

# 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 14 September 2011, I as a member of the Planning Assessment Commission, approve the modification of the Concept Plan referred to in schedule 1, subject to the conditions in schedule 2.

Member of the Commission

Member of the Commission

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 and 5 July 2013.

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

- (1) 183,480m<sup>2</sup> maximum gross floor area;
- (2) 1,519m<sup>2</sup> maximum commercial and non-residential uses (within the 183,480m<sup>2</sup> maximum gross floor area specified above);
- (2a) 37,004m<sup>2</sup> 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 183,480m<sup>2</sup> 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 4 for:

- replacement of the approved Seniors Housing (227 dwellings equating to 509 beds) (not developed yet) within 4 approved building envelopes equating to 400 residential dwellings;
- retention of existing approved envelopes with external design changes including introduction of flat roof form for Buildings 7D2, 7D3 and 7D4 resulting in an additional storey to these buildings;
- adaptive reuse of the Plumber's Workshop for residential apartments;
- increase the dwelling cap from 1189 dwellings to 1589 dwellings; and
- increase the number of car spaces within the Seashores Precinct from 304 to 510 car spaces.

## SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition 1 is amended by insertion of the **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

### 1. Development Description

Concept approval is granted only to the carrying out the development solely within the concept plan area as described in the document titled "Breakfast Point Concept Plan 2005" prepared by Giles Tribe Architects & Urban Planners (dated 22 March 2006 – Issue 3) as amended by plans by Giles Tribe Architects & Urban Planners dated 24 May 2010 – Issue 4 and by Giles Tribe Architects & Urban Planners dated 4 April 2011 – Issue 5 and **by Giles Tribe Architects & Urban Planners dated 22 November 2013 – Issue 8** including:

- (1) 183,480m<sup>2</sup> maximum gross floor area;
- (2) 1,519m<sup>2</sup> maximum commercial and non-residential uses (within the 183,480m<sup>2</sup> maximum gross floor area specified above);
- (2a) ~~37,004m<sup>2</sup> 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 183,480m<sup>2</sup> maximum gross floor area specified above);~~
- (3) 989 **maximum of 1,589** residential dwellings (and up to a maximum of 1,189 residential dwellings, subject to compliance with Condition No. 7 of this 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 **1,589** strata subdivision lots (for residential dwellings) subject to compliance with the conditions of this approval.

- b) Condition 2 is amended by insertion of the **bold and underlined** words as follows:

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

The development shall also be generally consistent with the following plans and documentation:

- (1) Breakfast Point Concept Plan 2005 prepared by Giles Tribe Architects & Urban Planners (dated 22 March 2006 – Issue 3), as amended by plans by Giles Tribe Architects & Urban Planners dated 24 May 2010 (Issue 4) and by Giles Tribe Architects & Urban Planners dated 4 April 2011 – Issue 5 **and by Giles Tribe Architects & Urban Planners dated 22 November 2013 – Issue 8.**
- (2) Statement of Commitment for the Concept Plan prepared by Rosecorp (dated 24 March 2006)
- (3) Breakfast Point Response to issues raised in submissions prepared by Rosecorp (dated 24 March 2006)
- (4) Response to issues raised in Council's submission prepared by Rosecorp (dated 24 March 2006)

Except for otherwise provided by the plans and documentation described in Condition 1, Schedule 2 and the Department's conditions of approval as set out in Schedule 2, and the Proponent's statement of commitments.

c) The following condition is inserted as **bold and underlined** as follows:

**9A Additional Monetary Contributions – Section 94 Contributions**

**Future applications for dwellings 1189 to 1589 shall pay Section 94 Contributions in accordance with the applicable relevant Canada Bay Council Section 94 Contributions Plan at the time of approval.**

d) The following condition is inserted as **bold and underlined** as follows:

**16A Roof Forms in the Seashores Precinct**

**Future applications for buildings within the Seashores Precinct shall provide roof forms that are appropriate to the character of the Breakfast Point locality and that maintain the visual continuity and the scenic foreshore quality of the Breakfast Point locality.**

e) The following condition is inserted as **bold and underlined** as follows:

**16B Precinct Facility at Seashores Precinct**

**Future applications shall include a Precinct Facility, within the Seashores precinct, being a minimum of 300m<sup>2</sup> containing a gym, swimming pool and amenities for use for up to a minimum of 50 people at any one time. The Precinct Facility shall demonstrate compatibility with the built form character of Breakfast Point.**

f) Condition 18 is amended by insertion of the **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

**18 Strata Subdivision**

Approval is granted to strata subdivision solely within the concept plan area for the creation of ~~1189~~ **1,589** strata lots (for residential dwellings) and a reasonable number of ancillary strata lots required for common areas (such as foyers, corridors plant rooms and the like). The indicative number of strata lots shall be submitted to the Department at the time of the relevant project application and the Director General shall determine what constitutes a reasonable number of common area strata lots for any individual project application.

The total number of common area lots within the concept plan area shall not exceed 15% of the ~~1,189~~ **1,589** strata lots approved.