

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 10 November 2014, we, the Planning Assessment Commission approve the modification of the Project Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.

Sydney

2015

SCHEDULE 1

Application No.:

MP 09_0066

Proponent:

Karimbla Constructions Services (NSW) Pty Ltd

Approval Authority:

Minister for Planning

Land:

Lots 22 – 30 in DP 2983
Lot 13 in DP 2983
Lots A & B in DP 381223
Part of Fleet Lane

Project:

Welles Thomas Plaza including:
Mixed use development consisting of:

- Southern commercial building consisting of a:
- three-storey podium; and
- 18 storey commercial tower above.
- Northern residential building consisting of a:
- three storey podium; and
- 26 storey residential tower above.
- Five level basement; and
- Public domain works.

Modification:

MP 09_0066 MOD 13: modifications to approval include

- internal and external components of the approval;
- amend the car parking allocation; and
- amend the monetary contributions for car parking offset.

MP 09_0066 MOD 14: modifications to approval include

- a security room in the ground floor level of the residential tower (Building 1); and
- enclosure of the bridges that connect the two buildings at levels 1, 2 and 3 with glazed walls and two roof structures at level 4.

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

The above approval is modified as follows:

1. *In Schedule 1, amend the project description by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:*

Project: Construction of a new mixed use serviced apartment, residential and retail development consisting of:

- a serviced apartment tower building part 32 and 33 storeys high containing 337 apartments;
 - a residential tower building 38 storeys high containing 271 dwellings;
 - a three storey podium containing above ground car parking, apartment uses, child care and other mixed uses;
 - a five level basement containing car parking, including a public car park for 250 cars;
 - a gross floor area of 51, 426m²;
 - a total car parking of ~~573~~ **567** spaces; and
 - public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link;
 - a vehicular right-of-way between Thomas Street and Fleet Lane; and
 - an accessible crossing of the vehicular right-of-way for pedestrians including a lift.
2. *In Part A, Condition A1 is amended by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:*

Development Description

A1 Development approval is granted only to carrying out of the development described in detail below:

Construction of a new mixed use serviced apartment, residential and retail development consisting of:

- a serviced apartment tower building part 32 and 33 storeys high containing 337 apartments;
 - a residential tower building 38 storeys high containing 271 dwellings;
 - a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;
 - a five level basement containing car parking, including a public car park for 250 cars;
 - a gross floor area of 51,426m²;
 - total car parking of ~~573~~ **567** spaces; and
 - public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link;
 - a vehicular right-of-way between Thomas Street and Fleet Lane; and
 - an accessible crossing of the vehicular right of way for pedestrians including a lift.
3. *In Part A, Condition A2 is amended by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:*

Approved Plans/Details

A2 The development will be undertaken in accordance with:

- MP 09_0066 and the Environmental Assessment dated December 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated July 2010, prepared by JBA Urban Planning Consultants Pty Ltd, the further amendments contained within the additional submission by JBA dated 12 August 2010 as amended by:
- Section 75W Application to MP09_0066 (Modification 3) and the Environmental Assessment dated August 2012 prepared by Cardno, except where amended by the Response to Submissions dated 19 December 2012 prepared by Meriton Group as amended by:

- Section 75W Application to MP 09_0066 (Modification 6) and the Environmental Assessment dated December 2012 prepared by Meriton Property Services, except where amended by the Preferred Project Report dated 21 May 2013 prepared by Meriton Property Services as amended by:
- Section 75W Application to MP 09_0066 (Modification 10) and the Environmental Assessment dated 12 May 2014 as amended by:
- Section 75W Application to MP 09_0066 (Modification 11) and the Environmental Assessment Report prepared by Planning Ingenuity dated 30 June 2014 and car parking allocation requested prepared by Meriton Group date 19 August 2014 as amended by:
- Section 75W Application to MP 09 0066 (Modification 13) and the Environmental Assessment Report prepared by Planning Ingenuity dated 5 August 2014 and car parking offset request prepared by Meriton Group dated 17 September 2014 as amended by:
- Section 75W Application to MP 09 0066 (Modification 14) Planning Report dated 22 September 2014, MP 09 0066 MOD 14 Application letter prepared by Karimbla Construction Services (NSW) Pty Ltd dated 2 October 2014 and the following drawings as amended by:

