

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 6 - modification includes:

- replace the internal through road with a private road terminating in the cul-de-sac adjacent to Building F;
- realign the pedestrian cycle path to the northern side of the detention basin and allow shared emergency vehicle access in lieu of providing public road access; and
- associated revisions to landscaping.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition A1 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A1 Development in Accordance with Plans

The development will be undertaken in accordance with MP No. 10_0177 and the Environmental Assessment dated March 2010, prepared by Architectus, except where amended by the Preferred Project Report dated September 2010, prepared by Architectus, as amended by MP10_0177 MOD 1, the Section 75W Modification dated May 2011, prepared by Meriton Apartments Pty Limited; **as amended by MP10_0177 MOD 6, the Section 75W Modification dated 11 January 2012 prepared by Meriton (as amended by correspondence dated 8 March 2012);** as amended by MP10_0177 MOD 7, the Section 75W Modification dated 12 January 2012 prepared by Meriton (as amended by correspondence dated 20 February 2012 and 2 April 2012); and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA00	D	Cover Sheet (S75W Application)	Meriton Apartments Pty Ltd	30/05/2011
DA01	E E	Overall Site Staging Plan	Meriton Apartments Pty Ltd	20/07/2011 30.01.12
DA02	C D	Site Plan	Meriton Apartments Pty Ltd	27/05/2011 30.01.12
DA04	E	Car Parking Plan (amended to delete the eastern entry/exit point).	Meriton Apartments Pty Ltd	20/01/2012
DA05	D E	Podium Plan	Meriton Apartments Pty Ltd	30/05/2011 30.01.12
DA06	E E	Typical Floor Plan (Level 1 & 2)	Meriton Apartments Pty Ltd	31/05/2011 30.01.12
DA07	E E	Deep Planting	Meriton Apartments Pty Ltd	20/07/2011 30.01.12
DA10	C	Street Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA11	D	Site Sections	Meriton Apartments Pty Ltd	30/05/2011
DA20	E	Building A Plans & Elevations	Meriton Apartments Pty Ltd	20/07/2011
DA21	D	Building B Plans & Elevations	Meriton Apartments Pty Ltd	31/05/2011
DA22	D	Building C Plans & Elevations	Meriton Apartments Pty Ltd	31/05/2011

DA23	C	Building D Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA24	C	Building E Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA25	C	Building F Plans & Elevations Sheet 1	Meriton Apartments Pty Ltd	27/05/2011
DA26	C	Building F Plans & Elevations Sheet 2	Meriton Apartments Pty Ltd	27/05/2011
DA28	C	Building G Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA30	B	Childcare Pool Plans & Elevations	Meriton Apartments Pty Ltd	13/08/2010
DA70	B	Typical Unit Plans	Meriton Apartments Pty Ltd	06/08/2010
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
LA000	B G	Title Sheet	Site Image Landscape Architects	13/08/2010 03.02.2012
LA101	E F	Landscape Masterplan Stage 1 DA	Site Image Landscape Architects	15/07/2011 02.02.2012
LA102	B G	Landscape Masterplan Landscape Management Zones	Site Image Landscape Architects	13/08/2010 02.02.2012
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
C025	P1	Site Earthworks Plan and Section	AT&L Civil Engineers and Project Managers	07/09/10
C001 75WC201	P1 A	Cover Sheet	AT&L Civil Engineers and Project Managers	26/07/10 20/12/11
C002 75WC201	P1 A	Notes and Legends	AT&L Civil Engineers and Project Managers	26/07/10 20/12/11
C003	P1	General Arrangement Plan	AT&L Civil Engineers and Project Managers	12/08/10
C004	P2	Typical Road Cross Sections Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C005	P1	Typical Road Cross Sections Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C006	P1	Typical Road Cross Sections Sheet 3	AT&L Civil Engineers and Project Managers	26/07/10
C007	P2	Typical Road Cross Sections Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10

C008	P1	Roadworks Details Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C009	P1	Roadworks Details Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C010 <u>75WC210</u>	P2 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10 <u>20/12/11</u>
C011 <u>75WC211</u>	P2 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10 <u>20/12/11</u>
C012 <u>75WC212</u>	P3 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 3	AT&L Civil Engineers and Project Managers	12/08/10 <u>20/12/11</u>
C013	P2	Roadworks and Stormwater Drainage Plan Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10
C014 <u>75WC214</u>	P6 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 5	AT&L Civil Engineers and Project Managers	12/08/10 <u>20/12/11</u>
C015	P4	Roadworks and Stormwater Drainage Plan Sheet 6	AT&L Civil Engineers and Project Managers	2/08/10
C020	P1	Road Longitudinal Sections Sheet 1	AT&L Civil Engineers and Project Managers	04/06/10
C021 <u>75WC217</u>	P1 <u>A</u>	Road Longitudinal Sections Sheet 2	AT&L Civil Engineers and Project Managers	04/06/10 <u>20/12/11</u>
<u>75WC230</u>	<u>A</u>	<u>Intersection Layout Plan and Kerb Return Profiles Sheet 1</u>	<u>AT&L Civil Engineers and Project Managers</u>	<u>20/12/11</u>
<u>75WC231</u>	<u>A</u>	<u>Intersection Layout Plan and Kerb Return Profiles Sheet 3</u>	<u>AT&L Civil Engineers and Project Managers</u>	<u>20/12/11</u>
<u>75WC234</u>	<u>A</u>	<u>Intersection Layout Plan and Kerb Return Profiles Sheet 4</u>	<u>AT&L Civil Engineers and Project Managers</u>	<u>20/12/11</u>
C040 <u>75WC240</u>	A	Bio Retention Basin A Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10 <u>20/12/11</u>
<u>75WC242</u>	<u>A</u>	<u>Bio Retention Basin Section and Details</u>	<u>AT&L Civil Engineers and Project Managers</u>	<u>20/12/11</u>
C041	A	Bio Retention Basin B Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10
C035	P1	Pavement Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C036	P1	Pavement Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C037	P1	Pavement Plan Sheet 3	AT&L Civil Engineers and Project Managers	26/07/10
C038	P1	Pavement Plan Sheet 4	AT&L Civil Engineers and Project Managers	26/07/10

