

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 4 April 2013, I the Executive Director, Development Assessment Systems and Approvals, approve the modification of the Concept Plan referred to in schedule 1, subject to the conditions in schedule 2.

Chris Wilson
Executive Director, Development Assessment Systems and Approvals
Department of Planning & Infrastructure

Sydney

2013

SCHEDULE 1

Concept Approval: Breakfast Point Concept Plan 2005 granted by the Minister for Planning on 7 April 2006 and as amended on 18 October 2010 and 19 September 2012.

For the following: Concept approval for development solely within the concept plan area including:

- (1) 183,480m² maximum gross floor area;
- (2) 1,519m² maximum commercial and non-residential uses (within the 183,480m² maximum gross floor area specified above);
- (2a) 37,004m² maximum gross floor area for Serviced Self-Care Housing (as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (within the 183,480m² maximum gross floor area specified above);
- (3) 989 residential dwellings (and up to a maximum of 1,189 residential dwellings, subject to compliance with Condition No. 7 of the approval);
- (3a) 227 seniors housing dwellings;
- (4) Landscaped public and private open space;
- (5) Associated services and infrastructure;
- (6) Land use distribution, building heights, densities, dwelling mixes and types;
- (7) Subdivision into no more than 100 Torrens Title Lots; and
- (8) Subdivision into no more than 1,189 strata subdivision lots (for residential dwellings) subject to compliance with the conditions of this approval.

Modification: Breakfast Point Concept Plan MOD 3 for a change to Condition 9 requiring a Community Enhancement Plan.

SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition 9 is amended by deletion of the struck out words and insertion of the **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

9. Other Monetary Contributions

In the event that the Applicant obtains approval from the Director General to increase the gross floor area (pursuant to Condition No. 7 – Additional Floor Space of this approval), a further monetary contribution for community enhancement will be levied for all additional dwellings resulting from that increase. This Contribution will be levied at a rate of \$7, 200.00 per dwelling regardless of size (equating to \$1.44 million if the maximum of 200 dwellings is achieved).

The Contributions shall be administered ~~by the Applicant Council~~ through the establishment of a Trust Fund or other appropriate mechanism.

*~~The Applicant shall prepare and submit a~~ **A Community Enhancement Plan shall be prepared and submitted** for the approval of the Minister. The Community Enhancement Plan shall be prepared in consultation with ~~Council~~, and the local community and nominate funding for community projects and infrastructure within the suburbs of Concord, Mortlake, Breakfast Point, and Cabarita. The Community Enhancement Plan shall also determine a works program, timing and means through which the Contribution delivered through this condition is accessed.*