

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.



Garry Payne AM
Member of the Commission



Donna Campbell
Member of the Commission

Sydney 6 November 2012

SCHEDULE 1

Project Approval:

MP10_0177 granted by the Planning Assessment Commission on 18 January 2011.

For the following:

Stage 1 for residential and child care development including:

- demolition of the existing buildings and structures on site and tree removal;
- excavation, earthworks and flood mitigation works;
- construction of 7 residential buildings with associated pools and gymnasium;
- basement parking;
- childcare centre;
- external road works, internal public access roads, pedestrian and cycle way; and
- ecological rehabilitation and landscaping works.

At:

14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979).

Proposed Modification:

MP10_0177 MOD 11 modification includes:

- amend Condition A1 to revise and clarify correct plan references; and
- amend Conditions C6, C10 and F14 relating to the extent of reconstruction works to Boondah Road.

SCHEDULE 2

CONDITIONS

The Project Approval for MP10_0177 is modified as follows:

- (a) Condition A1 is amended by the insertion of the **bold** and underlined words/numbers and deletion of ~~struck-out~~ words as follows:

A1. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 10_0177 and the Environmental Assessment dated March 2010, prepared by Architectus, except where amended by the Preferred Project Report dated September 2010, prepared by Architectus, as amended by MP10_0177 MOD 1, the Section 75W Modification dated May 2011, prepared by Meriton Apartments Pty Limited; as amended by MP10_0177 MOD 6, the Section 75W Modification dated May 2011, prepared by Meriton (as amended by correspondence dated 8 March 2012); as amended by MP10_0177 MOD 7, the Section 75W Modification dated 12 January 2012 prepared by Meriton (as amended by correspondence dated 20 February 2012 and 2 April 2012); as amended by MP10_0177 MOD 9, the Section 75W Modification dated 11 January 2012 prepared by Meriton (as amended by correspondence dated 8 March 2012); as amended by MP10_0177 MOD 10, the Section 75W Modification dated 11 July 2012 prepared by Meriton (as amended by correspondence dated 17 July 2012); **as amended by MP10 0177 MOD 11, the Section 75W Modification dated 27 September 2012 prepared by Meriton** and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA00	E	Cover Sheet (S75W Application)	Meriton Apartments Pty Ltd	22.06.12
DA01	G	Overall Site Staging Plan	Meriton Apartments Pty Ltd	21.06.12
DA02	E	Site Plan	Meriton Apartments Pty Ltd	22.06.12
DA04	E	Car Parking Plan (amended to delete the eastern entry/exit point).	Meriton Apartments Pty Ltd	20/01/2012
DA05	F	Podium Plan	Meriton Apartments Pty Ltd	21.06.12
DA06	G	Typical Floor Plan (Level 1 & 2)	Meriton Apartments Pty Ltd	22.06.12
DA07	E E	Deep Planting	Meriton Apartments Pty Ltd	20/07/2011 <u>30.01.12</u>
DA10	C	Street Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA11	D	Site Sections	Meriton Apartments Pty Ltd	30/05/2011
DA20	E	Building A Plans & Elevations	Meriton Apartments Pty Ltd	20/07/2011
DA21	D	Building B Plans &	Meriton Apartments Pty Ltd	31/05/2011

