

Modification of Minister's Approval

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

The Planning Assessment Commission of New South Wales as delegate for the Minister for Planning and Infrastructure dated 14 September 2011 grants consent to the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

**Member
Planning Assessment
Commission**

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Commission**

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Commission**

Sydney

2013

SCHEDULE 1

Project Approval:

MP09_0066 granted by the Minister for Planning and Infrastructure on 28 September 2010.

For the following:

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.

Site:

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

Modification:

MP09_0066 MOD 6: modification includes:

- Increase in floor space from 45,148m² to 58,621m²;
- Increase in on-site parking from 506 to 660 spaces;
- Changes to the building envelope, public domain, landscape design, awnings and external finishes;
- Including a new podium containing above ground car parking, apartment uses, child care, and other mixed uses;
- Changes to Building 1 including change in dwelling mix, increase in apartments from 233 to 355 and increase in the number of storeys from 29 to 47; and
- Changes to Building 2 including, increase in serviced apartments from 302 to 359 and increase in the number of storeys from 29 to 37.

SCHEDULE 2

CONDITIONS

1. In Part A, amend Condition A1 as follows (with deletions struck through and insertions in ***bold italics***):

Development Description

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

~~Construction of a new mixed use commercial, residential and retail development consisting of:~~

- ~~• Southern serviced apartment building (maximum height RL 197.2 AHD) consisting of a:~~
 - ~~• one storey podium accommodating a lobby, office, retail / café tenancy, gymnasium and swimming pool for the serviced apartments above; and~~
 - ~~• 29 storey serviced apartment tower containing 302 serviced apartments above; and~~
- ~~• Northern residential building (maximum height RL 199.0 AHD) consisting of a:~~
 - ~~• two storey podium accommodating retail/café tenancies, commercial gym, resident recreational facilities, building manager's apartment and child care centre; and~~
 - ~~• 29 storey tower above containing 231 residential apartments;~~
- ~~• A five level basement accommodating a total of 508 parking spaces; and~~
- ~~• Public domain works comprising:~~
 - ~~• publicly accessible open space with associated landscaping works;~~
 - ~~• a pedestrian through site link; and~~
 - ~~• a vehicular right-of-way between Thomas Street and Fleet Lane.~~

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

- a serviced apartment tower building 37 storeys high containing 359 apartments;***
- a residential tower building 47 storeys high containing 355 dwellings;***
- a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;***
- a five level basement containing carparking, including a public carpark for 250 cars;***
- a gross floor area of 58,621m²;***
- total car parking of 660 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, amend Condition A2 as follows (with deletions struck through and insertions in ***bold italics***):

Approved Plan/Details

- A2 The development will be undertaken in accordance with:

- MP09_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 and the following drawings **as amended by:**
- ***Section 75W Application to MP09_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 and the following drawings:***

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A – 0000	D	Cover	16.11.12 05/2013
A - 0002	€ D	Site analysis	19.07.12 05/2013
A – 0090	€ D	Site / roof plan	19.07.12 05/2013
A – 0100	€ E	Ground floor plan	19.07.12 05/2013
A – 0101	€ D	Level 1 plan Car Parking	19.07.12 05/2013
A – 0102	€ D	Level 2-5 plan 2 Car Parking	19.07.12 05/2013
A – 0103	€ D	Level 6-13 plan 3 Car Parking	19.07.12 05/2013
A – 0104	€ D	Level 14-22 plan 4	19.07.12 05/2013
A – 0105	€ D	Level 23-27 plan 5-8	19.07.12 05/2013
A – 0106	€ D	Level 28 plan 9-21	19.07.12 05/2013
A – 0107	€ D	Level 29 plan 22-33	19.07.12 05/2013
A – 0108	€ D	Level 30 plan 33-35	19.07.12 05/2013
A – 0109	€ D	Level 36	05/2013
A – 0110	€ D	Basement 1 Mezzanine Plan Level 37	19.07.12 05/2013
A – 0111	€ D	Basement 1 plan Level 38-45	23.05.13

			05/2013
A – 0112	F D	Basement 2 plan Level 46	23.05.13 05/2013
A – 0113	F D	Basement 3 plan Level 47	23.05.13 05/2013
A – 0114	F	Basement 4 plan Basement 1 Mezzanine Plan	23.05.13 05/2013
A – 0115	F	Basement 5 1 plan	23.05.13 05/2013
A – 0116	F	Basement 2 plan	05/2013
A – 0117	F	Basement 3 plan	05/2013
A – 0118	F	Basement 4 plan	05/2013
A – 0119	G	Basement 5 plan	05/2013
A – 0121	€ D	North elevation	19.07.12 05/2013
A – 0122	€ D	South elevation	19.07.12 05/2013
A – 0123	€ D	East elevation – building 1 (residential)	19.07.12 05/2013
A – 0124	€ D	East elevation – building 2 (serviced apartments)	19.07.12 05/2013
A – 0125	€ D	West elevation – building 1 (residential)	19.07.12 05/2013
A – 0126	€ D	West elevation – building 2 (serviced apartments)	19.07.12 05/2013
A – 0131	€ D	Section – building 1 (residential)	19.07.12 05/2013
A – 0132	€ D	Section - building 2 (serviced apartments)	19.07.12 05/2013
A – 0140	D	Perspective View 1	05/2013
A – 0141	D	Perspective View 2	05/2013
A – 0142	D	Perspective View 3	05/2013
A – 0150	€ D	Schedule of serviced apartments	19.07.12 05/2013
A – 0151	€ D	Schedule of residential apartments	19.07.12 05/2013
A – 0181	C	Building 1 façade finishes	19.07.12 02/11/12
A – 0182	C	Building 2 façade finishes	19.07.12 02/11/12
Landscape plans prepared for the Environmental Assessment / Preferred Project Report by Site Image			
Drawing	Revision	Name of Plan	Date

