

# Concept Approval

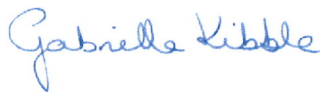
## Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 23 August 2010, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the Terms of Approval in Schedule 2, the modifications in Schedule 3 and the Statement of Commitments in Schedule 4 pursuant to Section 75O of the Environmental Planning and Assessment Act, 1979;
- (b) pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the multi-unit housing development and childcare centre as set out in Schedule 3; and,
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future stages of the Concept Plan approval are to be subject to Part 4.



Member of the Commission



Member of the Commission



Member of the Commission

Sydney

18 January 2011

### SCHEDULE 1

**Application No.:** MP09\_0162

**Proponent:** Meriton Apartments Pty Limited

**Approval Authority:** Planning Assessment Commission

**Land:** 14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979)

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

### NOTES RELATING TO THE DETERMINATION OF MP No. 09\_0162

#### Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

## DEFINITIONS

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means advisory information relation to the approved development.
<b>Department</b>	means the Department of Planning or its successors.
<b>Director General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by Architectus dated March 2010.
<b>Minister</b>	means the Minister for Planning.
<b>MP No. 09_0162</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report/ Response to submissions prepared by Architectus dated September 2010 and received by the Department on 29 September 2010.
<b>Proponent</b>	means Meriton Apartments Pty Limited or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

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## SCHEDULE 2

### PART A - TERMS OF APPROVAL

#### 1. Development Description

Concept approval is granted to the development as described below:

- (a) Use of the site for residential and childcare purposes and public open space;
- (b) Indicative building envelopes for 16 separate buildings with heights ranging from 3 to 4 storeys;
- (c) Basement level and at grade car parking;
- (d) Internal and external road works;
- (e) Public pedestrian and cycle pathway;
- (f) Provision of a Core Riparian Zones, Vegetated Buffers and Asset Protection Zones;
- (g) Ecological rehabilitation works, associated landscaping and site facilities.

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

The approval shall be generally in accordance with MP09\_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, and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
A000	B	Open Space and Ecology Diagram	Architectus	August 2010
A001	B	Vehicle Access and Street Network	Architectus	August 2010
A002	B	Pedestrian Footpath and Access Cycleway	Architectus	August 2010
A003	B	Land Use Diagram	Architectus	August 2010
A004	C	Building Height Diagram	Architectus	August 2010
DA01	B	Overall Site Staging Plan	Meriton Apartments Pty Ltd	13/08/2010
Landscape and Earthworks Plans				
Drawing No.	Revision	Name of Plan	Drawn By	Date
LA101	B	Landscape Masterplan Vegetation Plan	Site Image Landscape Architects	13/08/2010
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 space dedication	Meriton Apartments Pty Ltd	11/11/2010

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

## **PART B - MODIFICATIONS**

### **1. Environmental Zones**

The plans described above in Part A – Terms of Approval (2) shall be modified as follows:

- a. The Asset Protection Zone shall be maintained as an Inner Protection Area with a minimum width of 25 metres, exclusive of the 10 metre wide Vegetated Wetland Buffer Zone.
- b. The Bio-Retention Basin B and Private Internal Road adjoining Building P shall be relocated clear of the 10 metre Vegetated Buffer Zone.
- c. The building envelopes of Buildings O and P shall be amended to accord with the above environmental zone modifications. The north eastern wall of Building O shall not extend past its existing location.

Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.

### **2. Density and Height**

The plans described above in Part A – Terms of Approval (2) shall be modified as follows:

- a. The dwelling yield is limited to a maximum of 60 dwellings per hectare.  
**Note:** For the purposes of calculating the dwelling yield, the site area is the developable area of 7.45ha and excludes Fern Creek and the creekline corridor.
- b. The height of the development shall be limited to 3 storeys, with the exception of Buildings D, E, F, G, K, L, and M which may be permitted to be a maximum of 4 storeys to achieve the maximum density specified in Modification 2a above, subject to;
  - (i) any 4<sup>th</sup> storey having a smaller footprint than the 3<sup>rd</sup> level below to provide articulation to the building form;
  - (ii) any change to the siting or form of the envelopes resulting from Modifications 2a and/or 2b shall maintain compliance with the relevant provisions of the Residential Flat Design Code; and,
  - (iii) the amendments shall maintain a minimum of 50% of the developable area of 7.45ha as deep soil area.

Amended plans demonstrating compliance with these modifications shall be submitted to, and be approved by the Director General.

### **3. Minimum Public Open Space**

The redevelopment of the site shall provide a minimum of 15,601m<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.

### **4. Inconsistencies between Documentation**

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including the Revised Statement of Commitments, the modifications of the Concept Plan shall prevail.

## **SCHEDULE 3**

### **FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

#### **1. Flood Levels**

Future Development Applications shall comply with the Brown Consulting Flood Management Report and consider and address any recommendations in the Council's adopted Flood Study and relevant state policies at the time of lodgement of the application to demonstrate the finished floor levels of the buildings will be above the probable maximum flood levels for the site.

#### **2. Building Design**

Future Development Applications shall demonstrate existing locally significant Angophora trees within the Boondah Road reserve can be retained unless specific approval is granted by Pittwater Council for removal of these trees. This requirement excludes the area required for clearing for the proposed road access onto Boondah Road.

#### **3. Children's Play Area**

Future Development Applications shall demonstrate the eastern half of the landscaped area identified on Plan No. LA101 Issue B as an exercise station precinct between Buildings H, I, J and K will incorporate child play areas.

#### **4. SEPP 65**

Future Development Applications shall be consistent with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.

#### **5. Landscaping**

Future Development Applications shall include detailed landscape plans demonstrating that sufficient deep soil can be provided for landscaping, particularly along street frontages.

#### **6. Travel Access Guide (TAG) / Green Travel Plan**

Future Development Applications shall provide details of any Travel Access Guide (TAG)/Green Travel Plan prior to the occupation of any building on site. This should include an investigation of car sharing schemes.

#### **7. Road Improvement Works**

Future development applications shall provide details of any road improvement works that may be required to accommodate the traffic generated by the development on the site. All required works for each application shall be implemented prior to the occupation of any buildings in that development application.

**SCHEDULE 4**

**STATEMENT OF COMMITMENTS**

**MP 09\_0162**

**CONCEPT PLAN FOR A MIXED USE RESIDENTIAL AND CHILD CARE DEVELOPMENT  
14 – 18 BOONDAH ROAD, WARRIEWOOD**

**(Source: Preferred Project Report)**

**14-18 Boondah Road, Warriewood  
Major Project MP 09\_0162 – Concept Plan  
Preferred Project Report**

**Statement of Commitments**

**12 November 2010**

**1. Development Contributions**

Section 94 Contribution of \$19,041,428.00 comprising a total cash contribution of \$13,152,752.00 and an agreed schedule of works-in-kind to the value of \$5,888,676.00 (Including the dedication of 15,601sqm 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.

<b>Element</b>	<b>Public Works</b>	<b>Value</b>
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 corridor land.	\$534,480
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 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 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)	\$2,899,000
Pedestrian network	Direct provision including bridge over the creekline corridor, pedestrian/cycleway network on Meriton land.	\$403,317
<b>SUB TOTALS</b>		<b>\$3,302,317</b>