

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



A/Director, Metropolitan & Regional Projects South

Sydney

7 JUNE

2012

SCHEDULE 1

Project Approval:	MP09_0066
Proponent:	Meriton Apartments Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
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: <ul style="list-style-type: none">• Southern commercial building consisting of a:<ul style="list-style-type: none">• three storey podium; and• 18 storey commercial tower above.• Northern residential building consisting of a:<ul style="list-style-type: none">• Three storey podium; and• 26 storey residential tower above.• Five level basement; and• Public domain works.
Modification Number:	MP09_0066 MOD 1
Modification	The proposed changes include: <ul style="list-style-type: none">• Inserting a new condition A6 in the approval to allow for staging of construction requirements.• Amending Conditions B1, B3, B4, B5, B6, B7, B8, B9, B10, B11, B12, B13, B14, B15, B17, B18, C8, C16, C18, D7, D8, D10, E9, E10, E11, E15, E31, and F11

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

Insert new condition A6 as follows:

Staging of the development

- A6. The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate or final occupation certificate for each stage as follows:

Stage	Description
1A	Includes installation of shoring walls and associated works around the whole development site
1B	Includes ground preparation, piling and excavation over the whole development
2	Includes the construction of structures from basement to ground level
3	Includes the construction of structures above ground level
4	Includes the construction of fit out works from basement to ground level
5	Includes construction of fit out works above ground level
6	Final Occupation Certificate

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions are to be amended by the deletion and/or insertion of the bold and italic words as follows:

Road Closure of Fleet Lane

- B1. The section of Fleet Lane forming part of the subject site shall be closed prior to the issue of a Construction Certificate ***commencement of Stage 1A of the development.***

Additional Details and Information

- B3. Any requirements outlined by conditions of this consent requiring changes and/or information to be noted on plans are to be incorporated within the **relevant** Construction Certificate plans and documentation.

Further all the proposed external finishes are to be demonstrated to be low maintenance high quality finishes that consider the locality and blend with the style of the urban setting.

Developer Contributions

- B4. a) In lieu of the monetary contribution in accordance with the Council's Development Contributions Plans for Open Space/Community Facilities, Road Works/Traffic Management and Child Care, the Council will accept a development contribution of 2% of the cost of constructing the total development (including the public car park and affordable housing units) in

recognition of the construction of an Premium Grade office building providing employment generation in Chatswood CBD.

In this regard the proponent is to submit a cost estimate report at the time of payment which has been prepared by a registered Quantity Surveyor and which reflects the final approved total development.

Payment of the total contribution is required prior to the issue of **any** ~~Construction Certificate associated with the development of the site~~ **the Construction Certificate for Stage 1B of the development**. Please note that payment will only be accepted by way of a bank cheque.

- b) A monetary contribution shall be paid to off set the short fall of 51 on-site parking spaces to the consideration of \$1,366,212.99. This is based on a rate of \$26,788.49 per car space identified in the current Willoughby Council Section 94 Contributions Plan – Car Parking. This is to be paid to Council prior to any Construction Certificate and is to be lodged in the special trust fund for the provision of parking within the Chatswood Centre.

The contribution rate and calculation is current until 30 June 2011, 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.

Payment of the total contribution is required prior to the issue of **any** ~~construction certificate associated with the development of the site~~ **the Construction Certificate for Stage 1B of the development**.

Damage Deposit

- B5. The proponent shall lodge a Damage Deposit of \$135,000 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset ~~during the course of the building works prior to commencement of Stage 1A of the development~~. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. Any damages identified by Council shall be restored by the proponent prior to release of the Damage Deposit.

Note: The deposit will be held by Council for the duration of all construction work on the site noting that the construction work may proceed in stages.