No.			
001	S75W	Site Analysis	24.05.12
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

Except as amended by:

SK 001	-	Residential Amenity	May 2010
SK 002	-	Ground floor plan	May 2010
SK 003	-	Basement 1 Plan	May 2010

Except as amended by:

SK 010	-	Residential Amenity	August 2010
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Except as amended by:

The extent of the basement encroachment under Fleet Lane shown hatched on the following plans prepared by PTW Architects (MOD 4):			
A-0111	F	Basement 1 Plan	09.10.12
A-0112	F	Basement 2 Plan	09.10.12
A-0113	F	Basement 3 Plan	09.10.12
A-0114	F	Basement 4 Plan	09.10.12
A-0115	F	Basement 5 Plan	09.10.12
The following plan prepared by JBW Surveyors Pty Ltd showing the concept for the proposed stratum road closure of Part of Fleet Lane:			
124741 PROPRDCLOSURE	I	Plan showing the concept of the proposed stratum road closure of part of Fleet Lane.	12/11/2012

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.

3. In Part A, add the following new conditions:

Voluntary Planning Agreement

- A7** *The Proponent shall enter into a Voluntary Planning Agreement (VPA) with Council within 12 months, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council by the Proponent in Annexure 2 of the PPR.*

Design changes

- A8** *In order to minimise the impacts arising out of the height of the towers, improve the activation of the podium and improve the urban design of the main street frontages the design is to be amended to:*
- 1) reduce the height of Building 1 (the residential tower) by not less than 15.5 metres by deleting levels 43 to 47 inclusive (five levels in total to be deleted);*
 - 2) remove the single car spaces on the Albert Avenue frontage on levels 1 and 2 of the podium west of and adjacent to the void over the through site link and replace this use with serviced apartment uses fronting the street and the through site link; and*
 - 3) modify Level 3 of the podium to:*
 - a. include serviced apartment uses along the Albert Avenue frontage in a similar manner to the layout of Level 2, as amended by 2) above; and*
 - b. replace the storage uses on the Thomas Street frontage and through site link frontage with residential apartment uses in a similar manner to the layout of Level 2.*

The Proponent is to submit revised drawings of the elevations, sections and plans of all affected floors, the schedule of serviced apartments and schedule of residential apartments including recalculations of the gross floor area for the approval of the Director General prior to the issue of a construction certificate for Stage 2 Works.

- 4. In Part B, amend Condition B4 as follows** (with deletions struck through and insertions in **bold italics**):

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> <i>Residential</i> \$6,790.71 per one bedroom dwelling (87 149) \$10,306.28 per two bedroom dwelling (128 176) \$13,148.61 per three bedroom dwelling	\$3,487,291.74 \$4,738,385.33

	(48 30)	
	<i>Retail</i>	
	\$180.04 per m ² of retail/commercial floor area (546 230)	
	<i>Serviced Apartments</i>	
	\$4,113.64 per Serviced Apartment (302 359)	
C	Roads and Traffic Transport Management	\$1,299,143.94
		\$1,624,754.38
	<u>Calculation</u>	
	<i>Residential/Serviced Apartments</i>	
	\$2,205.12 per residential unit/serviced apartment	
	(535 355 + 359)	
	<i>Retail/Commercial</i>	
	\$218.69 per m2 of floor area (546 230)	
Total		\$4,786,435.64
		\$6,363,139.71

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

Payment of the total contribution is required prior to the issue of the Construction Certificate for Stage 1B of the development.

- b) A monetary contribution of \$2,078,849.44 shall be paid to offset the short fall of 74 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.

- c) ***The monetary contributions calculated in section a) above may be adjusted to reflect any change in the final apartment numbers as approved by the Director General in accordance with Condition A8.***

5. In Part B, amend Condition B7 as follows (with deletions struck through and insertions in bold italics):

Noise from Location and Transport Corridor

- B7. To minimise the impact of noise from the adjoining transport corridor on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report submitted with the EA documentation ***and shall be designed such that road traffic noise from the Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.*** Details of the proposed acoustic treatment shall accompany the application for the Construction Certificate for Stage 3 of the development.

