

# 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, the Planning Assessment Commission of New South Wales approves the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Jan Murrell

**Member of the Commission**

Sydney

1 November 2012

### SCHEDULE 1

<b>Project Approval:</b>	MP09_0066 granted by the Minister for Planning and Infrastructure on 28 September 2010.
<b>For the following:</b>	Welles Thomas Plaza including: Mixed use development consisting of: <ul style="list-style-type: none"><li>• Southern commercial building consisting of a:<ul style="list-style-type: none"><li>- three storey podium; and</li><li>- 18 storey commercial tower above.</li></ul></li><li>• Northern residential building consisting of a:<ul style="list-style-type: none"><li>- three storey podium; and</li><li>- 26 storey residential tower above.</li></ul></li><li>• Five level basement; and</li><li>• Public domain works.</li></ul>
<b>At:</b>	Lots 22 – 30 in DP 2983 Lot 13 in DP 2983 Lots A & B in DP 381223 Part of Fleet Lane
<b>Modification:</b>	MP09_0066 MOD 2: modification includes: <ul style="list-style-type: none"><li>• Amendment of Conditions B9, B10, B11, C15 and F6.</li></ul>

## SCHEDULE 2

### PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

#### 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 adaptable units. Five disabled car parking spaces are to be provided that are linked to 5 of the adaptable units.*** Each adaptable unit ***and each disabled car parking space*** 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 ***for the buildings, to provide water for the landscaping areas,*** ~~with a minimum storage volume of 2.5 cum per apartment and capable of receiving 100mm 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.~~ ***is to be designed by a qualified engineer for the correct water balance and volumes. The non-residential building will incorporate water saving measures that are consistent with the BASIX Certificate for the residential tower. These details shall be submitted to Council the certifying authority*** 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 of an underground stormwater disposal system in Fleet Lane to ***carry and*** ~~convey the carry in the 1 in 20~~ ***100*** 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.~~ ***An overland flow path for stormwater runoff from Fleet Lane shall be provided for storms up to 1 in 100 year design storm. In the event that an overland flow path cannot be provided, it may be permitted to convey the overland flow for the 1 in 100 year storm within a pipe or culvert system with the pipe capacity designed for 1 in 100 year storm assuming a 50% blockage.*** The proposed underground system shall be connected to Council's nearest underground system.

## PART C – PRIOR TO CONSTRUCTION

*The following condition is amended by the deletion and/or insertion of the struck through, bold and italic words as follows:*

### Dilapidation Report of adjoining properties

- C15. A dilapidation report including a photographic record is to be prepared by a practising Structural Engineer, at no cost to Council or adjoining property owners, detailing the structural adequacy of adjoining properties, including Council's property, and their ability to withstand the proposed excavation. This report must include any measures required to be incorporated to ~~ensure that no damage will occur~~ **reduce the likelihood of damage occurring** during the course of works. The report shall be submitted to the PCA and relevant adjoining property owners including Council.  
(Reason: Protection of adjoining properties)

## PART F – DURING OPERATIONS/ POST COMPLETION

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

### On-site car parking

- F6. The on-site car parking provision shall be arranged as follows:
- 250 public spaces;
  - 192 residential spaces (including visitor ***spaces and 5 disabled spaces for adaptable units***); and
  - 64 commercial/retail spaces
  - Total 506 spaces

One car space within the secure area of the car parking of the commercial building for the parking of a car share vehicle being used by a tenant. One car space 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).

END OF MODIFICATIONS TO MP09\_0066