

COPY OF CONCEPT PLAN APPROVAL

WITH PROPOSED MODIFICATIONS HIGHLIGHTED

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**DETERMINATION OF THE DEVELOPMENT OF LOT 9 IN DP 776611 HILL ROAD
HOMEBUSH BAY SITE FOR A RESIDENTIAL DEVELOPMENT CONCEPT PLAN
(MP No 06_0098)**

(File No. 9042202 - Part2)

I, the Minister for Planning, under the Environmental Planning and Assessment Act 1979 determine:

- (a) under Section 750, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2 and Statement of Commitments in Schedule 3;
- (b) under section 75P(1)(b), that approval to carry out the project be subject to Part 4 of the Act; and
- (c) under section 75P(2)(c) that future environmental assessment of the project under Part 4 be subject to the requirements set out in Part B of Schedule 2.

The reason for the modifications are:

- (a) to ensure an acceptable built form outcome for the site, and
- (b) to set requirements for the future development applications.

Frank Sartor MP
Minister for Planning

Sydney, 21 January, 2008

SCHEDULE 1

PART A- TABLE

Application made by:	Payce Properties Ltd
Application made to:	Minister for Planning
On land comprising:	Lot 9 DP 776611 Hill Road Homebush Bay
Local Government Area	Auburn Council
For the carrying out of:	A detailed description of the proposal approved to is described in Modification A1, Part A, Schedule 2
Capital Investment Value	\$251.2 million
Type of development:	Concept approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination.

PART B- NOTES RELATING TO THE DETERMINATION OF MP No. 06_0098

Responsibility for other approvals I agreements

The Proponent is solely responsible for ensuring that all additional consents 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 Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Legal notices

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

PART C- DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Council means Auburn Council

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

Floor Space has the same meaning as in Homebush Bay West Development Control Plan

Floor Space Ratio (FSR) has the same meaning as in the Standard Instrument (Local Environmental

Plans) Order 2006.

HBWDCP means the Homebush Bay West Development Control Plan

Lot 9 Hill Road Concept Plan means the project described in Schedule 1, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

Minister means the Minister for Planning.

Precinct C & F have the same meaning as the land identified in the HBWDCP.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations mean the Environmental Planning and Assessment Regulation, 2000 (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

TERMS OF APPROVAL AND MODIFICATIONS- LOT 9 HILL ROAD CONCEPT PLAN No. 06_0098

PART A- TERMS OF APPROVAL

A1. Development Description

Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled "Mixed Use Development Lot 9 Hill Road, Homebush Bay" prepared by Cite Urban Strategies, Allen Jack + Cottier dated February 2007 including:

- (1) A residential development comprising around 685 997 dwellings in a mix of 1 bedroom, 2 bedroom and 3 bedrooms with a maximum 50,424m² 74,424m² of floor space (i.e. maximum floor space ratio of 1.58:1 2.33:1) as described in Homebush Bay West Development Control Plan (HBWDCP).
- (2) Maximum building heights including pop-up levels and maximum building envelopes for the four residential development allotments.
- (3) Public domain in the form of a foreshore park, pocket park and a pedestrian through link including communal and private open space.

A2 Development in Accordance with Plans and Documentation

(1) The following plans and documentation (including any appendices therein) are approved subject to modifications contained in Part B of Schedule 2 as part of the Concept Plan:

- (a) Environmental Assessment, and Preferred Project Report and Requests for Modification for a Mixed Use Development Lot 9 Hill Road, Homebush Bay prepared for Payce Properties Ltd by Cite Urban Strategies and Allen Jack & Cottier and the following plans;

Architectural Plans by Allen Jack & Cottier Turner			
Drawing No	Revision	Number of Plan	Date
LT9 AR CD 1000	C	Title Sheet	20/8/2007
LT9 AR CD 1001	E	Site Plan (Roof Plan)	20/8/2007
LT9 AR CD 1002	E	Floor Plans Levels LO & L1	20/8/2007
LT9 AR CD 1003	E	Floor Plans Levels L2 & L3	20/8/2007
LT9 AR CD 1004	E	Floor Plans Levels L4 & L5	20/8/2007
LT9 AR CD 1005	E	Floor Plans Levels L6 & L7	20/8/2007
LT9 AR CD 1006	E	Floor Plans Levels L8 & L9	20/8/2007
LT9 AR CD 1011	E	Street Elevations	20/8/2007
LT9 AR CD 1012	E	Sections/Internal Site Elevations	20/8/2007
LT9 AR CD 1013	C	East and West Contextual Elevations	20/8/2007

