

Concept Approval

Section 75O of the *Environmental Planning and 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 (the Commission) determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Statement of Commitments in Schedule 4, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the future environmental assessment requirements for approval to carry out the development as set out in Schedule 3; and
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future applications to be subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* (whichever is applicable).

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2013

SCHEDULE 1

PART A: PARTICULARS

Application No.: MP 10_0154

Proponent: Mortlake Consolidated Pty Ltd

Approval Authority: Minister for Planning & Infrastructure

Land:

- 21-31 Edwin Street, Mortlake
- 16-22 Bennett Street, Mortlake
- 15- 23 Bennett St, Mortlake
- 1 Northcote Street, Mortlake
- 14-22 Hilly Street, Mortlake

Project: Residential development, including:

- use of the site for the purpose of residential apartments and associated open space;
- indicative building envelopes for 15 buildings ranging from three to seven storeys
- basement level car parking zones and car parking rates;
- publicly accessible open space and through site links;
- a maximum GFA of 38,459m² across the site;
- pedestrian and cycle networks through the site; and
- street upgrades to public roads and upgrade to stormwater and drainage systems.

PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 10_0154

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.

PART C: DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information in relation to the approved development.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Mecone Planning dated September 2011.
GFA	means gross floor area.
Minister	means the Minister for Planning & Infrastructure or his nominee.
MP No. 10_0154	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report and Response to Submissions prepared by Mecone Planning dated October 2012.
Proponent	means Mortlake Consolidated Pty Ltd or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

End of Schedule 1

SCHEDULE 2

PART A - TERMS OF APPROVAL

Development Description

- A1. Concept approval is granted to the development as described below:
- a) use of the site for the purpose of residential apartments and associated open space;
 - b) indicative building envelopes for 15 buildings ranging from three to seven storeys;
 - c) basement level car parking zones and car parking rates;
 - d) publically accessible open space and through site links;
 - e) a maximum GFA of 38,458m² across the site;
 - f) pedestrian and cycle networks through the site; and
 - g) street upgrades to public roads and upgrade to stormwater and drainage systems.

Development in Accordance with the Plans and Documentation

- A2. The development shall be undertaken generally in accordance with:
- the Environmental Assessment, except where amended by the Preferred Project Report and including all associated documents and reports;
 - the Statement of Commitments in Schedule 4 (except as amended by this approval); and
 - the following drawings:

Architectural Drawings prepared for the Preferred Project Report by Cox Richardson Architects

Drawing No	Name of Plan	Revision	Date
CP_01_03_01	Site Overlay		October 2012
CP_02_02_04	Floor Space Allocation		October 2012
CP_02_03_04	Indicative Staging Plan		October 2012
CP_02_05_05	Public Domain Plan		October 2012
CP_02_06_05	Basement Extents		October 2012
CP_02_08_03	Site Elevations		October 2012
CP_02_10_03	Site Elevations		October 2012
CP_02_11_03	Site 1 – Elevations		October 2012
CP_02_12_03	Site 2 – Elevations		October 2012
CP_02_13a_03	Site 3 (East) – Elevations		October 2012
CP_02_14_03	Buildings to be Demolished		October 2012
CP_02_15_02	Street Sections		October 2012
CP_02_16_02	Proposed Street Sections		October 2012
CP_04_01_04	Pedestrian and Cycle Networks		October 2012
CP_04_02_04	Street Access and Address		October 2012
CP_04_03_04	Accessible Paths of Travel		October 2012
CP_02_17_04	Building Heights in metres to AHD		October 2012
CP_02_18_01	Building Separation		October 2012
Landscape Concept Plan	Taylor Brammer		November 2012

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

Inconsistencies between Documentation

- A3. In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

Mediation

- A4. Where this Concept Plan requires further approval from Council or State Authorities (prior to the lodgement of a future application), the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director General, the matter is to be referred to the Director-General or his nominee for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

Building Envelopes and Separation

- A5. Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site and the Concept Plan Building Separation Diagram CP_02_18_01 prepared by Cox Richardson Architects (October 2012), except where amended by the Modifications in Part B of this Approval.

Maximum Gross Floor Area (GFA)

- A6. The maximum GFA for the development shall have a maximum FSR of 1.4:1 and provide a maximum GFA of 38,459m², apportioned as follows:

Site	Site Area	Precinct (GFA m ²)	GFA (m ²)	FSR
Site 1	10,483m	Precinct 2 (15,542) Precinct 6 (4,910)	20,452	1.95:1
Site 2	2,911	Precinct 5 (2,167)	2167	0.74:1
Site 3	14,037	Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,241)	15,840	1.13:1
Total	27,431	38,459	38,459	1.4:1

Building Height

- A7. Building height is approved for each building to a maximum RL (top of plant/roof zone) and a maximum RL for the top most residential level. Plant and roof zones are to be designed so that the entire plant zone is not built out for each building and does not contain GFA, as per the approved elevations and as follows:

