

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

Richard Pearson
Deputy Director General
Development Assessment & Systems Performance

Sydney 2nd December 2011

SCHEDULE 1

Project Approval:

MP 10_0057 granted by the Planning Assessment Commission on 2 May 2011

For the following:

Project Approval for a residential development including:

- Demolition and excavation;
- Construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments;
- Adaptive – reuse of monastery building for communal facilities including pool and gymnasium;
- Basement parking; and
- Landscaping works.

Modification:

MP 10_0057 MOD 2: Modification includes an amendment to Condition C34 and C35 to allow for the installation of a pumping system to discharge water from the basement post construction.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition A1 is amended by the insertion of the **bold** words as follows:

A1 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 10_0057 and the Environmental Assessment and associated documentation dated August 2010, prepared by Meriton Apartments Pty Ltd, except where amended by the Preferred Project Report and associated documentation dated December 2010, prepared by Meriton Apartments Pty Ltd; as amended by MP 10_0057 MOD 1, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated July 2011 (as amended by correspondence received 1 September 2011 and 23 September 2011); **as amended by MP 10_0057 MOD 2, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated 24 August 2011 (as amended by correspondence received 6 October 2011 and 10 November 2011);** and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA-00	B	Cover Sheets	Meriton Apartments Pty Ltd	03/12/2010
DA-00	D	Cover Sheets	Meriton Apartments Pty Ltd	19/08/2011
DA-01	B	Site Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-02	B	Car park Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-02	E	Car Park Plans	Meriton Apartments Pty Ltd	19/08/2011
DA-03	B	Ground Floor Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-04	B	Site Analysis – 1	Meriton Apartments Pty Ltd	03/12/2010
DA-05	B	Site Analysis – 2	Meriton Apartments Pty Ltd	03/12/2010
DA-06	B	Site Analysis – 3	Meriton Apartments Pty Ltd	03/12/2010
DA-10	B	Street Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-15	B	Car Park – Stage 1	Meriton Apartments Pty Ltd	03/12/2010
DA-15	D	Car Park Level 2 - Stage 1	Meriton Apartments Pty Ltd	26/07/2011
DA-16	B	Car Park – Stage 2	Meriton Apartments Pty Ltd	03/12/2010
DA-16	D	Car Park Level 1 – Stage 1	Meriton Apartments Pty Ltd	26/07/2011
DA-17	D	Car Park Level 2 - Stage 2	Meriton Apartments Pty Ltd	19/08/2011
DA-18	D	Car Park Level 1 - Stage 2	Meriton Apartments Pty Ltd	19/08/2011
DA-20	B	Stage 1 - Ground Floor Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-21	B	Stage 1 - Level 1 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-22	B	Stage 1 - Level 2 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-23	B	Stage 1 - Level 3 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-24	B	Stage 1 - Level 4 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-25	A	Stage 1 - Level 5 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-26	B	Stage 1 - Roof Plan	Meriton Apartments Pty Ltd	03/12/2010