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A – 0000	E	Cover	02.12.2013
A – 0002	E	Site analysis	02.12.2013
A – 0090	E F	Site / roof plan	02.12.2013 <u>19.06.2014</u>
A – 0100	F J	Ground floor plan	02.12.2013 <u>24.10.2014</u>
A – 0101	E F	Level 1 plan Car Parking	02.12.2013 <u>19.06.2014</u>
A – 0102	E F	Level 2 plan Car Parking	02.12.2013 <u>19.06.2014</u>
A – 0103	E F	Level 3 plan Car Parking	02.12.2013 <u>19.06.2014</u>
A – 0104	E H	Level 4 plan	02.12.2013 <u>24.10.2014</u>
A – 0105	E F	Level 5 –8 plan	02.12.2013 <u>19.06.2014</u>
<u>A-0105A</u>	<u>F</u>	<u>Level 6 Plan</u>	<u>19.06.2014</u>
<u>A-0105B</u>	<u>F</u>	<u>Levels 7-8 Plan</u>	<u>19.06.2014</u>
A – 0106	E F	Level 9 –21 plan <u>Level 9, 11, 12, 13, 15 Plan</u>	02.12.2013 <u>19.06.2014</u>
<u>A-0106A</u>	<u>F</u>	<u>Level 10, 14, 16-21 Plan</u>	<u>19.06.2014</u>
A – 0107	E F	Level 22-31 plan <u>Level 22, 25, 28-31 Plan</u>	02.12.2013 <u>19.06.2014</u>
<u>A – 0107A</u>	<u>F</u>	<u>Level 23, 24, 26, 27 Plan</u>	<u>19.06.2014</u>
A – 0108	E F	Level 32 plan	02.12.2013 <u>19.06.2014</u>
A – 0109	E	Level 33 plan	02.12.2013

	<u>F</u>		<u>19.06.2014</u>
A – 0110	<u>E</u> <u>F</u>	Level 34 – 36 plan <u>Level 34, 36 Plan</u>	02.12.2013 <u>19.06.2014</u>
<u>A – 0110A</u>	<u>F</u>	<u>Level 35 Plan</u>	<u>19.06.2014</u>
A – 0111	<u>E</u> <u>F</u>	Level 37 plan	02.12.2013 <u>19.06.2014</u>
A – 0112	<u>E</u> <u>F</u>	Level 38 plan	02.12.2013 <u>19.06.2014</u>
A – 0114	<u>G</u> <u>H</u>	Mezzanine Plan Loading Dock	02.12.2013 <u>19.06.2014</u>
A – 0115	<u>G</u> <u>H</u>	Basement 1 plan	02.12.2013 <u>19.06.2014</u>
A – 0116	<u>G</u> <u>H</u>	Basement 2 plan	02.12.2013 <u>19.06.2014</u>
A – 0117	<u>G</u> <u>H</u>	Basement 3 plan	02.12.2013 <u>19.06.2014</u>
A – 0118	<u>G</u> <u>H</u>	Basement 4 plan	02.12.2013 <u>19.06.2014</u>
A – 0119	<u>G</u> <u>H</u>	Basement 5 plan	02.12.2013 <u>19.06.2014</u>
A – 0121	<u>E</u> <u>J</u>	North elevation	02.12.2013 <u>01.2015</u>
A – 0071 <u>A – 0122</u>	40 <u>J</u>	South Elevation	27.06.2014 <u>01.2015</u>
A – 0072 <u>A – 0123</u>	7 <u>F</u>	Building 1 Elevation - East	27.06.2014 <u>19.06.2014</u>
A – 0124	<u>E</u> <u>J</u>	Building 2 Elevation - East	02.12.2013 <u>01.2015</u>
A – 0125	<u>E</u> <u>J</u>	Building 1 Elevation - West	02.12.2013 <u>01.2015</u>
A – 0126	<u>E</u> <u>F</u>	Building 2 Elevation - West	02.12.2013 <u>19.06.2014</u>
A – 0131	<u>E</u> <u>F</u>	Section – Building 1 (Residential)	02.12.2013 <u>19.06.2014</u>
A – 0132	<u>E</u> <u>H</u>	Section - Building 2 (Serviced Apartments)	02.12.2013 <u>24.10.2014</u>
A – 0140	E	Perspective View 1	02.12.2013
A – 0141	E	Perspective View 2	02.12.2013
A – 0142	E	Perspective View 3	02.12.2013
A – 0150	E	Schedule of serviced apartments	02.12.2013
A – 0151	E	Schedule of residential apartments	02.12.2013
Architectural Drawings prepared for the Environmental Assessment Preferred Project Report by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A – 0181	E	Building 1 façade finishes	02.12.2013

