

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 4 April 2013, I approve the modification of the Concept Plan referred to in Schedule 1, subject to the conditions in Schedule 2.

**Acting Executive Director
Development Assessment Systems and Approvals**

Sydney

2014

SCHEDULE 1

Concept Approval:

Kirrawee Brick Pit Concept Plan granted on 23 August 2012 by the Planning Assessment Commission of New South Wales.

For the following:

Mixed use development including:

- (a) use of the site for a mixed use development with associated public open space;
- (b) indicative building envelopes for 9 buildings to a maximum height of 14 storeys;
- (c) 60,735m² of Gross Floor Area, comprising 45,505m² of residential (432 dwellings) and 15,230m² of retail/commercial floor space (including 3,900m² supermarket and 1,470m² discount supermarket);
- (d) basement level, ground level and above ground level car parking;
- (e) road layout to support the development;
- (f) public pedestrian and cycle pathway;
- (g) public park with lake and surrounding forest; and
- (h) landscaping areas throughout the site.

Modification:

MP 10_0076 MOD 2 seeks to:

- modify approval requirements B1 and B2 to enable the commencement of early works; and
- amend the Statement of Commitments to include an addendum to the Biodiversity Management Plan and a revised Dewatering and Groundwater Management Plan.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition A2 is amended by insertion of the **bold** and **underlined** words and deletion of ~~struck-out~~ words as follows:

A2 Development in Accordance with the Plans and Documentation

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated December 2010 prepared by City Plan Services, except where amended by the Preferred Project Report dated 4 November 2011 including all associated documents and reports;
- **Section 75W Modification to Concept Plan MP 10 0076 MOD 2, prepared by Sutherland & Associates, dated October 2013 (as amended February 2014);**
- the Revised Statement of Commitments prepared by City Plan Services **Sutherland & Associates Planning Pty Ltd, dated October 2013;** and
- the following drawings:

Architectural Drawings prepared by Woodhead			
Drawing No.	Revision	Name of Plan	Date
0040	B	Site Plan	19/10/11
0041	B	Landscape Plan	19/10/11
0100	B	Typical Top Level Residential Floor Plan	19/10/11
0110	B	Typical Residential Floor Plan	19/10/11
0120	B	Upper Ground Floor Plan	19/10/11
0130	B	Lower Ground Floor Plan	19/10/11
0140	B	Basement 1 Plan	19/10/11
0150	B	Basement 2 Plan	19/10/11
0160	B	Basement 3 Plan	19/10/11
0180	B	Floor Plans Buildings A to C – Sheet 1	19/10/11
0180A	B	Floor Plans Buildings A to C – Sheet 2	19/10/11
0181	B	Floor Plans Building D1, D2, E	19/10/11
0182	B	Floor Plans Building F, G & H	19/10/11
0190	B	Roof Plan with indicative plant rooms	11/05/12
0300	C	Indicative Sections East West (Masterplan)	15/05/12
0301	C	Indicative Sections North South (Masterplan)	15/05/12
0500	B	Indicative Elevations North & South	04/10/11
0501	B	Indicative Elevations West & East	04/10/11
0600	B	Indicative Staging – Lower Ground Stage 1	19/10/11
<u>0600</u>	<u>C</u>	<u>Indicative Staging – Lower Ground Stage 1</u>	<u>31/10/13</u>
0602	B	Indicative Staging – Upper Ground Stage 1	19/10/11
0603	B	Indicative Staging – Upper Ground Stage 2	19/10/11
0604	B	Indicative Staging – Upper Ground Stage 3	19/10/11

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

- b) Condition B1 is amended by insertion of the **bold** and **underlined** words as follows:

B1 Building Envelope and separation Modifications

The plans, as described in A2, shall be modified so that the building separation between residential portions of the buildings complies with the minimum requirements of the Residential Flat Design Code. Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Department prior to the determination of any future application on the site **except applications for de-watering works, remediation works and earthworks.**

- c) Condition B2 is amended by insertion of the **bold** and **underlined** words as follows:

B2 Development Design

Future applications shall be designed to include that:

- (a) roof terraces are setback a minimum of 1.5 metres from the buildings edge.
- (b) plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are appropriately screened and not exceed the heights approved by the Concept Plan.
- (c) the reference to building depth of 24 metres is deleted.

