

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

18 April

2012

SCHEDULE 1

Project Approval:

MP10_0177 granted by the Planning Assessment Commission on 18 January 2011.

For the following:

Stage 1 for a residential and child care development including:

- demolition of the existing buildings and structures on site and tree removal;
- excavation, earthworks and flood mitigation works;
- construction of 7 residential buildings with associated pools and gymnasium;
- basement parking;
- childcare centre;
- external road works, internal public access roads, pedestrian and cycle way; and
- ecological rehabilitation and landscaping works.

At:

14-18 Boondah Road, Warriewood (Lot 20 in DP1080979).

Modification:

MP10_0177 MOD 7: modification includes:

- staged strata subdivision of Buildings A, B, C, D, E, F, G and Pool Building.

SCHEDULE 2

PART A – ADMINISTRATIVE 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 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	Overall Site Staging Plan	Meriton Apartments Pty Ltd	20/07/2011
DA02	C	Site Plan	Meriton Apartments Pty Ltd	27/05/2011
DA04	E	Car Parking Plan (amended to delete the eastern entry/exit point).	Meriton Apartments Pty Ltd	20/01/2012
DA05	D	Podium Plan	Meriton Apartments Pty Ltd	30/05/2011
DA06	E	Typical Floor Plan (Level 1 & 2)	Meriton Apartments Pty Ltd	31/05/2011
DA07	E	Deep Planting	Meriton Apartments Pty Ltd	20/07/2011
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	Title Sheet	Site Image Landscape Architects	13/08/2010
LA101	E	Landscape Masterplan Stage 1 DA	Site Image Landscape Architects	15/07/2011
LA102	B	Landscape Masterplan Landscape Management Zones	Site Image Landscape Architects	13/08/2010
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	P1	Cover Sheet	AT&L Civil Engineers and Project Managers	26/07/10
C002	P1	Notes and Legends	AT&L Civil Engineers and Project Managers	26/07/10
C003	P4	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	P2	Roadworks and Stormwater Drainage Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C011	P2	Roadworks and Stormwater Drainage Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C012	P3	Roadworks and Stormwater Drainage Plan Sheet 3	AT&L Civil Engineers and Project Managers	12/08/10
C013	P2	Roadworks and Stormwater Drainage Plan Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10
C014	P6	Roadworks and Stormwater Drainage Plan Sheet 5	AT&L Civil Engineers and Project Managers	12/08/10
C015	P4	Roadworks and Stormwater	AT&L Civil Engineers and	2/08/10

		Drainage Plan Sheet 6	Project Managers	
C020	P1	Road Longitudinal Sections Sheet 1	AT&L Civil Engineers and Project Managers	04/06/10
C021	P1	Road Longitudinal Sections Sheet 2	AT&L Civil Engineers and Project Managers	04/06/10
C040	A	Bio Retention Basin A Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10
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
N/A	N/A	Letter regarding public open space dedication	Meriton Apartments Pty Ltd	11/11/10

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
<u>Strata Plan 1</u>	<u>123899</u>	<u>Location Plan</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 2</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 3</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 4</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 5</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 6</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 7</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 8</u>	<u>123899</u>	<u>Car Park Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 9</u>	<u>123899</u>	<u>Building A Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 10</u>	<u>123899</u>	<u>Building A Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 11</u>	<u>123899</u>	<u>Building A Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>

<u>Strata Plan 12</u>	<u>123899</u>	<u>Building B + C Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 13</u>	<u>123899</u>	<u>Building B + C Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 14</u>	<u>123899</u>	<u>Building B + C Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 15</u>	<u>123899</u>	<u>Building D Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 16</u>	<u>123899</u>	<u>Building D Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 17</u>	<u>123899</u>	<u>Building D Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 18</u>	<u>123899</u>	<u>Building D Level 3</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 19</u>	<u>123899</u>	<u>Building E Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 20</u>	<u>123899</u>	<u>Building E Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 21</u>	<u>123899</u>	<u>Building E Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 22</u>	<u>123899</u>	<u>Building E Level 3</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 23</u>	<u>123899</u>	<u>Building F Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 24</u>	<u>123899</u>	<u>Building F Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 25</u>	<u>123899</u>	<u>Building F Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 26</u>	<u>123899</u>	<u>Building F Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 27</u>	<u>123899</u>	<u>Building F Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 28</u>	<u>123899</u>	<u>Building F Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 29</u>	<u>123899</u>	<u>Building F Level 3</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 30</u>	<u>123899</u>	<u>Building F Level 3</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 31</u>	<u>123899</u>	<u>Building G Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 32</u>	<u>123899</u>	<u>Building G Level 1</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 33</u>	<u>123899</u>	<u>Building G Level 2</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 34</u>	<u>123899</u>	<u>Building G Level 3</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 35</u>	<u>123899</u>	<u>Pool Facility Ground Level</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>
<u>Strata Plan 36</u>	<u>123899</u>	<u>Development Lot</u>	<u>Surveyor: Wayne Diver-Tuck</u>	<u>Mar12</u>

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.