Traffic Management During Construction

- B6. A detailed Traffic management Plan shall be prepared for pedestrian and traffic management during construction and be submitted to the Council as the road authority for approval prior to the ~~issue of a Construction Certificate~~ **commencement of Stage 1A of the development**. The plan shall:-
- (a) Be prepared by RTA accredited consultant
 - (b) Include the route plan for deliveries to the site.
 - (c) Implement a public information campaign to inform any road changes well in advance of each change. In this regard it is noted that access to the properties 2 to 12 Thomas Street and 73 to 77 Albert Avenue from Fleet Lane East be maintained throughout the construction process.
 - (d) Nominate the contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.

- (e) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
- (f) The TMP is to be complied with throughout the construction process.

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. Details of the proposed acoustic treatment shall accompany the application for the Construction Certificate **for Stage 3 of the development**.

Building Ventilation

- B8. To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:
- (a) The Building Code of Australia
 - (b) AS1668.1 – 1998 – The use of ventilation and air conditioning in Buildings
 - (c) AS1668.2 – 1991 – The use of ventilation and air conditioning in Buildings
 - (d) The Public Health Act – 1991
 - (e) The Public Health (Microbial Control) Regulation 2000
 - (f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
 - (g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings
 - (h) AS3666.3 – 2000 – Air Handling and Water Systems in Buildings

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall accompany the application for the Construction Certificate **for Stage 2 of the development**.

Adaptable units

- B9. Adaptable residential units for disabled persons are to be provided to no less than 20% of the total number of units. Each adaptable unit is to be nominated on the **relevant** Construction Certificate drawings and is to be provided with disabled car spaces at the rate required by Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

Design of OSD & Rainwater Harvesting System

- B10. The proponent shall submit for approval a rainwater harvesting system with a minimum storage volume of 2.5 cum per apartment and capable of receiving 100 mm of rainfall over the roof catchments of the development in accordance with Sydney Water's requirements and relevant Council's WDCP and Technical Standards. The rainwater harvesting tank shall be located behind the front property alignment of the building. Should the tank be full, the overflow shall be directed to a suitably sized on site detention tank (OSD) system. The rainwater harvesting system shall be connected to supply non-potable use of the development including, but not limited to laundry, toilet

flushing and landscape irrigation. ***These details shall be submitted to Council for approval prior to the issue of the relevant Construction Certificate.***

Design of stormwater system in Fleet Lane

- B11. ***Prior to the issue of the relevant Construction Certificate***, the proponent shall submit a design for approval by Willoughby Council an underground stormwater disposal system in Fleet Lane to convey the carry the 1 in 20 years Annual Recurrence Interval (ARI) critical storm. An approved overland flow path shall be maintained on street level for flows larger than the design flow. The proposed underground system shall be connected to Council's nearest underground system.

Temporary ground anchors

- B12. The proponent shall obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works. Copies of the permission shall be sent to Council ***prior to the commencement of Stage 1A of the development***. All works associated with the drilling and stressing of ground anchors shall be installed in accordance with approved drawings.

Dedication of Land – Road Widening

- B13. The proponent is required to dedicate, at no cost to Council:

- (a) A strip of land no less than 30 metres in length and no less than 2.85 metres wide along the Albert Avenue frontage of the site generally following the outline plan of the lay-by along the frontage of the property to Albert Avenue to maintain the width of the public footpath.
- (b) A 1.5 metre wide strip of land along the site's Albert Avenue frontage in accordance with the requirements of the Roads and Traffic Authority.
- (c) Two splay corners of 2 metres by 2 metres at the intersection of Albert Lane and Albert Avenue and Albert Lane and Fleet Lane, for the purpose of road widening.

Where the dedication of land on the Albert Avenue frontage as required by (a) and (b) would overlap, the strip of land required to be dedicated by (a) is to be provided in addition to the strip of land required to be dedicated by (b).

The Plan of Dedication is to be lodged with Council prior to the issue of the Construction Certificate ***for Stage 5 of the development*** and registered with the Land and Property Management Authority prior to issue of the ***Final*** Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.