Reports				
Report No.	Revision	Name of Report	Prepared By	Date
610.10599-R1	0	Proposed Residential Building F 14-18 Boondah Road Warriewood Solar Access Report	SLR Consulting Australia Pty Ltd	21 June 2011
-	-	Solar Access Assessment – Stage [1] – B1 Modification – 14-18 Boondah Road, Warriewood	SLR Consulting Australia Pty Ltd	31 May 2011
Strata Plans				
Drawing No.	Reference	Name of Plan	Drawn By	Date
Strata Plan 1	123899	Location Plan	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 2	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 3	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 4	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 5	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 6	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 7	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 8	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 9	123899	Building A Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 10	123899	Building A Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 11	123899	Building A Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 12	123899	Building B + C Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 13	123899	Building B + C Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 14	123899	Building B + C Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 15	123899	Building D Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 16	123899	Building D Level 1	Surveyor: Wayne Diver-Tuck	Mar12

Strata Plan 17	123899	Building D Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 18	123899	Building D Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 19	123899	Building E Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 20	123899	Building E Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 21	123899	Building E Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 22	123899	Building E Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 23	123899	Building F Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 24	123899	Building F Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 25	123899	Building F Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 26	123899	Building F Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 27	123899	Building F Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 28	123899	Building F Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 29	123899	Building F Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 30	123899	Building F Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 31	123899	Building G Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 32	123899	Building G Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 33	123899	Building G Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 34	123899	Building G Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 35	123899	Pool Facility Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 36	123899	Development Lot	Surveyor: Wayne Diver-Tuck	Mar12

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 A6(3) to be added by the insertion of the **bold and underlined** words/numbers as follows;

A6 Further Approvals

3. **Right of Way (Emergency Access)**

Creation of a suitable right of way in accordance with Section 88(b) of the Conveyancing Act 1919 benefiting any emergency access that may be required which may be shared with the pedestrian cycleway where it passes Buildings F and G to the northern most vehicle entrance along Boondah Road in accordance with this approval.

- c) Condition B12 is deleted.

- d) 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 for a part of the site within Stage 1 is to be completed prior to a final Occupation Certificate for the aboveground works being issued for that part of the site.

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.

- e) 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. 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 treatments ~~s for the internal through road linking~~ **into** Macpherson Street and Boondah Road ~~is~~ **are** to include kerb returns and pedestrian/cycle refuges ~~s. 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 within the road reserve may be constructed as part of Stage 1 (this approval) and Stage 2 (subject to a future development application) as follows:
 - i. Macpherson Street works including 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 Boondah Road works are to be completed as part of a future Stage 2 development application, if they are not completed as part of Stage 1.

- f) Condition C7 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out words/numbers~~ as follows;

C7 Internal Road Network (within the development site)

- a. Engineering plans and specifications for all roads, drainage and other civil engineering works within the development site are to include the following matters:
 - i. Pedestrian facilities;
 - ii. Pavement design and treatments. Where Kerb and Guttering does not form the edge of a road pavement in a street, a means of preventing vehicles from parking off the road pavement shall be provided;
 - iii. Drainage facilities and associated water treatment facilities;
 - iv. Threshold treatments;
 - v. Street landscape, including street lighting and sign posting;
 - vi. The entry treatments ~~s for the internal through road linking~~ **into** Macpherson Street and Boondah Road, to include kerb returns and pedestrian/cycle refuges ~~s at the intersection of the roadway with Macpherson Street and Boondah Road.~~
- b. The engineering plans and specifications are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan, AustRoads, AUSSPEC and Pittwater 21 Development Control Plan, and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007.
- c. The engineering design and plans for road and drainage works must be certified as meeting the requirements of these conditions of Approval by an suitably qualified experienced civil engineer who is NPER accredited by Engineers Australia.

- g) Condition C23 to be added by the insertion of the **bold and underlined** words/numbers as follows

C23 Pedestrian/cycle path

- (a) **The alignment of the pedestrian/cycle path in the south-west portion of the site shall be agreed between Council and the proponent to ensure that the path will provide an appropriate connection over the creek to the adjoining property to the west, consistent with Council's wider pedestrian and cycle network in the Warriewood Valley.**
- (b) **Fencing between the pedestrian/cycle path and the bio retention basin shall be durable, open style fencing to ensure a high level of visual amenity.**

END OF MODIFICATIONS TO MP 10_0177