A – 0182	E	Building 2 façade finishes	02.12.2013
A – 0201	E	Comparable Height Study	02.12.2013
A – 0202 – 1	E	Shadow Diagram 21 December	02.12.2013
A – 0202 – 2	E	Shadow Diagram 21 March	02.12.2013
A – 0202 – 3	E	Shadow Diagram 21 June	02.12.2013
A – 0202 – 4	E	Shadow Diagram 21 September	02.12.2013
A – 0203	E	View Analysis	02.12.2013

Except as modified by:

A0038	9	Level 22 Plan	23.05.2013
A0039	3	Levels 23-24 Plan	23.05.2013
A0041	3	Level 25 Plan	23.05.2013
A0042	3	Level 26-27 Plan	23.05.2013
A0044	3	Levels 28-31 Plan	23.05.2013
A0048	10	Level 32 Plan	23.05.2013
A0049	9	Level 33 Plan	23.05.2013
A0050	9	Level 34 Plan	23.05.2013
A0051	3	Level 35 Plan	23.05.2013
A0052	2	Level 36 Plan	23.05.2013

Landscape plans prepared for the Environmental Assessment / Preferred Project Report by Site Image

Drawing No.	Revision	Name of Plan	Date
001	S75W	Site Analysis	02.12.13
101	S75W	Landscape Analysis	24.05.12
101	S75W	Removed Tree Plan	24.05.12
102	S75W	Landscape Master Plan	24.05.12
103	S75W	Landscape Design Features	24.05.12
104	S75W	Plant Schedule	24.05.12
105	S75W	Landscape Standard Details	24.05.12

Signage plans prepared for the Section 75W Application (MP 09_0066 Modification 10)

Drawing No.	Revision	Name of Plan	Date
A – 0048	11	Level 33 Plan	01.07.2014
A – 0071	10	South Elevation	01.07.2014
A – 0075	11	Building 2, West Elevation	01.07.2014

except for:

- (1) 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
- (2) otherwise provided by the conditions of this approval.

4. *In Part B, Condition B4 is amended by the insertion of **bold** and underlined words/numbers and deletion of ~~struck-out~~ words/numbers as follows:*

Developer Contributions

- B4. a) A cash contribution is to be paid in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, in relation to the following items specified below:

A	Childcare <u>Calculation</u> A contribution of \$464,119.77 has been waived in recognition that the site provides for Child Care on-site, if this situation changes the contribution will apply.	\$NA
B	Open space and Recreational Facilities <u>Calculation</u> Residential \$6,790.71 per one bedroom dwelling (109) \$10,306.28 per two bedroom dwelling (111) \$13,148.61 per three bedroom dwelling (51) Retail \$180.04 per m ² of retail/commercial floor area (325) Serviced Apartments \$4,113.64 per Serviced Apartment (337)	\$3,999,573.26
C	Roads and Traffic Transport Management <u>Calculation</u> Residential/Serviced Apartments \$2,205.12 per residential unit/serviced apartment (271+337) Retail/Commercial \$218.69 per m ² of floor area (325)	\$1,411,787.21
Total		\$5,411,360.47

This contribution is based on needs generated by the development as identified in the relevant adopted Section 94 Contributions Plan. The contribution rate and calculation is current until 30 June 2013, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

Please note that payment will only be accepted by way of a bank cheque or cash.