LT9 AR CD 1014	C	Street Sections	20/8/2007
LT9 AR CD 1015	C	Detail Street Sections	20/8/2007
SK 1052	A	Homebush Bay Site levels	15/8/2007
LT9 AR CD 1053	A	Half Street Sections	23/8/2007
LT9 AR CD 1041	A	Public Open Space Areas	12/11/2007
13022 100-002	A	Site Plan (Roof Plan)	26/11/2013
13022 100-003	A	Floor Plan Level 00	26/11/2013
13022 100-004	A	Floor Plan Level 01	26/11/2013
13022 100-005	A	Floor Plan Level 02	26/11/2013
13022 100-006	A	Floor Plan Level 03	26/11/2013
13022 100-007	A	Floor Plan Typical Mid Level	26/11/2013
13022 100-008	A	Floor Plan Typical Tower Level	26/11/2013
13022 100-009	A	East + West Elevations	26/11/2013
13022 100-010	A	North + South Elevations	26/11/2013
13022 100-011	A	East and West Contextual Elevations	26/11/2013
13022 100-012	A	Street Sections	26/11/2013

(b)

Landscape Plans by James Pfeiffer Landscape Architects Site Image			
Drawing No	Revision	Number of Plan	Date
06-036-01	C	Landscape Concept Plan	01/03/2007
06-036-02	B	Landscape Concept Plan	01/03/2007
CP-C100	A	Landscape Concept Plan	09/12/2013

(c) Revised Final Statement of Commitments, ~~November 2007~~ 2013.

A3 Inconsistency between documents/approval

In the event of any inconsistency between modifications of the Concept Plan approval identified in Part B Schedule 2 and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

[MP06_0098 MOD 1]

A4 Lapsing of Approval

The approval will lapse five years from the date of this approval unless works the subject of any related application (Part 4 or otherwise) are physically commenced, on or before that lapse date.

A5 Determination of Future Applications

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 06_0098 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts B of Schedule 2.

PART B- MODIFICATIONS TO CONCEPT PLAN

B1. BUILT FORM

- (1) Approval is given for a maximum of ~~50,424m²~~ 74,424m² residential floor space which equates to a maximum floor space ratio (FSR) of ~~1.58:1~~ 2.33:1 ~~(the resultant floor space/FSR may be less after complying with modifications listed below).~~
- (2) Approval is given for the maximum building heights and envelopes identified in the plans referred to in Schedule 2, Part A, Modification A2 ~~and Schedule 2, Part B, Modification B1(3) & (4).~~
- ~~(3) Approval is given for the construction of up to 2 levels of "pop ups" on the 4 & 6 storey buildings designated in HBWDGP at the rate of 10% and 8% of the total gross floor area of the buildings respectively, subject to the provisions of condition B1(4).~~
- ~~(4) "Pop ups" on 4 storey buildings fronting Half Street in Lots 9A, 9B shall not exceed more than 1 level. No "pop ups" are allowed for 4 storey building in Lot 9C.~~
- (53) The lowest habitable floor level of the units fronting Homebush Bay shall be not more than 1.5m above finished footpath levels.
- (64) The separation distance between all buildings shall be in accordance with the requirements of the HBWDGP.

B2 BUILDING SETBACK

Buildings facing Half Street must be setback a minimum of 6m from the property boundary, whilst maintaining a minimum of 3m from footpath.

B3 PROVISION OF FORESHORE STREET

The Foreshore Street adjacent to Foreshore Park is to be a public road, accessible by vehicles, connecting with the street on Lot 10 to the north and allowing connection to a future public road on Lot 8 to the south. The road is to be designed to Council's specifications and completed to Council's satisfaction prior to issue of an Occupation Certificate.

B4. LANDSCAPING

The proponent shall comply with the requirements of HBWDGP regarding landscaping as the provision of the foreshore street will result in loss of landscaped area. Future landscaping of the site and in particular the Foreshore Park shall comply with the requirements of HBWDGP, Volume 2, Public Domain Manual, December 2005.

B5. SEPP 65

The future development application(s) for construction of buildings is to demonstrate compliance, or fully justify any non-compliance, with the provisions of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

B6. DEVELOPER CONTRIBUTIONS

To meet the demand for additional public facilities and infrastructure generated by the development of the site contributions will be required in accordance with Auburn Council's relevant S94 Contributions Plan applicable at the time that the future development application(s) for construction is determined.

B7. ALIGNMENT OF ROADWAYS

Internal streets shall align with the approved/constructed road network in Lot 10 to the north.

B8. FLOOR SPACE IN PRECINCT F

A covenant shall be placed on the title for Lots 24, 25 and 26 in DP 270113, Lot 24 in DP 270320, Lot 3 in DP 776611 and Lot 21 in DP 1044874 in Precinct F stating that the total floor space in Precinct F shall not exceed 227,848m² (i.e. 236,842m² (total floor space for Precinct F) - 8,994m² (floor space transferred from Precinct F to Precinct C)) to ensure the total floor space area across Precincts C and F does not exceed the provisions of the HBWDGP. The relevant planning authority benefiting from the covenant shall be Auburn Council. The proponent shall provide evidence to Council demonstrating that such covenant is registered on title as per this modification at the time of lodging the first DA for construction of apartments in Precinct C.