Construction Management Plan (CMP)

- B14. The proponent shall submit, for approval by Willoughby City Council, detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for ~~each stage of works (each Construction Certificate)~~ ***Stage 1A of the development***. The CMP shall address:
- (a) Construction vehicles access to and egress from the site in and route plan in accordance with the TMP during construction
 - (b) Parking for construction vehicles
 - (c) Locations of site office, accommodation and the storage of major materials related to the project
 - (d) Protection of adjoining properties, pedestrians, vehicles and public assets

- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees
- (g) Noise management requirements for plant and equipment
- (h) Any request for adjustment to the construction working hours set by condition 1 and its justification, duration and purpose

Public Car Park

- B15. For ~~any Construction Certificate for~~ below ground construction of the basement levels, a detailed design of the public car park, including the public bicycle facilities, shall be submitted and approved by Willoughby City Council ***prior to the commencement of Stage 1A of the development***. The plan is to show the configuration, detail, finish, ventilation and services of the facility and is to include all pedestrian, bicycle and vehicle access to, through and from the site and showing the relationship and operation of all car parking/bicycle facilities on the site.

BASIX Certificate requirements

- B17. Prior to issue of the relevant Construction Certificate, details of all commitments outlined in the BASIX Certificates submitted with the application, shall be incorporated into the development and provided to the PCA ***prior to the issue of the Construction Certificate for Stage 2 of the development***. This shall also include those amendments to the building incorporated into the approved plans. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

Sydney Water Requirements

- B18. The proponent shall ensure that the development meets contemporary water discharge requirements as set by the 1997 NSW Environment Protection Authority guidelines. Plans demonstrating suitable measures to achieve the minimum water discharge quality standard are to be submitted as part of the Construction Certificate application ***for Stage 1A of the development***.

PART C – PRIOR TO CONSTRUCTION

The following conditions are to be amended by the deletion and/or insertion of the bold and italic words as follows:

Suitable Screens

- C8. Suitable screens and/or barricades shall be erected during demolition and building work and where required by the principal certifying authority ***prior to the commencement of Stage 1A of the development*** to reduce the emission of noise, dust, water effluent or other matter from the site.

Spoil Route Plan

- C16. Submit a "to and from" spoil removal route plan for approval to Council prior to the commencement of ~~excavation on the site~~ ***Stage 1A of the development***. Such a route plan should show entry and exit locations of all truck movements.

Road Pavement – Engineering Details

- C18. The proponent shall submit, for approval by Council as the road authority under Section 138 of the Roads Act, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement in Albert Avenue and Thomas Street including any associated works fronting the subject site.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any construction works in the public road ***prior to the issue of a Construction Certificate for Stage 3 of the development.***

PART D – DURING CONSTRUCTION

The following conditions are to be amended by the insertion of the bold and italic words as follows:

Adjustment to overhead Electricity supply

- D7. All existing and proposed overhead electricity supply mains and other overhead services adjacent to the full frontage of the site along Thomas Street and Albert Avenue, are to be relocated underground including the removal of existing power poles, underground electricity supply to development and sub station to the specification of Energy Australia and Willoughby City Council at full cost to the proponent ***prior to the issue of a Construction Certificate for Stage 5 of the development.***

Ventilation Plans and Details

- D8. Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control monitoring equipment are to be submitted and approved by the PCA ***prior to the issue of a Construction Certificate for Stage 2 of the development.***

Control of Wind Movements

- D10. Where control of wind movements in and around the site relies on the proposed landscaping, the Landscaping Plan is to be endorsed by the wind expert confirming that the proposed landscaping will achieve an acceptable wind environment in and around the building.

The Landscape Plan is to be amended to change *Ficus rubiginosa* with *Flindersia australis* or *Ulmus parvifolia* because of the problems with ongoing fruit drop in the plaza for Fig species. In addition the structural design of the development is to provide for planters that allow for the weight of the soil and planting and adequate dimension for a minimum 1 metre of soil depth for trees and a minimum of 300mm soil depth for turf, ground cover and small shrubs.

Details complying with the above requirements shall be submitted to the PCA prior to issue of a Construction Certificate for Stage 3 of the development.

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

The following conditions are to be amended by the insertion of the bold and italic words 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 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.

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.

