

# 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, the Planning Assessment Commission of New South Wales (the Commission) determines to approve the modification of the Concept Plan application referred to in Schedule 1, subject to the conditions in Schedule 2.

### MEMBER OF THE COMMISSION

Sydney

2013

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### SCHEDULE 1

**Concept Approval:**

**MP 09\_0162** granted by the Planning Assessment Commission on 18 January 2011.

**For the following:**

Multi-unit housing development and childcare centre, private and public open space, parking, road works, pedestrian and cycle pathway, landscaping and ecological rehabilitation works.

**At:**

14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979).

**Proposed Modification:**

**MP 09\_0162 MOD 4** modification includes:

- amendment to the footprint of the child care centre; and
- amendment to the number of children permitted to be provided in the childcare centre.

## SCHEDULE 2

### CONDITIONS

The above approval is modified as follows:

- (a) Amend Condition 2 by the deletion of the ~~struck out words~~ and insertion of the **bold and underlined** words as follows:

#### 1. Development in Accordance with the Plans and Documentation

The approval shall be generally in accordance with MP 09\_0162 and the Environmental Assessment prepared by Architectus dated March 2010, except where amended by the Preferred Project Report dated September 2010 and received by the Department on 29 September 2010; the Section 75W modification dated 8 September 2011; the Section 75W modification dated 14 November 2012; **as amended by the Section 75W modification dated 4 March 2013 and the Preferred Project Report dated 21 June 2013 and additional information received August 2013**, and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
A000	↓ J	Open Space and Ecology Diagram	Architectus	November 2011 <b>February 2013</b>
A001	↓ J	Vehicle Access and Street Network	Architectus	November 2011 <b>February 2013</b>
A002	↓ J	Pedestrian Footpath and Access Cycleway	Architectus	November 2011 <b>February 2013</b>
A003	↓ J	Land Use Diagram	Architectus	November 2011 <b>February 2013</b>
A005	K L	Building Heights Diagram	Architectus	November 2011 <b>February 2013</b>
DA01	B	Overall Site Staging Plan	Meriton Apartments Pty Ltd	13/08/2010
DA07	F	Deep Planting	Meriton Apartments Pty Ltd	03.10.12
Landscape and Earthworks Plans				
Drawing No.	Revision	Name of Plan	Drawn By	Date
LA101	J	Landscape Masterplan Vegetation Plan	Site Image Landscape Architects	27.11.2012
LA102	B	Landscape Masterplan Landscape Management Zones	Site Image Landscape Architects	13/08/2010
C025	P1	Site Earthworks Plan and Section	AT&L Civil Engineers and Project Managers	07/09/2010
Other Documents				
Reference	Name of Document		Prepared By	Date
None	Letter regarding public open		Meriton Apartments Pty	11/11/2010

	space dedication	Ltd	
None	Solar Access Assessment – Concept Plan – 14-18 Boondah Road, Warriewood	SLR Consulting Australia Pty Ltd	2 June 2011
SKC22 Issue P4	Revised Master Plan Layout	AT&L Civil Engineers and Project Managers	28-10-11

except for as modified by the following pursuant to Section 75O(4) of the Act.

- (b) Amend Modification 3 by the deletion of the ~~struck-out words~~ and insertion of the **bold and underlined** words as follows:

## 2. Minimum Public Open Space

The redevelopment of the site shall provide a minimum of 15,601m<sup>2</sup> **14,393m<sup>2</sup>** of publicly accessible open space to be dedicated to Pittwater Council as shown in the plan attached to Meriton's letter dated 11 November 2010, **as amended by the Section 75W modification application dated 4 March 2013.**

- (d) Amend the Statement of Commitments by the deletion of the ~~struck-out words~~ and insertion of the **bold and underlined** words as follows:

## 1. Development Contributions

Section 94 Contribution of \$19,041,428.00 comprising a total cash contribution of \$13,152,752.00 **\$13,545,352.00** and an agreed schedule of works-in-kind to the value of \$5,888,676.00 **\$5,496,076.00** (including the dedication of 15,601sqm **14,393sqm** of land) is to be made for the provision of public infrastructure and services.

The above Section 94 Contributions payable are to be stages as follows.

### Stage 1

A cash contribution to the amount of \$6,941,076.64 to be made payable prior to the issue of the first Occupation Certificate. Evidence of the payment shall be provided to the Certifying Authority. This is equivalent to 295 dwelling being built. Should this number change, then equivalent proportional number of dwellings divided into the total cash contribution will be made payable.

The following works in kind shall be carried out during the Stage 1.

Element	Public Works	Value
Traffic and Transport	Dedication of the 5.5m splay corner at the intersection of Macpherson Street and Boondah Road  Construction of a roundabout at the intersection of Macpherson Street and Boondah Road.	\$1,370,417
Multi-function creekline corridors (works)	Construction & embellishment of 6,681sqm of proposed on-site creekline	\$534,480

	corridor land.	
Multi-function creekline corridors (land)	Dedication of on-site land of creekline corridor land.	\$681,462
<b>SUB TOTALS</b>		<b>\$2,586,359</b>

## Stage 2

A cash contribution to the amount of ~~\$6,221,675.36~~ **\$6,614,275.36** to be made payable prior to the issue of the Final Occupation Certificate. Evidence of the payment shall be provided to the Certifying Authority. This is equivalent to 264 dwelling being built. Should this number change, then equivalent proportional number of dwellings divided into the total cash contribution will be made payable.

The following works in kind shall be carried out during the Stage 2.

Element	Public Works	Value
Traffic and Transport	Dedication of internal loop road connecting Macpherson Street and Boondah Road	Nil
Public recreation and open space land	Dedication of land for active and passive open space on-site (8,920sqm <b><u>7,712sqm</u></b> )	<del>\$2,899,000</del> <b><u>\$2,506,400</u></b>
Pedestrian network	Direct provision including bridge over the creekline corridor, pedestrian/cycleway network on Meriton land.	\$403,317
<b>SUB TOTALS</b>		<b><u>\$3,302,317</u></b> <b><u>\$2,909,717</u></b>

End of Modifications to MP 09\_0162 MOD 4