		Elevations		
DA22	D	Building C Plans & Elevations	Meriton Apartments Pty Ltd	31/05/2011
DA23	C	Building D Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA24	D	Building E Plans & Elevations	Meriton Apartments Pty Ltd	27/03/2012
DA25	C	Building F Plans & Elevations Sheet 1	Meriton Apartments Pty Ltd	27/05/2011
DA26	C	Building F Plans & Elevations Sheet 2	Meriton Apartments Pty Ltd	27/05/2011
DA28	D	Building G Plans & Elevations	Meriton Apartments Pty Ltd	27/03/2012
DA30	D	Childcare Pool Plans & Elevations	Meriton Apartments Pty Ltd	20.06.12
DA70	B	Typical Unit Plans	Meriton Apartments Pty Ltd	06/08/2010
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
LA000	B G	Title Sheet	Site Image Landscape Architects	13/08/2010 03.02.2012
LA101	E F	Landscape Masterplan Stage 1 DA	Site Image Landscape Architects	15/07/2011 02.02.2012
LA102	B G	Landscape Masterplan Landscape Management Zones	Site Image Landscape Architects	13/08/2010 02.02.2012
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
C025	P1	Site Earthworks Plan and Section	AT&L Civil Engineers and Project Managers	07/09/10
75WC201	A	Cover Sheet	AT&L Civil Engineers and Project Managers	20/12/11
75WC202	A	Notes and Legends	AT&L Civil Engineers and Project Managers	20/12/11
75WC210	A	Roadworks and Stormwater Drainage Plan Sheet 1	AT&L Civil Engineers and Project Managers	20/12/11
75WC212	A	Roadworks and Stormwater Drainage Plan Sheet 2	AT&L Civil Engineers and Project Managers	20/12/11
75WC214	A	Roadworks and Stormwater Drainage Plan Sheet 3	AT&L Civil Engineers and Project Managers	20/12/11
75WC217	A	Roadworks and Stormwater Drainage Plan Sheet 4	AT&L Civil Engineers and Project Managers	20/12/11
75WC230	A	Intersection Layout Plan	AT&L Civil Engineers and	20/12/11

		and Kerb Return Profiles Sheet 1	Project Managers	
75WC231	A	Intersection Layout Plan and Kerb Return Profiles Sheet 3	AT&L Civil Engineers and Project Managers	20/12/11
75WC234	A	Intersection Layout Plan and Kerb Return Profiles Sheet 4	AT&L Civil Engineers and Project Managers	20/12/11
75WC240	A	Road Longitudinal Sections Sheet 1	AT&L Civil Engineers and Project Managers	20/12/11
75WC242	A	Bio Retention Basin Section and Details	AT&L Civil Engineers and Project Managers	20/12/11

Reports

Report No.	Revision	Name of Report	Prepared By	Date
610.10599-R1	0	Proposed Residential Building F 14-18 Boondah Road Warriewood Solar Access Report	SLR Consulting Australia Pty Ltd	21 June 2011
-	-	Solar Access Assessment – Stage [1] – B1 Modification – 14-18 Boondah Road, Warriewood	SLR Consulting Australia Pty Ltd	31 May 2011

Strata Plans

Drawing No.	Reference	Name of Plan	Drawn By	Date
Strata Plan 1	123899	Location Plan	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 2	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 3	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 4	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 5	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 6	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 7	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 8	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 9	123899	Building A Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 10	123899	Building A Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 11	123899	Building A Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 12	123899	Building B + C Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 13	123899	Building B + C Level 1	Surveyor: Wayne Diver-Tuck	Mar12

Strata Plan 14	123899	Building B + C Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 15	123899	Building D Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 16	123899	Building D Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 17	123899	Building D Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 18	123899	Building D Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 19	123899	Building E Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 20	123899	Building E Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 21	123899	Building E Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 22	123899	Building E Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 23	123899	Building F Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 24	123899	Building F Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 25	123899	Building F Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 26	123899	Building F Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 27	123899	Building F Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 28	123899	Building F Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 29	123899	Building F Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 30	123899	Building F Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 31	123899	Building G Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 32	123899	Building G Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 33	123899	Building G Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 34	123899	Building G Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 35	123899	Pool Facility Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 36	123899	Development Lot	Surveyor: Wayne Diver-Tuck	Mar12

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development

- Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.
- (b) Condition C6 is amended by the insertion of the **bold** and underlined words as follows:

C6 Existing Public Roads – Roads Act Approval (Pittwater Council acting as the road authority under the Roads Act 1993)

Engineering plans and specifications for all roads, drainage and other civil engineering works within an existing Public Road reserve along the Macpherson Street frontage (including 5 and 7 Macpherson Street) and along half the width of the Boondah Road frontage, must be submitted to and written approval under Section 139 of the Roads Act obtained from Council prior to the issue of the relevant Construction Certificate.

