

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF CONCEPT PLAN FOR CONSTRUCTION OF A  
RESIDENTIAL DEVELOPMENT AND PUBLIC OPEN SPACE**

**23 BENNELONG PARKWAY, WENTWORTH POINT**

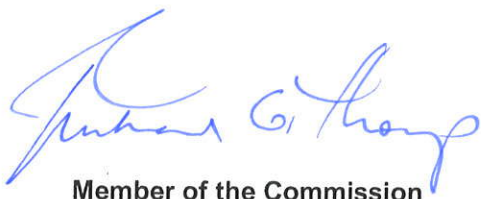
**(MP No. 09\_0160)**

We, the Planning Assessment Commission of New South Wales (the Commission), determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the Terms of Approval in Schedule 2 and the Statement of Commitments in Schedule 3, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979* (the Act);
- (b) under Section 75P (1)(b), all future stages of the project be subject to Part 4 of the Act; and,
- (c) that future environmental assessment of the project be subject to the requirements set out in Schedule 2, pursuant to Section 75P(2)(c) of the Act.

The reason for the modifications are:

- (a) To ensure an acceptable built form outcome for the site;
- (b) To adequately mitigate the environmental impacts of the development;
- (c) To reasonably protect the amenity of the local area; and
- (d) To set requirements for the future development applications under Part 4 of the Act.



Member of the Commission



Member of the Commission

Sydney, 22 June 2010

## SCHEDULE 1

### PART A — TABLE

Application made by:	Payce Management Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 09_0160
On land comprising:	Lot 3 in DP 776611 and Lot 22 DP 104874 23 Bennelong Parkway, Wentworth Point
Local Government Area:	Auburn City Council
For:	Construction of a residential development, public open space, parking and road works.
Capital Investment Value:	\$129.3 million
Type of development:	Concept Plan approval under Part 3A of the Act
Determination made on:	<b>22 JUN 2010</b>
Date approval is liable to lapse:	5 years from the date of determination unless the development has been physically commenced

### PART B—NOTES RELATING TO THE DETERMINATION OF MP No. 09\_0160

#### Responsibility for other consents / agreements

The Proponent is 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 Act and the Regulation.

#### Legal notices

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

### PART C — DEFINITIONS

In this approval,

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

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Department** means the Department of Planning or its successors.

**Director General** means the Director General of the Department or his nominee.

**Environmental Assessment** means the Environmental Assessment prepared by City Plan Services and dated December 2009.

**Minister** means the Minister for Planning.

**MP No. 09\_0160** means the Major Project described in the Proponent's Environmental Assessment.

**Preferred Project Report (PPR)** means the Preferred Project Report/Response to Submissions prepared by City Plan May 2010.

**Proponent** means Payce Management Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

## SCHEDULE 2

### PART A – TERMS OF APPROVAL

#### **A1 Development Description**

Concept approval is granted to the development described below:

- Use of the site for residential purposes and public open space;
- Indicative building envelopes for 3 separate buildings A-C over a single podium and basement level, with heights ranging from 4 to 8 storeys;
- Basement level car parking;
- Road works to extend Amalfi Drive; and
- Associated landscaping and site facilities.

#### **A2 Development in Accordance with Plans and Documentation**

The approval shall be generally in accordance with MP 09\_0160 and with the Environmental Assessment, except where amended by the Preferred Project Report and the following drawings prepared by Turner and Associates:

<b>Concept Plan Drawings prepared by Turner and Associates</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA01	E	Site Context Plan_Existing	17/11/2009
DA02	F	Site Context Plan_Future	03/05/2010
DA06	F	Area Diagrams__Stage 1 DA	03/05/2010
DA07	F	Site Statistics_Stage 1 DA	11/05/2010
DA11	F	Illustrative Street Network Diagrams	03/05/2010
DA21	E	Illustrative Basement Plan	17/11/2009
DA22	E	Illustrative Bennelong Road Level Plan	17/11/2009
DA23	E	Illustrative Amalfi Drive Level Plan	17/11/2009
DA24	E	Illustrative Level 1 Plan	17/11/2009
DA25	E	Illustrative Level 2+3 Plan	17/11/2009
DA26	E	Illustrative Level 4 Plan	17/11/2009
DA27	F	Illustrative Levels 5+6 Plan	11/05/2010
DA28	F	Comparative Height Study/Roof Plan	11/05/2010
DA29	E	Illustrative West Elevation	17/11/2009
DA31	F	Illustrative Section_AA	03/05/2010
DA32	F	Illustrative Section_BB	03/05/2010
DA33	A	Illustrative Section to Amalfi Drive	11/05/2010
DA41	F	Urban Form Control Drawings	03/05/2010
DA01	B	Concept Landscape Plan	19/11/2009

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

### **A3 *Building Envelope Modifications***

The plans as described above in A2 shall be modified as follows:

- a) The envelope of the southeast corner of Building B (fronting Amalfi Drive and the eastern 3-storey part of the Capri Building) shall be reduced to a maximum of 5 storeys (RL22.35) by deleting the proposed 8 units (2x3 bedroom, 2x1 bedroom and 4x2 bedroom) on 2 levels (Levels 5 and 6) as identified (hatched in red) in Drawing number DA27 Revision F.

Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General prior to the submission of any future Development Application.

### **A4 *Maximum Gross Floor Area***

The redevelopment of the site for a residential development shall not exceed a maximum Gross Floor Area (GFA) of approximately 44,730m<sup>2</sup>.

**Note:** The maximum floor space may not be achievable within the approved envelope as identified in modification A3.

### **A5 *Minimum Public Open Space***

The redevelopment of the site shall provide a minimum of 6,060m<sup>2</sup> of publicly accessible open space in the form of a neighbourhood park and pedestrian site link.

### **A6 *Inconsistencies between Documentation***

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including the Revised Statement of Commitments, the modifications of the Concept Plan shall prevail.

**End of Section**

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## **PART B - FUTURE ASSESSMENT REQUIREMENTS**

Pursuant to Section 75P(1)(a) of the Act the following future environmental assessment requirements apply.

### **1. Building Design**

Future Development Applications shall demonstrate compliance, or fully justify any non-compliance with the Daylight Access, Building Separation and Natural Ventilation provisions of the *State Environmental Planning 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.

### **2. Privacy**

Future Development Applications shall demonstrate that the buildings and apartments are arranged and designed to minimise acoustic and visual privacy impacts between:

- Building A and the existing Portofino Building;
- Building B and the existing Capri Building;
- Buildings B and C; and
- Building C and the existing Sorrento Building,

in accordance with the provisions of *State Environmental Planning 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.

### **3. SEPP 65**

Future Development Applications shall be consistent with the provisions of the *State Environmental Planning 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.

**End of Section**

**SCHEDULE 3****MP 09\_0160****CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT AND PUBLIC OPEN SPACE****23 BENNELONG PARKWAY, WENTWORTH POINT****STATEMENT OF COMMITMENTS****(SOURCE: PREFERRED PROJECT REPORT)**

	<b>ISSUE</b>	<b>ACTION</b>
<b>1</b>	<b>Subsequent applications</b>	Applications (hereafter called "subsequent applications") consistent with the Concept Approval will be lodged with the relevant consent authority and will incorporate the following features.
<b>2</b>	<b>ESD</b>	Subsequent applications will incorporate the ESD principles and features as described in Section 6.12 of the EA.
<b>3</b>	<b>Safety by design</b>	Subsequent applications will contain details of how the design of the development embodies 'safety by design' principles.
<b>4</b>	<b>Basement design</b>	The geometric design features of the car parking bay dimensions, aisle widths, ramp grades, etc, will comply with the dimensions specified by the Australian Standards publication Parking Facilities Part 1: Off-Street Car Parking (AS2890.1).
<b>5</b>	<b>Wind</b>	Subsequent applications will incorporate the relevant and applicable measures recommended in the Pedestrian Wind Environment Statement by Windtech dated 29 June 2009.
<b>6</b>	<b>Acid sulphate soils</b>	An assessment of ASS underlying the site will be undertaken during the Stage 2 ESA to allow for the preparation of a site specific ASS Management Plan to be submitted with any subsequent DA's and to ensure that ASS (if encountered) will be appropriately managed and/or disposed.
<b>7</b>	<b>Remediation of contamination</b>	A stage 2 environmental site assessment will be undertaken and submitted with subsequent applications in accordance with the requirements of SEPP 55 and remediation will be undertaken in accordance with any Remediation Action Plan prior to commencement of the development.
<b>8</b>	<b>Geotechnical</b>	A geotechnical investigation of the site will accompany subsequent applications

9	<b>Radio Towers</b>	<p>The requirements will be incorporated into the Construction Management Plan for the proposal at relevant subsequent applications.</p> <ul style="list-style-type: none"> <li>• Construction cranes and elevated platforms to be bonded to earth.</li> <li>• Metal scaffolding to be bonded to earth.</li> <li>• All structural steel, mesh and pipes to be bonded to earth.</li> <li>• Metal ropes and cables to be bonded to earth (where practicable)</li> <li>• Communication and Power cables to be run in shielded building risers.</li> <li>• Earthing rods and gloves to be used when lowering steel and touching by hand is required to manoeuvre or release loads</li> <li>• A Safe working procedure to be implemented dealing with possible re-radiation during construction.</li> <li>• Measurements performed following construction to confirm safe levels.</li> </ul>
10	<b>Road design</b>	<p>The design of the road, inclusive of provision for services and load bearing requirements will be prepared in consultation with Auburn Council and details will be provided as part of subsequent applications.</p>
11	<b>Bay Park subdivision</b>	<p>Bay Park will be contained in a separate lot, exclusive of any car parking structure below the Park, as part of any future subdivision application associated with this Concept Plan</p>