Food Premises

- E10. For possible future food premises the design shall address compliance with the AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003, the Food Safety Standards and in particular to:
- (a) The floors shall be of an impervious, smooth finish covered at the intersections of all walls to a minimum radius of 25 mm and the floor finish extending at least 100 mm up the wall surface. All ceramic type floor and coving tiles are to be close fitted at the joints with a maximum grout width of 3 mm. Epoxy type grouting material should be used.
 - (b) All floors to food preparation and storage areas shall be graded so as to drain liquids to trapped floor wastes provided for this purpose.
 - (c) All tenancy perimeter walls and internal walls shall be constructed in masonry, brickwork or other approved solid construction.
 - (d) The ceiling shall be constructed of a rigid smooth faced, non absorbent material such as fibrous plaster, plasterboard, fibrous cement, cement render, or other approved material painted with a washable gloss paint of a light colour. 'Drop in' panel ceilings are not permitted over food preparation, display and servery areas. The ceiling shall cover the entire tenancy.
 - (e) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

Details demonstrating compliance with the above requirements shall be submitted to the PCA prior to the issue of a Construction Certificate for Stage 4 of the development.

Waste & recycling rooms

- E11. The waste and recycling container rooms shall be constructed to comply with all relevant provisions of Willoughby Development Control Plan and Waste Minimisation Management Policy including but not limited to:-
- (a) The floor being graded and drained to an approved Sydney Water basket trap drainage fitting connected to the sewer. Stormwater must not be allowed to enter this floor waste system. The floor shall have a smooth, even surface and be covered at all intersections with walls.
 - (b) The walls being cement rendered to a smooth, even surface and covered at all intersections.
 - (c) Cold water bring provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
 - (d) The bin storage areas must be enclosed and fitted with a self closing door.
 - (e) Artificial lighting must be provided controlled by a motion sensor located both outside and inside the room.
 - (f) Adequate ventilation being provided by the ventilation system exhausting at the rate of 5 L/s per square metre of floor area with a rate of 100 L/s minimum or permanent or by unobstructed natural ventilation openings direct to external air, not less than one-twentieth (1/20) of the floor area. Mechanical exhaust systems shall comply with AS 1668 and not cause inconvenience odour or noise problems.
 - (g) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers
 - (h) Bulk mobile containers are to be used where compactors are proposed and suitable for connection to the garbage collection vehicle being provided to the rooms. The maximum compaction ratio is 2:1. In addition suitable recycling containers must also be provided in the rooms.
 - (i) An engineer's certification is to be provided that the access to the waste rooms has been constructed to be suitable for the garbage collection vehicles servicing the site in terms of width, height clearance, pavement strength and manoeuvring.

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.

Tree Planting

- E15. The proponent is to consult with Willoughby City Council for its requirements for the provision of street trees in Thomas Street and Albert Avenue. The trees on site and in the street shall:

- i Have a minimum container size of 100 litres and grown to NATSPEC 2 Guide Specifying Trees (2003);
- ii Be flowering species, preferably locally occurring native species;
- iii Palms, conifers, fastigiated and columnar trees are not acceptable for the purposes of complying with this conditions.
- iv Have the potential to attain a minimum height and minimum crown spread at maturity to comply with the wind management requirements;

- v Be planted in an appropriate location and planter to allow root growth;
- vi Be planted, mulched, watered and maintained according to industry best practise.

Details demonstrating compliance with the above requirements shall be submitted to the PCA prior to the issue of a Construction Certificate for Stage 3 of the development.

Sweep & Clean Pavement

- E31. Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer ***from Stage 1A of the development onwards.***

PART F – DURING OPERATIONS / POST COMPLETION

The following condition is to be amended by the insertion of the bold and italic words as follows:

Mechanical ventilation systems comprising water cooling

- F11. Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Willoughby City Council on completion of the installation in accordance with the requirements of the Public Health Act.

Details demonstrating compliance with this requirement shall be submitted to the PCA prior to Stage 6 of the development.

END OF MODIFICATIONS TO MP09_0066 MOD 1