The Engineering Plans and specifications are to include the following matters:

- a. Macpherson Street and Boondah Road:
Works to the full length of the Macpherson Street (including 5 and 7 Macpherson Street) and half the width of the Boondah Road frontages of the development site and including works associated with the intersection access to the development, being:
- b. Kerb and Guttering (vertical faced kerb only will be permitted)
- c. Landscaping (in accordance with condition C2 above)
- d. Roundabouts at:
 - i. At the intersection of Macpherson Street and Boondah Road - kerb and gutter, footpath and landscape construction to accommodate the future roundabout.
- e. Road shoulder and road pavement construction, including pavement design and treatments for half road construction up to the road centre line or formation of recently construction pavement to pavement design criteria in Macpherson Street (4 x 106 ESA pavement design criteria).
- f. Footpath/cycleway 2.5m wide in Macpherson Street including 5 and 7 Macpherson Street, and 2.5m wide footpath/cycleway in Boondah Road.
- g. Associated road drainage for Macpherson Street and Boondah Road.
- h. Indented parking bays in accordance with the requirements of the Warriewood Valley Roads Masterplan.
- i. Indented bus bays in locations and to the requirements of Sydney Buses.
- j. Incorporation of the design and construction recommendations of the Arborist's Report referred to in condition C2 above necessary to achieve the retention of Bangalay Sand Forest where it is outside the approved development zone.

- k. Dedication of 12.5m² Road Reserve land being a splay corner (5 metres x 5 metres) at the intersection of Macpherson Street and Boondah Road to allow the construction of a roundabout.
 - l. No vehicle access (other than for temporary construction works) permitted from any private property to either Boondah Road or Macpherson Street other than via the approved access road network.
 - m. Entry treatments into the site:
 - i. The entry treatments into Macpherson Street and Boondah Road are to include kerb returns and pedestrian/cycle refuges.
 - ii. The southern-most entry treatment for the internal road at Boondah Road (south of Building P) is to be designed and constructed as a standard access driveway and gutter crossing in accordance with Council driveway standards.
 - n. works within the road reserve may be constructed as part of Stage 1 (this approval) and Stage 2 (subject to a future development application) as follows:
 - i. Macpherson Street works including 5 and 7 Macpherson Street fronting the development site are to be completed prior to the final Occupation Certificate being issued for Stage 1.
 - ii. The Boondah Road works are to be completed as part of a future Stage 2 development application, if they are not completed as part of Stage 1.
- (c) Condition C10 is amended by the insertion of the **bold** and underlined words as follows:

C10 Services

- a. Street lighting facilities to the development street frontages of the site and to the full length of the existing Public Road reserve frontages to Macpherson Street (including 5 and 7 Macpherson Street) and **half the width of** the frontage to Boondah Road) to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.
- b. All services, including electrical and telecommunications for the proposed lots, shall be provided underground. The location of any trenching and if required, a pad mounted substation(s) shall have regard for future and proposed landscaping in the public domain.
- c. All existing and new utility services and adjustments to those services including overhead power supply and communication cables located in the adjacent Public Road reserve verge are to be placed and/or relocated underground for the full length of the road reserve frontages (Macpherson Street including 5 and 7 Macpherson Street, and **half the width of** Boondah Road) of the development site at the full cost to the developer.
- d. Staging of works is to be in accordance with the staging set out in Condition C6.

- (d) Condition F14 is amended by the insertion of the **bold** and underlined words as follows:

F14 Works within Council's road reserve

- a. Prior to the issue of a final Occupation Certificate for the buildings in each stage, all works in the public roads (Macpherson Street and **half the width of** Boondah Road) described in the plans required in the Construction Certificate (in accordance with the staging as outlined in Condition C6) must be constructed.

- i. A certificate submitted by a Chartered Professional Engineer confirming, to the satisfaction of the Principal Certifying Authority, that the works in the public road reserve comply with Council requirements.
- ii. Photographic evidence of the condition of the street trees and road reserve, including the area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated, that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of the Final Occupation Certificate.
- iii. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Final Occupation Certificate application.

End of Modifications to MP10_0177