

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 executed on 14 September 2011, we the Planning Assessment Commission of New South Wales approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

MEMBER OF THE COMMISSION

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Sydney

2012

SCHEDULE 1

Project Approval:

MP 10_0177 granted by the Planning Assessment Commission on 18 January 2011.

For the following:

Stage 1 Project Approval for demolition of the existing buildings and structures on site, tree removal, excavation, earthworks, flood mitigation works, construction of 7 residential buildings, basement parking, childcare centre, external road works, internal public access roads, public pedestrian and cycle way, Asset Protection Zone, environmental buffer areas, ecological rehabilitation and landscaping works.

At:

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

Modification:

MP 10_0177 MOD 4 - modification includes:

- staging of landscape works;
- staging of works within Macpherson Street (including 5 and 7 Macpherson Street) and Boondah Road; and
- deletion of the requirement for cost sharing for the roundabout at the entry to the ARV in Macpherson Street.

No approval is given for:

- proposed funding arrangements for the lengthening of the right turn bay;
- proposed funding arrangements for readjustment of levels and any other flood infrastructure works in Boondah Road; and
- proposed deletion of the requirements for local road upgrade, underground services and street lighting to the frontage of 5 and 7 Macpherson Street.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition C2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out words/numbers~~ as follows;

C2 Landscaping of the Site

- a. Detailed landscape construction plans to be prepared by a registered landscape architect generally in accordance with schematic landscape plans as prepared by Site Image P/L (Landscape Masterplan SM10041 LA 101.B). Detailed plans are to incorporate the matters detailed in this condition and prepared in conjunction with the Vegetation Management Plan as outlines in the Total Earth Care report, including:
- i. **Public Domain**
The entrances into the development, off Boondah Road and Macpherson Street are to:
 - Be embellished with street tree planting to the central median (400 litre in size) incorporating structural soil to accommodate 12m³ root volume per tree. 4-6m tree spacing to landscape edges along entryway with 400 litre tree species and grasses/groundcovers at 4-6m².
 - Incorporate entry identification of the estate name and feature paving stencilling to roadway.
 - At least 2 metered watering points.
 - ii. **Street Trees/Garden Areas to Road Verges (Boondah/Macpherson Street and Internal Access Roadways)**
 - 400 litre street trees (as indicated on plan).
 - No turf to road verge areas, garden areas planted in accordance with Warriewood Valley Landscape Masterplan in relation to species @ 4-6 plants per m².
 - iii. **Internal Access ways (between Buildings A, B, C and F, G):**
 - Central access path to be 2.4m in width reinforced concrete (exposed aggregate/coloured concrete or unit paving on concrete). Trees to pathway to be at 6m centres along the pathway and installed at 200 litre sizes.
 - Gardens to all external planters in public domain to incorporate planting two per m2 and include 200 litre trees as indicated on concept plan. All gardens to have minimum 500mm depth of soil medium.
 - Waterproof membranes to all on slab areas to be independently certified by waterproofing/membrane specialist as being fit for purpose and being effectively installed.
 - All playground/fitness equipment to be in accordance with AS4685, AS4486 and AS4422. All equipment as installed is to be independently certified as complying with the nominated standards prior to use by the public.
 - All plant material is to be certified as complying with NATSPEC specifications prior to installation.

- iv. Building Setbacks to Macpherson Street/Boondah Road Frontages:
- Setback areas to be extensively landscaped to screen the building form. Tree planting to be as per the landscape plans hereby approved and incorporate 200L/400L tree sizes.
 - Three copies of a detailed Landscape Plan, drawn to scale, by a qualified landscape architect/ consultant, must be submitted to and approved prior to any relevant Construction Certificate for any works being issued.
- b. The Riparian Corridor, including the Wetland Riparian edge, is to be planted in accordance with condition B26 and in accordance with the adopted *Warriewood Valley Urban Release Area Landscape Masterplan and Design Guidelines (Public Domain) 2006* **prior to issue of the final Occupation Certificate for Stage 1.**
- c. All landscaping in the approved plan is to be completed prior to ~~an~~ **a final Occupation Certificate (Interim or Final) for the aboveground works** being issued for that part of the site **within Stage 1** ~~or the use commencing, whichever is earlier.~~

Prior to release of Occupation Certificate, all landscape works need to be certified as complying with approved landscape plans by a registered landscape architect.

- d. A Landscape Management Plan is to be prepared and implemented to outline the technique and frequency of maintenance tasks during the establishment of the landscaping and on a permanent basis. The Management Plan, is to be implemented for 24 months immediately following completion of the landscaping works on site, and is to incorporate a procedure for the replacement of failed plantings, and a reconsideration of other endemic species type where plantings do not respond to the conditions as expected. Evidence of engagement of maintenance contractor for 24 months for all landscape works as constructed by the applicant to be dedicated to Council, 24 month period to be completion of all landscape works as proposed. Evidence of engagement to be submitted to and approved by certifier/Council prior to issue of Occupation Certificate

This information is to be submitted with the Landscape Plan, in conjunction with this condition.

- e. **Landscape works required by this condition only pertain to Stage 1 which incorporates Buildings A, B, C, D, E, F and G, as shown on the approved Overall site staging plan – DA01 Revision E and dated 20 July 2011.**

- b) Condition C6 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out words/numbers~~ 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 the Boondah Road frontage, must be submitted to and a 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 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. ~~The intersection of Macpherson Street with the Anglican Retirement Villages (ARV) sector entry road. (Remaining portion — all cost sharing to be agreed between the Applicant and ARV), and~~
 - ii. 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 treatment for the internal through-road linking Macpherson Street and Boondah Road is to include kerb returns and pedestrian/cycle refuge at the intersection of the roadway with Macpherson Street and Boondah Road.
 - 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 with the road reserve may be constructed in Stages as part of Stage 1 (this approval) and Stage 2 (subject to a future development application) as follows:**
 - i. **Macpherson Street works west of 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 remainder of the Macpherson Street frontage (including 5 and 7 Macpherson Street) is to be completed prior to the final Occupation Certificate being issued for a future Stage 2 development application.**
 - iii. **The Boondah Road frontage is to be completed prior to issue of the final Occupation Certificate for a future Stage 2 development application.**
- o. **All references to Boondah Road and 5 and 7 Macpherson Street in this condition will also include reference to the balance of proposed roadworks not completed as part of Stage 1 which, while relevant to the overall development, will be deferred until the construction and prior to the final occupation of Buildings H, I, J, K, L, M, N, O and P thereby providing access to Stage 2 of the development.**
- c) Condition C10 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out words/numbers~~ 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 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 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/numbers and deletion of the ~~struck-out words/numbers~~ as follows;

F14 Works within Council's road reserve

- a. Prior to the issue of ~~an~~ **a final** Occupation Certificate for the buildings **in each stage**, all works in the public roads (Macpherson Street and 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 any 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 Occupation Certificate application.

END OF MODIFICATIONS TO MP 10_0177