6. In Part B, amend Condition B9 as follows (with deletions struck through and insertions in ***bold italics***):

Adaptable units

- B9. Adaptable residential units for disabled persons are to be provided to no less than 20% of the total number of units. This requires the provision of ~~40~~ ***71*** adaptable units. ~~Five~~ ***Nine*** disabled car parking spaces are to be provided that are linked to ~~5~~ ***nine*** of the adaptable units. Each adaptable unit is to be nominated on the relevant Construction Certificate drawings.

7. In Part C, add the following new condition:

Albert Avenue Median Island

- C47 The proponent is to provide a raised concrete median along the centre line of Albert Avenue to restrict access to left-in / left-out for both the proposed entry/exit to the public and residential car park and the loading dock exit. The design for the median island shall be prepared and submitted to Council for its approval prior to any work on construction of the island starting.***

Due to the close proximity of the proposed access to the traffic signals at Albert Avenue / Thomas Lane, the detailed civil design plan of the proposed median that is to be installed along Albert Avenue to regulate left-in / left-out movements from the development should also be forwarded to the RMS for review as the proposed median island works may also require the need for an amended traffic signal design plan to be submitted for consideration and approval. Should an amended traffic signal design be required to be submitted, then this should be designed to meet RMS requirements, and endorsed by a suitably qualified / Chartered Engineer.

Any RMS fees for administration, plan checking, possible works inspections and project management shall be paid by the Applicant prior to the commencement of the road works.

The median island is to be completed prior to the issue of an Occupation Certificate.

8. In Part E, amend Condition E2 as follows (with deletions struck through and insertions in ***bold italics***):

NSW Transport Requirements

- E2. The proponent shall prepare Workplace Travel Plans (WTP) and Transport Access Guidelines (TAG) ***for approval by the PCA prior to the issue of an occupation***

certificate. The WTP and TAG should clearly detail how the plan is to be implemented and who will be responsible for overseeing implementation and ensuring that there is an ongoing commitment to maintaining recommendations proposed within the WTP and TAG.

9. In Part E, amend Condition E13 as follows (with deletions struck through and insertions in ***bold italics***):

Identification of car parking/bicycle spaces

- E13. The ~~508~~ **660** car parking spaces are to be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

10. In Part E, add the following new conditions:

Car parking signage/information

E47 To minimise the potential for vehicles accessing the site to cause localised traffic queuing along Albert Avenue and to ensure that the public parking area is managed effectively, the Applicant is required to install external signage visible to drivers that advises the number of car spaces available in the public car park. The system is to be installed prior to issue of an Occupation Certificate for the public car park.

E48 To minimise driver confusion, appropriate signage is to be provided at all vehicular accesses to the property making a clear distinction between adjacent entry and exit points for both general traffic and service vehicles prior to the issue of an Occupation Certificate.

Pedestrian Refuge Points

E49 To improve the safety of pedestrians on the footpath at driveways on Thomas Street and Albert Avenue, the proponent shall install pedestrian refuge points to allow pedestrians to stage their crossing. The design and materials of the pedestrian refuge points shall be approved by Council and installed prior to issue of an Occupation Certificate.

Pedestrian Crossing to Right of Way

E50 The proponent shall submit a detailed design of the shared zone / pedestrian crossing of the right of way /loading dock driveway between the lift lobby of Building 1 and the rear of 12 Thomas Street in order to provide for pedestrian safety. The design shall incorporate the reasonable requirements of Council and works must be completed prior to issue of the Occupation Certificate for above ground works.

The path of travel for from Fleet Lane to the Public Plaza including the lift access shall be publicly accessible 24 hours a day every day of the year.

11. In Part F, amend Condition F6 as follows (with deletions struck through and insertions in ***bold italics***):

On-site car parking

- F6. The on-site car parking provision shall be arranged as follows:
- 250 public spaces;
 - ***80 serviced apartment spaces;***

- **10 childcare spaces;**
- ~~492~~ **283** residential spaces (including **27** visitor spaces and ~~5~~ **9** disabled spaces for adaptable units); and
- ~~64~~ **4** commercial/retail spaces
- Total ~~506~~ **627** spaces

Two car spaces are to be provided within the secure car park for the residential flat building that allows for the parking 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)

12. In Part F, amend Condition F7 as follows (with deletions struck through and insertions in bold italics):

Loading and Unloading

- F7. All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Albert Avenue, Thomas Street or Fleet Lane.

A Loading Dock Management Plan (LDMP) should be prepared to the satisfaction of Council. The LDMP shall implement appropriate measures to prevent additional heavy vehicles entering the loading dock when it is full and minimise conflicts between trucks, cars and pedestrians. The LDMP should also specify a requirement for a loading Dock Manager who is qualified to control traffic to be present during trading hours.

The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS which demonstrates acceptable operation to the satisfaction of council.

13. Delete Advisory Note AN8:

~~Need for further approvals~~

~~AN8. The Applicant is advised that the changes to the basement layout approved by Modification 7 do not correspond to the approved layout of the levels above. In particular the lift cores of Building 2 are in a different location in the approved plans for the basements 1-5 compared to the approved plans for the levels above. As a result the applicant will need to obtain consent for revised plans for the levels above Basement 1 before proceeding with Stage 3 of the project.~~

End of Modification to MP09_0066