

27 July, 2012

Mr Sam Haddad
Director General
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attn: Allan Bright

Dear Allan

Application to Modify Consent
Major Project 06_0098, Lot 9 Hill Road, Wentworth Point

City Plan Strategy and Development has been engaged by Sekisui House Australia Pty Ltd to make this application to the Department of Planning and Infrastructure to modify the consent for the above Major Project under Section 75W of the Environmental Planning and Assessment Act (the Act). We understand that Schedule 6A of the Act provides that section 75W continues to apply for the purpose of the modification of project applications and concept plans approved before or after the repeal of Part 3A of the Act. The submission outlines the reasons behind the modification and demonstrates the amendment is warranted given the circumstances of the matter.

The Site

This application relates to Lot 9 DP 776611, being Nos. 41-45 Hill Road, Wentworth Point. The site is located within the Homebush Bay West Redevelopment Precinct which is bounded by the Parramatta River to the north, Homebush Bay to the east, Bennelong Road to the south and Hill Road to the west.



Figure 1: Wentworth Point precinct in red and site location in yellow.

Lot 9 Concept Plan Approval (Major Project 06-0098)

The Minister for Planning granted consent on 21 January, 2008 for a Residential Development Concept Plan over the subject land. In summary, the ultimate development outcome for Lot 9 nominated by that Concept Plan comprises:

- Site layout and building footprints;
- A residential development of around 685 dwellings with a maximum of 50,424m² of floor space set across four residential development allotments; and
- Public domain works including roads, a foreshore park, pocket park, a pedestrian through link, communal and private open space areas.



Subsequent approvals

Consistent with the approval granted to MP 06_0098 Auburn City Council has granted consent to the following development applications:

Table 1: Development consents granted by Auburn City Council.

Development Application 235/2010 Approved 27.9.10	Demolition of existing structures, importation of landfill and turfing of the site with associated works including retaining walls and fencing
Development Application 308/2010 Approved 19.12.11	Block 9D. Residential flat building of 138 units over basement car parking and associated works.
Development Application 309/2010 Approved 19.12.11	Block 9C. Residential flat building of 148 units over basement car parking and associated works.
Development Application 109/2011 Approved 31.1.12	Subdivision of land into 3 lots, roads and park
Development Application 426/2010 Approved 7.2.12	Public domain and infrastructure works comprising roads, parks, services and associated works

Proposed modification

The purpose of this application is to amend Condition A4, Part A, Schedule 2 of the Notice of Determination which relates to the Lapsing of the Approval. That condition reads:

A4 Lapsing of Approval

Approval of the lot 9 Hill Road, Homebush Bay Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1.

The Determination is dated 28 January, 2008, meaning the consent is due to lapse on 28 January, 2013. This application seeks to extend the lapse date by a further 5 years, being until **28 January, 2018**.

Documentation accompanying this application

The subject land is jointly owned by SH Homebush Peninsular Pty Limited and Helina No 11 Pty Limited. Appropriate land owners consents accompany this application.

Reasons for the modification

The circumstances which have triggered the need for this application are set out below:

- A. It acknowledged that Sekisui House holds various development consents over the land as noted at Table 1 above. However our client is not in a position to act on those approvals prior to 28 January, 2013. This circumstance arises for a number of commercial reasons including the recent adverse economic climate and existing commitments relative to the progression of the 'Alora' and 'St Tropez' residential projects, also on land within the the Wentworth Point Precinct.
- B. It is not certain to us that an approval granted under Part 3A of the Act could be secured by the 'physical commencement' of a related approval granted under Part 4 of the Act. That is, there is nothing in the Determination for MP06_0098 to indicate that the lapse date could be secured by physical commencement of approved works on the site. Sekisui House has obtained legal advice which indicates that whilst this may be the case it is not without legal doubt.
- C. Sekisui House is finalising new development applications for Lots 9A and 9B, and section 96 applications for all of the projects noted in Table 1, excepting Development Application 235/2010 (demolition and associated works).

We anticipate that Council will likely not be able to consider and determine those applications within the timeframe stipulated in the present Concept Plan approval.

- D. A consortium formed by various Wentworth Point landowners, including Sekisui House Australia, proposes to build the Homebush Bay Bridge which would span Homebush Bay between Rhodes and Wentworth Point. That project is the subject of a current application under Part 3A of the Act (Application No. 10_0192) the public exhibition for which concluded in May 2012. It is possible that project may have the effect of altering the configuration of elements of the Concept Plan approval for Lot 9. Given the current market circumstances described above Sekisui House does

not wish to 'rush in' development applications simply to confirm the current Concept Plan approval when these may be overtaken by circumstances associated with the bridge determination.

Conclusion

Sekisui House Australia Pty Ltd is committed to delivering a significant contribution to the transition of Wentworth Point from an industrial, warehousing, distribution area to a residential neighbourhood. To this end it has invested significant resources into a range of projects across the precinct, including at Lot 9 Hill Road.

Much of the Lot 9 Concept Plan approval has been 'locked in' through approvals granted to Buildings C and D, infrastructure and subdivision. However uncertainty remains over the remaining elements without DA approval.

The purpose of this application is to remove any uncertainty around the duration of the Concept Plan approval granted to MP06-0098 in order that Sekisui House can proceed with confidence to refine its plans for this key development.

There are no circumstances that have altered the previous assessment considerations for the application or that would militate against the proposed extension.

Please contact me on 8270 3500 should you require any further information regarding this matter.

Yours faithfully

City Plan Strategy and Development



DAVID RYAN
Executive Director