Building	Approved Height (storeys)	Approved Height RL AHD (to topmost habitable level)	Approved Height RL AHD (including plant/roof zone)
1A	3	12.3	15.3
1B	3	12.3	15.3
2A	4	16.2	19.2
2A2	4	19.2	22.2
2B/2C	Part 3/Part 4	Part 13.2/Part 17.7	Part 16.2 /Part 20.7
2D	Part 6/Part 7	Part 27.8/Part 30.8	Part 30.8 /Part 33.8
2D2	Part 6/Part 7	Part 27.8/Part 30.8	Part 33.8 /Part 36.8
3A	3	12.3	15.3
3B	4	17.5	20.5
4A	3	12.3	15.3
4B	6	23.5	26.5
4C/4D	Part 3/Part 4	Part 13.1/Part 17.5	Part 16.1/Part 20.5
5A	3	12.3	15.3

Building	Approved Height (storeys)	Approved Height RL AHD (to topmost habitable level)	Approved Height RL AHD (including plant/roof zone)
5B	4	15.3	18.3
6A	4	Part 20.8/ Part 23.8/ Part 26.8	Part 23.8/ Part 26.8/ Part 29.8

An architectural roof feature that exceeds, or causes a building to exceed, the approved height RL (topmost habitable level) may be carried out subject to the consent authority being satisfied that the architectural roof feature:

- (a) comprises a decorative element on the uppermost portion of the building; and
- (b) is not an advertising structure; and
- (c) does not include floor space area and is not reasonably capable of modification to include floor space area; and
- (d) will cause minimal overshadowing.

Lapsing of Approval

- A8. Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out part or all of the development for which concept approval has been given

PART B - MODIFICATIONS

Public Domain Plan

- B1. The plans described above in Part A – Terms of Approval shall be amended as follows:

- a) The public domain plan shall be amended to demarcate the through site link from Whittaker Street to the foreshore and from Northcote Street to the foreshore as publically accessible private open space rather than land to be dedicated to Council.
- b) The concept landscape plans are to be amended to be clear that no works, including landscape works are approved within the Council owned land including of Dunny Lane (between Hilly and Bennett Streets) and the Council car park on the corner of Hilly and Edwin Streets

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Residential Amenity

1. Future Development Applications shall demonstrate compliance 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*, except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:
 - (a) a minimum of 60% of apartments within each stage are capable of being naturally cross ventilated; and
 - (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies in mid-winter.

Design Excellence

2. Future Development Applications for buildings must demonstrate that the proposed buildings achieve a high standard of architectural design incorporating a high level of modulation/articulation of the building and a range of high quality materials and finishes.

Privacy

3. Future Development Applications shall demonstrate that adequate privacy screening/treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments. Particular attention and design features will be required between Building 6A and 2A2 where the oblique aspect between the two buildings will require design features to ensure privacy.

ESD

4. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.

Car Parking

5. Future applications shall provide on-site car parking at the following rates:

Apt size / use	Parking Rate
Small (1 bdr)	1 space
Medium (2 bdr)	1.5 spaces
Large (3 bdr)	2 spaces
Visitors	1 per 5 apartments

Bicycle Parking

6. Future Development Applications shall provide bicycle parking for each unit with two bedrooms or more.

Traffic and Transport Management

7. The first future application for roadworks must include details on the upgrades to the intersection of Patterson Street and Wellbank Street with Concord Road to accommodate the traffic generation specifically attributed to the Mortlake development, and as demonstrated by a specialist traffic impact assessment. The detailed design of the upgrade works shall be to the satisfaction of the RMS or Council.

Alternatively, the application may be accompanied by documentation demonstrating that Council has agreed to a monetary contribution that is proportionate to the value of the upgrade works, in lieu of the works occurring.

8. Future Development Applications for residential buildings shall include a Travel Access Guide (TAG)/Green Travel Plan, to encourage public and active transport use, for future occupants and visitors.

Building Separation – Non Habitable Facades

9. Future Development Applications for buildings which include facades denoted 'without openings to habitable rooms', on the Building Separation Plan (CP_02_18_01) prepared by Cox Richardson Architects, must demonstrate what architectural treatments, articulation and/or landscape screening will be used, to ensure the attractive presentation of these walls.

Ground Floor Apartments

10. Future Development Applications for buildings addressing Hilly, Northcote, Edwin and Bennett Streets must provide ground floor apartments with individual entries and private courtyards.

Building 6A Design

11. The Future Development Application for Building 6A shall include a design assessment which details those measures used to articulate the building to prevent it having a monolithic form. Design features such as breaks in the façade, modulation, articulation and stepping of the built form up the slope of Edwin Street, and use of ground floor courtyards and separate entrances fronting the street are to be explored. Alternatively, the building may need to be 'broken' up in the detailed design stage.