B9. SUBSEQUENT APPROVAL REGIME

All future applications relating to this development including construction of buildings, open space, roads etc. shall be subject to Part 4 of the EPA Act 1979.

B10. STAGING PLAN

A staging plan shall be provide at the time the first DA for construction of apartments is submitted with Council. The staging plan shall address access during construction and occupation and include an agreement between the proponent and the owners of the adjoining site Lot 10.

B11. PARKING PROVISION

Parking for resident visitors may be supplied at the minimum rate of 1 space per 12 dwellings for each development, no parking for patrons is required for shops, café's/restaurants of 100 m² or less, and parking for adaptable units may utilise either or both of the Australian Standards AS4299 and AS2890.6 (2009).

SCHEDULE 3

Proponent's Revised Final Statement of Commitments dated November 2007

Issue Timing	Commitment
<p>1 Restriction on development potential of (Payce-owned) Precinct F, at Homebush Bay</p> <p>Payce agrees to implement an appropriate restriction on the development potential of Precinct F, with both the mechanism and the level of development on Precinct F to be mutually agreeable to the Department of Planning and Payce. [Note: See paragraph B8 of Schedule B to this approval for the requirements established by the Minister for Planning in relation to this commitment.]</p>	<p>Prior to issue of the first Occupation Certificate associated with the redevelopment of Precinct C.</p>
<p>2 Compliance with relevant statutory EPI's and other requirements</p> <p>Detailed design of the project will demonstrate that the project complies with the provisions of relevant EPI's with the exception of n some minor, acceptable non-compliances.</p>	<p>Addressed at detailed development application stage.</p>
<p>3 Environmental mitigation and management measures and</p> <p>Detailed management plans will be prepared to address all relevant environmental issues, including stormwater management, construction impacts, waste generation and collection, construction traffic and pedestrian management, and noise and vibration.</p>	<p>Monitoring</p> <p>Addressed at construction certificate stage - prior to commencement of works</p>
<p>4 Built form, urban design, and environmental design (energy and water efficiency, etc)</p> <p>Detailed design will demonstrate that the project is capable of complying with the majority of the provisions of Homebush Bay West DCP 2004, and SEPP 65 and BASIX. Any non-compliances will be minor and fully supportable on planning and design rounds.</p>	<p>Addressed at detailed development application stage.</p>
<p>5 Access, traffic and parking</p> <p>An access, traffic and parking assessment submitted with this application demonstrates that the proposed street system is capable of accommodating the subject development. Suitable funding mechanisms are available for funding necessary road upgrades and traffic management measures (HBW Precinct Section 94 Development Contributions Plan).</p>	<p>Addressed as part of this concept application.</p>
<p>6 Servicing plan</p> <p>A servicing plan addressing waste collection and management of delivery vehicles.</p>	<p>Submitted with each detailed development application.</p>
<p>7 Public Domain Works</p> <p>Proposals will have regard for the Homebush Bay West Public Domain Manual, and the requirements of Auburn Council.</p>	<p>Addressed at detailed development application stage.</p>

8	Public domain and pedestrians	
	The project will be consistent with the "Safer by Design" principles, and will address the mobility needs of people with disabilities, will minimise pedestrian/ traffic conflicts, and the design and placement of units will enable passive surveillance of communal open space and public domain.	Addressed at detailed development application stage.
9	Public services and infrastructure	
	In accordance with development agreement with Auburn Council, and other relevant service authorities.	Part of Construction Certificate stage for subsequent development applications.
10	Remediation	
	An audit statement for the site confirms that it is suitable for the proposed development.	Addressed as part of this concept application.
11	Utilities	
	The site is capable of being connected with all essential utilities.	Addressed at detailed development application stage.
12	Solar access and shadow analysis	
	Detailed solar access and shadow analysis will demonstrate that the project is capable of complying with relevant controls and guidelines.	Part of each subsequent development application.
13	Storm water management	
	A storm water management concept has been prepared with this concept application. A detailed storm water management plan will show that the site can be adequately drained, and storm water managed in accordance with best practice.	Storm water management concept plan -this concept application. Detailed storm water management plan – part of each subsequent development application.
14	Acid sulphate soil management	
	Acid sulphate soils will be managed according to relevant guidelines and best practice, if the need arises.	Part of each subsequent development application, if needed.
15	Geotechnical conditions	
	A geotechnical report on the suitability of the site for development shows that the site is suitable for the proposed development.	Addressed as part of this concept application.
16	Electro-magnetic radiation	
	Documents prepared for the site demonstrate that it is safe from electro-magnetic radiation.	Addressed as part of this concept application.
17	Landscape plan for private and communal areas	
	A detailed landscape plan will be submitted for each development application in accordance with relevant guidelines.	Addressed as part of each subsequent development application.