DA-27	B	Stage 2 - Ground Floor Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-28	B	Stage 2 - Level 1 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-29	B	Stage 2 - Level 2 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-30	B	Stage 2 - Level 3 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-31	B	Stage 2 - Level 4 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-32	A	Stage 2 - Level 5 Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-33	B	Stage 2 - Level Roof Plan	Meriton Apartments Pty Ltd	03/12/2010
DA-34	B	Monastery & Stable Plan, Elev & Sect.	Meriton Apartments Pty Ltd	12/08/2010
DA-40	C	Block A Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-41	C	Block B Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-42	C	Block C Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-43	C	Block D Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-44	C	Block E Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-45	A	Block F Elevations	Meriton Apartments Pty Ltd	03/12/2010
DA-46	C	Site Section A-A	Meriton Apartments Pty Ltd	03/12/2010
DA-47	C	Site Section B-B	Meriton Apartments Pty Ltd	03/12/2010
DA-48	C	Site Section C-C	Meriton Apartments Pty Ltd	03/12/2010
DA-50	B	Typical Units	Meriton Apartments Pty Ltd	03/12/2010
DA-51	B	Adaptable Units	Meriton Apartments Pty Ltd	03/12/2010
DA-60	B	GFA Block A	Meriton Apartments Pty Ltd	03/12/2010
DA-61	B	GFA Block B	Meriton Apartments Pty Ltd	03/12/2010
DA-62	B	GFA Block C	Meriton Apartments Pty Ltd	03/12/2010
DA-63	B	GFA Block D	Meriton Apartments Pty Ltd	03/12/2010
DA-64	B	GFA Block E	Meriton Apartments Pty Ltd	03/12/2010
DA-65	A	GFA Block F	Meriton Apartments Pty Ltd	03/12/2010
DA-66	A	GFA Monastery	Meriton Apartments Pty Ltd	01/12/2011
Landscape Plans				
Drawing No.	Revision	Name of Plan	Drawn By	Date
LA 01	D	Landscape Precedents	Oculus	22/12/2010
LA04	F	Landscape Plan	Oculus	17/12/2010
LA 05	D	Sections	Oculus	23/12/2010
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
D-2010-GRD	B	Ground Floor - Stage 1 Drainage Plan - Sheet 01	Meriton Apartments Pty Ltd	03/12/2010
D-2011-GRD	B	Ground Floor - Stage 2 Drainage Plan - Sheet 02	Meriton Apartments Pty Ltd	03/12/2010

except for:

- 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
- otherwise provided by the conditions of this approval.

- b) Condition C34 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words as follows:

C34 NSW Office of Water

Licences under Part V of the *Water Act 1912* are required for the works **for the take of water (i.e. dewatering either pre, during or post construction and of any on-going dewatering for the life of the structure)** ~~for purposes of temporary dewatering as part of any proposed excavation and construction~~ and in accordance with the following;

- ~~(b) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.~~
- (c) Pumped water (tailwater) shall not be allowed to discharge off-site (e.g., adjoining roads, stormwater system, sewage system, etc) without the controlling authorities approval and/or owners consent.
- (d) The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- (e) If the work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.

The following documents are to be supplied to the NSW Office of Water in a form suitable to the Office:

- (f) A report predicting the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
- (g) A report assessing the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
- (h) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/mega litres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
- (i) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/mega litres), the reinjection locations, the disposal rate (litres per second), and duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
- (j) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed structure shall extend greater than one floor level into the existing ground level.

- c) Condition C35 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words as follows:

C35 Groundwater

- (a) ~~The design and construction of the structure must preclude the need for permanent dewatering.~~ **The design and construction of the structure may permit permanent dewatering, post construction, subject to obtaining the necessary licensing approvals.**
- (b) The design and construction of the structure that may be impacted by any watertable must include a ~~water proof~~ retention system (~~i.e. a fully tanked structure~~) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- (c) Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- (d) Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- (e) Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to commencement of dewatering,) and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (f) Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- (g) Discharge of any contaminated pumped water (tailwater) that is reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - i. The treatment to be applied to the pumped water (tailwater) to remove any contamination,
 - ii. The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - iii. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
 - iv. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.

- (h) Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - (i) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - (j) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - (k) Locations of settlement monitoring points, and schedules of measurement.
- d) Insert Condition F29 as follows:

F29 Groundwater treatment system positive covenant/restriction

Prior to issue of the Occupation Certificate, the Proponent must create a positive covenant and restriction on the use of land under Section 88B or 88E of the *Conveyancing Act 1919*, burdening the owner with the requirement to maintain the groundwater treatment system on the property.

The terms of the instruments are to be to the satisfaction of Ku-ring-gai Council, and require ongoing compliance with the *Management Plan for Post-Construction Permanent Basement Pump-out* by Hayes Environmental Consulting Report No. MP135 AF, dated 28 September 2011. For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the groundwater treatment system, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenant and restriction, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.