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(2) is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words as follows:

A6 Further Approvals

2. Land Subdivision ~~Future Subdivision of the Land~~

A further Development Application for **land** subdivision is to be submitted to Council for its assessment. This application is to address the following:

- The creation of **the lots(s) containing the** individual lots for ~~containing dwellings and any utility lots (garages storage areas etc.), development lots for future stages, community or common property, and areas to be dedicated to the public.~~
- The creation of a lot containing the child care centre.** ~~The creation of appropriate easements, rights of way, restrictions on use of land, or positive covenants sufficient to provide appropriate legal rights for access services and facilities where they are not contained in the lot which they benefit.~~
- The creation of appropriate easements, rights of way, restrictions on use of land, or positive covenants sufficient to provide appropriate legal rights for access services and facilities where they are not contained in the lot which they benefit.** ~~Creation of a Residue Lot being that part of the land not included in (a) or (b) above.~~
- Creation of a Lot for the residential development being that part of the land not included in (a) or (b) above.** ~~Provision of binding legal mechanisms to ensure the ongoing maintenance of any facilities or activities in the Residue Lot required to be carried out over the life of the development by this Approval, including maintenance of water management facilities, pedestrian and cycle paths, Buffer Areas, Vegetation and Asset Protection Zones in the Residue Lot and to also provide for public access.~~
- Creation of suitable rights of way benefiting the public over the pedestrian cycleway including its links to Boondah Road and Warriewood Road where it passes through the residential development lot referred to in (d) above.** ~~The creation of suitable binding legal mechanisms to ensure the ongoing maintenance of any facilities or activities required to be carried out over the life of the development by this Approval including the maintenance of the water management facilities, roads and parking areas, Buffer Areas, Weed Management, continual maintenance of landscape vegetation, Asset Protection Zones, the gymnasium and swimming pool, and any other proposed common facilities.~~

- c) Condition A7 to be added by the insertion of the **bold** words / numbers as follows:

A7 Staged Strata Subdivision

1. Staged strata subdivision approval is given in relation to the whole of the land to which this project approval applies in accordance with the Draft Strata Development Contract.
2. Notwithstanding the Draft Strata Plan, the proponent may carry out staged strata subdivision for the buildings approved by this project approval in a manner consistent with the Draft Strata Plan by preparing and lodging for registration:
 - (a) a strata plan which includes any or all of those buildings; and
 - (b) a strata plan(s) of subdivision for any of the buildings not initially included in that strata plan, to be determined by the proponent.

- d) Part H and Conditions H1 – H7 to be added by the insertion the **bold** words / numbers as follows:

PART H – PRIOR TO STRATA SUBDIVISION

H1 Submission of Plans of Subdivision (Strata)

For issue of the strata certificate, an application must be made to the certifying authority to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973. The proponent shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the certifying authority.

All parking spaces and all areas of common property, including visitor car parking spaces, which are to be common property within the relevant stage, must be included on the final plans of strata subdivision.

H2 General Easement / R.O.W Provision and Certification

Prior to issue of the Strata Certificate, a registered surveyor is to provide details to the Certifying Authority that the buildings contained within the strata plan stand within the parcel boundaries or if standing on land other than a public place have the benefit of an appropriate easement to enable the registration of the strata plan.

H3 Strata Subdivision of Car Parking and Storage Areas

- (a) The strata subdivision and any subsequent strata subdivision of the subject site must respect the car parking and storage area allocation approved in accordance with Condition B13. All parking spaces and storage areas which are to be part of a strata lot are to be shown as part of the strata lot number that corresponds to the unit that the parking space or storage area has been allocated to, and not as separate individual strata lots.
- (b) Common areas in the basement carpark comprising 46 visitor parking spaces, spaces for emergency and delivery vehicles, a car washing space, bicycle spaces, garbage areas, vehicular ramps etc. are to be shown as 'Common Property' within the relevant stage and must not be individually allocated by the subdivision or any by-law or other mechanism. The car parking spaces are to be clearly marked and used only for their approved use.

H4 Submission of Certification of As-Constructed Development

Prior to the issue of the Strata Certificate, the proponent is to submit a survey report and surveyor's certificate to the Certifying Authority which confirms that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the buildings correspond to those of the building as constructed;
- (b) the floors, external walls and ceiling of the building as constructed generally correspond to those depicted in the building plans that accompanied the construction certificate for the buildings; and
- (c) any facilities required by the development approval for the building (such as parking spaces, balconies and courtyards/open space) have been provided in accordance with those requirements.

The Council or accredited certifier should also be satisfied that:

- (a) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (b) any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

H5 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water website or telephone 13 2092.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the accredited certifier or Council with the documentation to enable the issue of the strata certificate.

H6 Strata Plan

Provision of suitable binding legal mechanisms created through registration of the Strata Plan which cannot be removed or varied without the approval of Pittwater Council the terms of which ensure the ongoing maintenance of any facilities or activities in the residential development Lot referred to in Condition A6 2 (d) above required to be carried out over the life of the development by this Approval, including maintenance of water management facilities, pedestrian and cycle paths, Buffer Areas, Vegetation and Asset Protection Zones in the residential development Lot.

H7 Strata Plan

The creation of suitable binding legal mechanisms through the registration of the Strata Plan which cannot be removed or varied without the approval of Pittwater Council the terms of which ensure the ongoing maintenance of any facilities or activities required to be carried out over the life of the development by this Approval including the maintenance of the water management facilities, roads and parking areas, Buffer Areas, Weed Management, continual maintenance of landscape vegetation, Asset Protection Zones, the gymnasium and swimming pool, and any other proposed common facilities.

End of Modifications to MP10_0177