u> | <u>Section AA</u> | <u>14.12.11</u> |
| <u>CD29</u> | <u>H</u> | <u>Section BB</u> | <u>14.12.11</u> |
| <u>CD30</u> | <u>H</u> | <u>Section CC</u> | <u>14.12.11</u> |
| <u>CD31</u> | <u>H</u> | <u>Section DD (West int) + EE (East int)</u> | <u>14.12.11</u> |
| <u>CD32</u> | <u>H</u> | <u>Unit Types ST + A+ D</u> | <u>14.12.11</u> |
| <u>CD33</u> | <u>H</u> | <u>Unit Types E</u> | <u>14.12.11</u> |
| <u>CD34</u> | <u>H</u> | <u>Unit Types E</u> | <u>14.12.11</u> |
| <u>CD35</u> | <u>H</u> | <u>Unit Types E</u> | <u>14.12.11</u> |
| <u>CD36</u> | <u>H</u> | <u>Unit Types G</u> | <u>14.12.11</u> |
| <u>CD37</u> | <u>H</u> | <u>Unit Types J</u> | <u>14.12.11</u> |
| <u>CD08/1</u> | <u>H</u> | <u>Staging Ground Floor</u> | <u>14.12.11</u> |
| <u>CD15/1</u> | <u>H</u> | <u>Staging Level 7</u> | <u>14.12.11</u> |
| <u>CD18/1</u> | <u>H</u> | <u>Staging Level 10</u> | <u>14.12.11</u> |
| <u>CD24/1</u> | <u>H</u> | <u>Staging Roof</u> | <u>14.12.11</u> |
| <u>CD25/1</u> | <u>H</u> | <u>Staging North Elevation</u> | <u>14.12.11</u> |
| <u>CD26/1</u> | <u>H</u> | <u>Staging South Elevation</u> | <u>14.12.11</u> |
| <u>CD27/1</u> | <u>H</u> | <u>Staging East-West Elevations</u> | <u>14.12.11</u> |

| Concept Plan Drawings prepared Stanistic Associates Architects | | | |
|--|----------|--------------------|----------|
| Drawing No. | Revision | Name of Plan | Date |
| CD03 | C | Site Plan | 15.03.11 |
| CD04 | C | Basement 3 | 15.03.11 |
| CD05 | C | Basement 2 | 15.03.11 |
| CD06 | C | Basement 4 | 15.03.11 |
| CD07 | C | Lower Ground Level | 15.03.11 |
| CD08 | C | Ground Level | 15.03.11 |
| CD09 | C | Level 1 | 15.03.11 |
| CD10 | C | Level 2 | 15.03.11 |
| CD11 | C | Level 3 | 15.03.11 |
| CD12 | C | Level 4 | 15.03.11 |
| CD13 | C | Level 5 | 15.03.11 |
| CD14 | C | Level 6 | 15.03.11 |
| CD15 | C | Level 7 | 15.03.11 |
| CD16 | C | Level 8 | 15.03.11 |

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|------|---|--|----------|
| CD17 | C | Level 9 | 15.03.11 |
| CD18 | C | Level 10 | 15.03.11 |
| CD19 | C | Level 11 | 15.03.11 |
| CD20 | C | Level 12 | 15.03.11 |
| CD21 | C | Level 13 | 15.03.11 |
| CD22 | C | Level 14 | 15.03.11 |
| CD23 | C | Level 15 | 15.03.11 |
| CD24 | C | Roof | 15.03.11 |
| CD25 | C | North Elevation | 15.03.11 |
| CD26 | C | South Elevation | 15.03.11 |
| CD27 | C | East + West Elevations | 15.03.11 |
| CD28 | C | Section AA | 15.03.11 |
| CD29 | C | Section BB | 15.03.11 |
| CD30 | C | Unit Types A + B SEPP 65 Compliance | 15.03.11 |
| CD31 | C | Unit Types B + D SEPP 65 Compliance | 15.03.11 |
| CD32 | C | Unit Types E SEPP 65 Compliance | 15.03.11 |
| CD33 | C | Unit Types E SEPP 65 Compliance | 15.03.11 |
| CD34 | C | Unit Types F + H SEPP 65 Compliance | 15.03.11 |

| Landscape Concept Plans prepared by Habitation | | | |
|--|----------|-----------------------------------|----------|
| Drawing No. | Revision | Name of Plan | Date |
| 10_081 L01 | A | Streetscape Landscape Plan | 26.11.10 |
| 10_081 L02 | A | Communal Courtyard Landscape Plan | 26.11.10 |
| 10_081 L03 | A | Level 4 Sky Gardens | 26.11.10 |
| 10_081 L04 | A | Level 7 Sky Gardens | 26.11.10 |
| 10_081 L05 | A | Level 10 Sky Gardens | 26.11.10 |
| 10_081 L06 | A | Level 13 Rooftop Garden | 26.11.10 |
| 10_081 L07 | A | Roof Landscape Plan | 26.11.10 |
| 10_081 L08 | A | Proposed Plant Palette | 26.11.10 |

c) Term of Approval A7 is deleted:

A7. ~~Maximum Number of Residential Units~~

~~The maximum number of residential dwellings shall not exceed 257 units.~~

d) 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 and a minimum of ~~79~~ **30** parking spaces are to be provided for retail uses and 5 spaces for community uses.