Roads and Maritime Services Requirements

12. Future Developments Applications which include driveways, must include "No stopping" signs on the either side of the driveway. Council's Local Traffic Committee Meeting shall review and determine the suitability of the signs.
13. The Future Application which proposes the upgrading of the existing bus stop in Whittaker Street must demonstrate that Council and the Ministry of Transport have reviewed and approve of the works.
14. Relevant Future Development Applications shall demonstrate the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as its maneuverability through the site, is in accordance with AUSTROADS, AS 2890.1 – 2004 and AS 2890.2 – 2002.
15. Relevant Future Development Applications shall demonstrate that the layout of the proposed car parking areas (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002, and AS 2890.6 – 2009.
16. Relevant Future Development Application shall demonstrate that clear sight lines will be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.
17. Relevant Future relevant Development Application shall demonstrate that vehicles are able to enter and exit the site in a forward direction.

18. Each Future Development Application which seeks consent for the construction of a residential building must be accompanied by a Draft Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted with each future Development Application.

Open Space/Public Access/Seawall

19. Future application/s shall:

- (i) Provide for the embellishment (to Council's requirements and standards) and dedication (free of cost) a minimum of 3,395m² of public foreshore open space to Council. Embellishment works requested by Council may include the repair of the sea wall.
- (ii) Provide for the embellishment of a minimum of 2,386m² of publicly accessible open space to be maintained in private ownership by the future body corporate to specifications agreed to with Council.

Future applications for each relevant stage shall clearly set out the mechanism for creating rights of public access all publicly accessible areas of open space and through site links, with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development.

Future applications must also demonstrate what strategies will be used to make the public aware of their right to use these spaces, including any purchaser or residential units.

The Concept Plan does not require Council to accept land for dedication that it considers to be through site links or ancillary spaces for the proposed buildings. Accordingly, if Council does not agree to take ownership of this land, the proponent will identify a suitable alternative public or private land ownership option.

Section 94 Contributions

20. Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.

Section 94 contributions are required in addition to any public benefit delivered through a voluntary planning agreement.

Street/footpath/intersection upgrades will require discussion between the developer and Council to determine what is expected as part of the development and what is considered as material public benefit and works-in-kind.

Note: The dedication of foreshore land and the upgrade of seawalls is part of the community benefit required to allow for the incentive height and GFA on the site and is not a material public benefit which may be used to offset a monetary contribution for local infrastructure (i.e. Section 94 contributions).

Contamination

21. Following any additional investigations and development of remediation plans, the proponent is to engage a Site Auditor accredited under the CLM Act to prepare an interim advice commenting on the whether the site can be made suitable on the basis of implementing the works outlined in the Remediation Action Plan. Following remediation and validation works, a site audit statement must be issued by an accredited Site Auditor commenting on the suitability of the site for the proposed use.

Sydney Water Requirements

22. Future Development Applications shall address Sydney Water's requirements in relation to:

- (a) required amplification works to existing drinking water mains;
- (b) required amplification works to the wastewater system;
- (c) application for a Section 73 certificate, as necessary.

The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

Transport for NSW Requirements

23. Future applications that proposed any changes to on-street traffic and parking arrangements associated with the new development must accommodate the parking, manoeuvring and turning requirements of low-floor buses in consultation with the State Transit Authority (STA). Any new kerbside plantings or placements of street furniture including posts and poles, need to be placed with sufficient clearances to facilitate the safe operation of buses.
24. Future Development Applications for residential buildings must incorporate appropriate noise mitigation measures for its future residents to avoid adverse impact from the operations of buses.

Groundwater

25. Future applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater and dewatering.

Stormwater

26. Future applications shall provide for treatment of stormwater prior to discharge to surface water and/or groundwater sources.

Flooding

27. Future applications shall demonstrate consistency with the requirements and recommendations of the Worley Parsons Flood Assessment Report 301015-02438 – EN-REP-0001 [E], dated September 2012.

Staging

29. The first future application shall be accompanied by details of the intended future staging of the development, to ensure the orderly and coordinated development of the site. The indicative staging plan is to be updated and re-submitted with each subsequent application to ensure the documentation outlined in the indicative staging plan remains current as development of the site progresses.

Each subsequent stage shall be delivered in full to ensure adequate open space, road upgrades and other elements essential to the delivery of the precinct. The proponent shall demonstrate with each development application that the proposed development represents orderly and coordinated development in that:

- It may be serviced by existing infrastructure or is capable of being serviced;
- Access for vehicles and pedestrians is available and can be made available;
- Adequate on-site facilities including open space exist or will be provided to serve future occupiers/residents of the site; and
- Obligations for the provision of these facilities are provided.

End of Schedule 3

SCHEDULE 4

STATEMENT OF COMMITMENTS (Source: Mecone Planning, PPR, 2012)