The amended Development Designs shall be submitted to and approved by the Department prior to determination of any future application on the site, **except applications for de-watering works, remediation works and earthworks.**

- d) Statement of Commitments are amended by insertion of the **bold** and **underlined** words and deletion of ~~struck-out~~ words as follows:

STATEMENT OF COMMITMENTS

The proponent commits to the following matters should approval be granted to this application.

ISSUES

ACTION

1. Subsequent applications

Applications (hereafter called "subsequent applications") consistent with the Concept Approval will be lodged with the relevant consent authority and will incorporate the following features.

2. Ecology

Subsequent applications will incorporate the recommendations of the revised Biodiversity Management Plan as described in **Appendix 7 of the PPR and addendum by Sutherland & Associates Planning Pty Ltd to update methodology in Section 5.10 of the Biodiversity Management Plan dated October 2013.**

3. ESD

Subsequent applications will incorporate the ESD principles and features as described in Section 3.7 of the PPR.

4. Design quality

Subsequent applications will demonstrate a level of detailed design consistent with the design principles of SEPP 65.

5. Wind

Subsequent applications will incorporate the relevant and applicable measures recommended in the Pedestrian Wind Environment Statement by Windtech dated 18 October 2010.

6. Noise and vibration

Subsequent applications will incorporate the relevant and applicable measures recommended in the Acoustic Assessment prepared by Acoustic Logic dated 21 October 2010.

7. Traffic and accessibility

Subsequent applications will incorporate the relevant staged improvements (Stage 1) as detailed in the revised TMAP prepared by Halcrow and dated October 2011.

8. Drainage and stormwater management

Subsequent applications will be based on the stormwater concept design prepared by Northrop Engineers dated 29 October 2010 with the exception of the proposed water quality standard for the compensatory water body for the threatened bat species which is dealt with in the revised Biodiversity Management Plan at **Appendix 7 of the PPR and addendum by Sutherland & Associates Planning Pty Ltd dated 31 October 2013** and Equatica report at **Appendix 19**.

9. Dewatering

The dewatering of the existing pit will be undertaken in accordance with the management principles as set out in the Dewatering Report prepared by CM Jewell ~~and dated October 2010~~ **DLA Environment dated February 2014**.

10. Groundwater management

The management of the existing groundwater will be undertaken in accordance with the recommendations of the Long-Term Groundwater Management Plan prepared by CM Jewell and dated October 2010.

11. Geotechnical

Further geotechnical investigations of the site will accompany subsequent applications. These will include the engineering solutions as detailed in the Geotechnical Report prepared by Jeffrey and Katauskas and dated October 2010 **except where varied by the recommendations in the addendum and Geotechnical Monitoring plan by Pells Sullivan Meynink Engineering Consultants dated October 2013**.

12. Contamination

Subsequent applications will address the management of unexpected contamination on the site in accordance with the recommendations of the Contamination Management Plan prepared by EIS and dated November 2010.

14. Heritage

Subsequent applications will incorporate the retention in situ of Brick Kiln 1, and in accordance with the recommendations of the Conservation Management Plan and Heritage Impact Statement prepared by Edward Higginbotham & Associates and dated 27 October 2010.

15. Developer contributions

The applicant will enter into negotiations with Sutherland Council, and relevant government agencies and use its best endeavours to enter into Voluntary Planning Agreements generally consistent with the Council resolution of detailed at Appendix 16 of the PPR, before the time of the first substantive subsequent application.

Should no VPA be entered into with Council:

EITHER, the open space proposed within the Zone 13 land in this application will be retained by the proponent made accessible to the general public in lieu of any contributions applicable to the development of the site under any subsequent application OR ordinary contributions applicable to any element of the development of the site will be levied on the relevant subsequent application for that element.