PART B - MODIFICATIONS

a) New Modification B3 is added, and reads as follows:

B3 Building Setbacks

The zero lot line southern building setback at all basement and ground floor levels, may be required to be increased by a distance of up to 1 metre from the southern site boundary. The final rear setback of the basement and ground floor levels shall be subject to written concurrence by RailCorp and may be subject to conditions of consent. If RailCorp concurrence is not granted, then the setback shall be 1 metre from the adjoining rail corridor boundary.

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP10_0101

**CONCEPT PLAN FOR A MIXED RETAIL & RESIDENTIAL DEVELOPMENT
21-35 TREACY STREET, HURSTVILLE
(Source: Preferred Project Report Dated 15 March 2011 Section 75W Modification, April 2012)**

8.1 Environmental and Residential Amenity

8.1.1 Acoustic Privacy

The details of the mechanical plant for the Concept Plan will be finalised at the Project Application stage. Therefore the Proponent will commit to prepare an Acoustic Report to assess the impact and make necessary recommendation to manage these potential impacts as part of the Project Application stage.

8.1.2 Wind Impact

The Proponent will undertake a detailed and accurate analysis of the effects of wind on the proposed building and the environment as part of the Project Application.

8.2 Traffic and Parking

All access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.

An assessment of the construction traffic generated by the development will be undertaken at the Project Application stage.

The traffic impacts during construction will be assessed in more detail for the Project Application when the construction staging, construction period, truck movements and truck sizes are considered. A construction traffic management plan will be undertaken at the Project Application stage.

A "Green Travel Plan" will be developed for the Project Application stage and will include initiatives such as:

- Bicycle storage, showers and changing facilities for employees and bicycle storage for residents. Visitor bicycle parking facilities will be provided at ground level close to entrances, in a visible and weather protected location subject to casual surveillance.
- Provide train and bus timetables to staff and residents.
- Provision of a small commuter vehicle to transport elderly and infirm residents to Hurstville railway station and for local shopping trips etc. to the CBD.
- Co-ordinated car share scheme.

8.3 Obstacle Limitation Height

Prior to lodging a Project Application, a request will be made to Sydney Airports Corporation regarding any further assessments of the proposal.

8.4 Geotechnical and Ground Water

The building will be designed and constructed in accordance with the recommendations prepared by Asset Geotechnical and summarised in Table 5 of the Environmental Assessment. **In relation to temporary and permanent shoring Asset Geotechnical have confirmed that either “top-down construction” or “bottom-up construction” could be adopted for the proposed development. This will be further confirmed at the Project Application stage.**

The Concept Plan will be assessed for derailment protection requirements as per *Rail Infrastructure Corporation (RIC) Standard C4004 Design Requirements for Pier or Column Protection* and then designed to the standard as appropriate. An engineering report will be provided at the Project Application stage for review by the RIC.

8.5 Public Domain

The footpath adjacent to the building will be treated with bluestone banding with asphalt infill.

Street trees will be planted on the footpath at 8 metre centres.

8.6 Safety

A detailed Crime Prevention through Environmental Design assessment will be undertaken at the Project Application stage. The assessment will address the commitments expressed in the EA under the four key principles of surveillance, access control, territorial reinforcement and space management.

8.7 Ecologically Sustainable Development (ESD)

The Proponent is committed to achieving a 5-Star rating (min. 4-Star rating) as detailed in the Architectural Design Report subject to confirmation from the design and development team at the project application stage.

8.8 Drainage

The Proponent is committed to incorporating Water Sensitive Urban Design features such as rainwater harvesting and rain gardens that will be further detailed in the project application.

8.9 Contamination

A field based investigation comprising of a Stage 2 Environmental Site Assessment will be conducted prior to the commencement of any future site redevelopment and will form part of any Project Application.

A Hazardous Materials Assessment will be carried out prior to any site demolition.

Remediation Action Plans will be prepared where required.

8.10 Noise and Vibration

The Proponent will incorporate the recommendations of the Acoustic Assessment prepared by Koikas Acoustics Pty Ltd and which relate to:

- Selection of building materials in relation to external walls and windows/sliding doors;
- Mechanical ventilation in nominated spaces; and
- Building Code of Australia requirements in relation to walls, entry doors, soil and waste pipes and concrete sub-floor systems.

As recommended in their Addendum Report, Appendix E in the original Acoustic Report will be superseded by Annexure A from the Addendum Report and the recommendations stated in the Addendum Report will be implemented along with the recommendations in the Acoustic Report.

It is noted that an Acoustic Report is to be prepared in relation to acoustic privacy as detailed in Section 8.1.1 of the revised Statement of Commitments subject to the finalisation of the mechanical plant equipment. There may be additional/alternative recommendations in relation to noise and vibration that will be implemented as part of this report.

8.11 Utilities

The proponents commit to up-sizing the existing 150mm water main fronting the site in Treacy Street to a 200mm main that will be laid from the existing main at the corner of Treacy Street and Forrest Road to the building connection point. The extension will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03—2002) and evidence of Code compliance will be attached with the extension design.

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8.12 Provision of Community Space

The Concept Plan includes an appropriate community space of 200sm on the ground floor level with street frontage. This space will be dedicated to Council at no cost for community purposes.

8.13 Construction

Construction of the proposed building should be undertaken without requiring access to the RailCorp owned rail corridor to the southern boundary of the site. If access is required to RailCorp owned land for any reason then the prior written approval of RailCorp will be required.

8.14 Building Maintenance

The southern boundary wall will be sealed and coated in anti-graffiti product that provides for long-term permanent protection. Any access requirements for future maintenance of the boundary wall will be infrequent and negotiated with RailCorp on an 'as needs' basis.