

# 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.

  
Director,  
Industry, Key Sites and Social Projects

Sydney 26<sup>th</sup> JUNE 2014

### SCHEDULE 1

**Concept Approval:** MP06\_0098 granted by the Minister for Planning on 21 January 2008.

**For the following:** Residential Development including:

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

**Modification:**

MP06\_0098 MOD 2:

- amend the building envelopes to reflect the envelopes of the HBW DCP and existing approved DAs for the site;
- increase residential floor space from 50,424m<sup>2</sup> to 74,424m<sup>2</sup> and floor space ratio from 1.58:1 to 2.33:1;
- increase dwelling numbers from around 685 dwellings to around 996 dwellings;
- increase basement carparking areas;
- associated revision to open space layout and design;
- deletion of condition and commitment relating to a restrictive covenant; and
- a new condition specifying residential visitor parking rates.

## 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 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~~ **996** dwellings in a mix of 1 bedroom, 2 bedroom and 3 bedrooms with a maximum ~~50,424m<sup>2</sup>~~ **74,424m<sup>2</sup>** 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.

- b) Term of Approval A2 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text:

#### **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 for a Mixed Use and Development Lot 9 Hill Road, Homebush Bay prepared for Payce Properties Ltd by Cite Urban Strategies and Allen Jack & Cottier **as amended by the S75W Modification Request prepared by Dowling Urban** and the following plans;

Architectural Plans by Allen Jack & Cottier Turner			
Drawing No	Revision	Number of Plan	Date
LT9 AR CD 1000	G	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 L0 & 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
<u>DA-100-002</u>	<u>C</u>	<u>Site Plan</u>	<u>09/05/2014</u>
<u>DA-100-003</u>	<u>A</u>	<u>Floor Plan Level 00</u>	<u>09/05/2014</u>
<u>DA-100-004</u>	<u>A</u>	<u>Floor Plan Level 01</u>	<u>09/05/2014</u>
<u>DA-100-005</u>	<u>A</u>	<u>Floor Plan Level 02</u>	<u>09/05/2014</u>
<u>DA-100-006</u>	<u>A</u>	<u>Floor Plan Level 03</u>	<u>09/05/2014</u>
<u>DA-100-007</u>	<u>A</u>	<u>Floor Plan Typical Mid Level: Level 08</u>	<u>09/05/2014</u>
<u>DA-100-008</u>	<u>A</u>	<u>Floor Plans Typical Tower Level: Level 15</u>	<u>09/05/2014</u>
<u>DA-100-010</u>	<u>A</u>	<u>North + South Elevations</u>	<u>09/05/2014</u>
<u>DA-100-011</u>	<u>A</u>	<u>East + West Elevations</u>	<u>09/05/2014</u>
<u>DA-100-012</u>	<u>A</u>	<u>Sections</u>	<u>09/05/2014</u>

Landscape Plans by James Pfeiffer Landscape Architects <u>Site Image Landscape Architects</u>			
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
<u>CP-C100</u>	<u>A</u>	<u>Landscape Concept Plan</u>	<u>09/12/2013</u>

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

- c) New Term of Approval A6 is added by the inclusion of **bold and underlined** text as follows:

**A6. Residential Visitor Parking**

**Residential visitor car parking shall be provided at a rate of 1 space per 12 dwellings.**

## PART B - MODIFICATIONS TO CONCEPT PLAN

- d) Modification B1 is amended by the deletion of the struck-out words and the inclusion of **bold and underlined** text

### B1. BUILT FORM

- (1) Approval is given for a maximum of 50,424m<sup>2</sup> **74,424m<sup>2</sup>** 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.~~
- (5) The lowest habitable floor level of the units fronting Homebush Bay shall be not more than 1.5m above finished footpath levels.
- (6) The separation distance between all buildings shall be in accordance with the requirements of the HBWDGP.

- e) Modification B8 is deleted by the deletion of the struck-out words and replaced with the inclusion of **bold and underlined** text:

### **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 227,848m<sup>2</sup> (i.e. 236,842m<sup>2</sup> (total floor space for Precinct F) ~~8,994m<sup>2</sup> (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.

### **B8. DESIGN OF TOWER ON BLOCK 9B**

**The Future Development Application for the development of Lot 9B shall divide the north-western elevation of the tower adjacent to the pocket park into two distinct architectural elements comprising:**

- a) **an emphasised lower 6 storey element that frames and presents a human-scale to the park and is distinguished from the upper element; and**
- b) **an upper element containing the remainder of the tower, which shall be designed/treated to have a lighter-weight appearance.**

**The lower 6 storey element and upper tower element shall be differentiated from each other and the human scale of the lower element achieved through the use of appropriate architectural methods, including (but not limited to): changes in façade composition and/or massing, use of setbacks, recesses, articulation and materials and finishes.**



### SCHEDULE 3

- f) Commitment No 1 is deleted by the deletion of the ~~struck out~~ words as follows:

Issue	Commitment	Timing
1	Restriction on development potential of (Payce-owned) Precinct F, at Homebush Bay 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.]	Prior to issue of the first Occupation Certificate associated with the redevelopment of Precinct C.
2	Compliance with relevant statutory EPI's and other requirements Detailed design of the project will demonstrate that the project complies with the provisions of relevant EPI's with the exception of some minor, acceptable non-compliances.	Addressed at detailed development application stage.
3	Environmental mitigation and management measures and Monitoring 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.	Addressed at construction certificate stage – prior to commencement of works.
4	Built form, urban design, and environmental design (energy and water efficiency, etc) 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 grounds.	Addressed at detailed development application stage.
5	Access, traffic and parking 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).	Addressed as part of this concept application.
6	Servicing plan A servicing plan addressing waste collection and management of delivery vehicles.	Submitted with each detailed development application.
7	Public Domain Works	

	Proposals will have regard for the Homebush Bay West Public Domain Manual, and the requirements of Auburn Council.	Addressed at detailed development application stage.
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 areas of 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 stormwater 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.

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**End of Modification MP06\_0098 MOD 2**