Copies of the Contributions Plans and revised rates are available for inspection at the Councils Administration Building, 31 Victor Street, Chatswood or online at www.willoughby.nsw.gov.au

- b) A monetary contribution of ~~\$2,078,849.44~~ **\$1,741,738.72** shall be paid to offset the short fall of 74 62 on-site parking spaces as identified and determined in the development approval. This is based on a rate of \$28,092.56 per space identified in the Willoughby Council Section 94 Contributions Plan – Car Parking.

This is to be paid to Council prior to the issue of the Construction Certificate for Stage 1B of the development and is to be lodged in the special trust fund for the provision of parking within the Chatswood Town Centre.

The contribution rate and calculation is current until 30 June 2013, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

5. In Part C – Condition C22 is inserted by the **bold** and **underlined** words/numbers as follows:

Connection Bridges

C22. Clear or translucent glass panels incorporating an etched pattern or motif are to be used to enclose the connection bridges at levels 1, 2 and 3 visible from Thomas Street and Albert Lane Plaza. Detailed design plans shall be approved by Council prior to issue of a Construction Certificate for the pedestrian bridges.

6. In Part E – Condition E9 is amended by the insertion of part (g) in **bold** and **underlined** words/numbers as follows:

Access for the Disabled

E9. The building shall be provided with access for people with disabilities as well as toilets and other facilities for people with disabilities and comply with Willoughby Development Control Plan Part C.6 and all the requirements of Part D3 and Part F2 of the BCA and the relevant provisions of AS 1428 including but not limited to:-

- a) The required car parking space/s shall be identified on the floor and behind the space for use for people with disabilities and a series of signs are to be provided from the driveway entrance to indicate the location of the said space.
- b) At least one required stairway or ramp must have handrails on each side complying with Clause 9.2 of AS 1428.1.
- c) The passenger lift shall be installed to comply with the requirements of AS 1735.12.
- d) The unisex toilet for people with disabilities shall comply with the requirements of Clause 10 of AS 1428.1.
- e) Suitable identification signs and/or symbols, as well as necessary directional signs, incorporating the symbol for access for people with disabilities shall be provided to comply with Clause 14 of AS 1428.1.
- f) Attention is directed to Clause 7 of AS 1428.1 in respect of the clear circulation space required at doorways.
- g) Prior to issue of an Occupation Certificate a call button is to be installed outside the security room in the residential lobby of the ground floor level of the residential tower (Building 1) at a height of 900-1100mm above the floor level in accordance with AS1428.1.**

Details demonstrating compliance with the above requirements shall be submitted to the PCA prior to issue of a Construction Certificate for Stage 2 of the development.

7. In Part E– Condition E51 is inserted by the **bold** and **underlined** words/numbers as follows:

Payment of Section 94 Contributions

E51. Written certification from Willoughby City Council shall be submitted to the Principal Certifying Authority (PCA) confirming that the Section 94 contributions required by Condition B4 have been paid in full prior to the issue of any Occupation Certificate for the above ground component of the development.

8. In Part F– Condition F6 is amended by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ word/numbers as follows:

On-site car parking

F6. The on-site car parking provision shall be arranged as follows:

- 250 public spaces;
- ~~253~~ **247** resident spaces (including 28 visitor spaces and 9 disabled spaces for adaptable units);
- 56 serviced apartment spaces (including 4 disabled spaces for adaptable units and 3 designated as courier spaces/service bays);
- 10 child care centre spaces; and
- 4 commercial/retail spaces.

Total = 573 **567** spaces

Two car spaces are to be provided within the secure car park for the residential flat building that allows for the parking of a car share vehicle being used by a resident of the building. (Note these are in addition to any car share space that may be allocated by Council in the public car park for storage of a car share vehicle when not in use).

Parking spaces numbered 1 to 2 located in the loading dock (and allocated as serviced apartment parking) shall be redesignated as courier spaces/service bays.

END OF MODIFICATIONS TO MP 09_0066 MOD 13 and MOD 14