

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the modification of the Concept Plan referred to in Schedule 1, subject to the Terms or Approval in Schedule 2 and Statement of Commitments in Schedule 3.

Executive Director
Development Assessment Systems & Approvals

Sydney

2014

SCHEDULE 1

Concept Approval: **MP07_0106** granted by the Minister for Planning on 4 February 2010.

For the following: Mixed use redevelopment of the former Sunbeam Factory including :

- multiple unit residential development, seniors living including independent living units (ILUs) and a residential aged care facility (RACF);
- use for commercial offices, specialty retail, convenience retail, supermarket, medical centre, and a child care centre;
- Publicly accessible open space for a minimum 4850m²;
- Building envelopes for 3 buildings on proposed Lot 21, with a height of 3 storeys;
- Indicative building envelopes for **2 1 buildings** on proposed Lot 31, with ~~heights from 4 to 6~~ **a height of 3** storeys;
- Building envelopes for 4 buildings on proposed Lot 41, with heights from 6 to 7 storeys;
- Building envelopes for a podium level and 5 buildings above podium on proposed Lot 42, with total heights from 5 to 8 storeys;
- Demolition of existing buildings/structures on site and remediation of site;
- Subdivision, road layout, services, and landscaping;
- Total floor space of 76,128m²; and
- Residential display suites.

Modification: MP07_0106 MOD 5:

- replacement of 2 building envelopes on Lot 31 with 1 building envelope;
- reduction in building height on Lot 31 from 4-6 to 3 storeys;
- amendment to the Statement of Commitments.

SCHEDULE 2

PART A- TERMS OF APPROVAL

- a) Term of Approval A1 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text

A1. *Development in Accordance with Plans and Documentation*

- (a) The approval shall, subject to A1 (b) below, be generally in accordance with MP 07_0106 and with the Environmental Assessment, except where amended by the Preferred Project Report, additional information to the Preferred Project Report, the section 75W Modification by Worley Parsons, dated 1 February 2011, the section 75W Modification by Australand, dated 27 March 2012, the section 75W Modification by JBA Urban Planning Consultants, on behalf of Australand dated 23 November 2012 as amended by the submission from JBA Urban Planning Consultants Pty Ltd dated 3 October 2013, **the section 75W Modification by Australand, dated 28 August 2012** and the following drawings prepared by Kann Finch:

| Concept Plan Drawings prepared by Kann Finch | | | |
|--|-----------------|--|--|
| Drawing No. | Revision | Name of Plan | Date |
| DA 1.01 | H J | Concept Scheme Only Coversheet | 03.10.13 <u>13.11.13</u> |
| DA 2.01 | H J | Concept Plan Only Roof Level | 03.10.13 <u>13.11.13</u> |
| DA 2.02 | H J | Concept Plan Only Level B | 03.10.13 <u>13.11.13</u> |
| DA 2.03 | H J | Concept Plan Only Level 1 | 03.10.13 <u>13.11.13</u> |
| DA 2.04 | H J | Concept Plan Only Level 2 | 03.10.13 <u>13.11.13</u> |
| DA 2.05 | H J | Concept Plan Only Level 3 | 03.10.13 <u>13.11.13</u> |
| DA 2.06 | H J | Concept Plan Only Level 4 | 03.10.13 <u>13.11.13</u> |
| DA 2.07 | H J | Concept Plan Only Level 5 | 03.10.13 <u>13.11.13</u> |
| DA 2.08 | H J | Concept Plan Only Level 6 | 03.10.13 <u>13.11.13</u> |
| DA 2.09 | H J | Concept Plan Only Level 7 | 03.10.13 <u>13.11.13</u> |
| DA 2.10 | G H | Concept Plan Only Level 8 | 03.10.13 <u>13.11.13</u> |
| DA 3.01 | G H | Concept Plan Only Sections 1 | 03.10.13 <u>13.11.13</u> |
| DA 3.02 | H J | Concept Plan Only Sections 2 | 03.10.13 <u>13.11.13</u> |
| <u>DA 3.03</u> | <u>A</u> | <u>Concept Plan Only Sections 3</u> | <u>13.11.13</u> |

- b) Term of Approval A4 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text

A4. Building Height and Land use

All future buildings erected on the site shall not exceed the following building heights and all future buildings shall be limited to the land uses identified on each lot as follows:

| Lot / Building | Land use | Maximum Height Storeys / RL |
|----------------------|------------------------------|---|
| Lot 42 | Mixed use | 8 storeys (refer to Concept Plan Drawings for height range) |
| Lot 41 | Residential/ Open Space | 7 storeys (refer to A6 for height range) |
| Lot 11 | Residential/ Childcare | 4 Storeys/ RL 39.5 AHD |
| Lot 21 | Residential | 3 Storeys/ RL 36.4 AHD |
| Lot 31 Building 5A | Seniors living | 4 Storeys/ RL 32.75 AHD |
| Lot 31 Building 5B | Seniors living | 6 Storeys/ RL 38.75 AHD |
| <u>Lot 31</u> | <u>Seniors living</u> | <u>3 Storeys/ RL 34.00 AHD</u> |

To allow for minor variations, each block shall not exceed the maximum RL height referred to in the above table by more than 5%, however the maximum number of storeys (as defined within the Residential Flat Code Design) shall not be exceeded.

SCHEDULE 3
REVISED STATEMENT OF COMMITMENTS
(Source: JBA Urban Planning Consultants, May 2014)

- c) Commitment A1 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text

A 1. GENERAL

1.1 The project will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 07_0106, except where amended by the Preferred Project Report dated May 2009, the Revised Preferred Project Report dated December 2010 and the subsequent modification applications under section 75W, as described in:

- a) Environmental Assessment Report and associated appendices dated 27 October 2008 as amended by the Preferred Project Report dated May 2009;*
- b) Approved Architectural Drawings contained within Modification A1 of this approval;*
- c) Amended Landscape Plans prepared by Habitation dated 24 April 2009, with the exception of the pedestrian link shown on the plan which Council has advised is no longer required;*
- d) Amended subdivision plans prepared by Dunlop Thorpe dated ~~13~~ 27 June 2012;*
- e) BASIX Assessment, BASIX Certificate prepared by Cundall;*
- f) Amended Traffic Impact Assessment (TMAP) prepared by Traffix (Version 10) dated 24 April 2009 except as amended by the letter prepared by Traffix dated 22 October 2013 and titled "Clemton Park Section 75W Application to the Concept Plan Approval";*
- g) Stormwater and Flood Management Report prepared by Hyder consulting dated October 2008 except as amended by the Flood Management Report prepared by Craig and Rhodes dated 28 October 2013 ";*
- h) Utilities Investigation Report prepared by Hyder Consulting dated September 2008;*
- i) Infrastructure Report and Plan prepared by Hyder Consulting dated October 2008 and plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July 2012;*
- j) Waste Management Plan prepared by JD Macdonald dated October 2008;*
- k) Construction Management Plan prepared by Davids Group dated October 2008;*
- l) Demolition Management Plan prepared by Metropolitan Demolitions dated 27 March 2009.*

1.2. The Proponent will ensure that all contractors engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 07_0106 (as modified).

End of Modification MP07_0106 MOD 5