

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF BREAKFAST POINT CONCEPT PLAN MODIFICATION

(File No. 9039939 - 10)

I, the Minister for Planning, pursuant to Section 75W(4) of the Environmental Planning & Assessment Act, 1979 (EPA Act 1979), modify the Breakfast Point Concept Plan referred to in the attached Schedule 1, by granting approval in the manner set out in the attached Schedule 2.

I further amend the terms of the previous determination of the Concept Plan in accordance with Section 75W(1)(b), Section 75P(2)(f), Section 75P(1)(d) and Section 75P(2)(b) of the EPA Act 1979, insofar as to give effect to the following:

1. Development identified as exempt or complying in State Environmental Planning Policy (Exempt and Complying development Codes) 2008, shall be exempt and Complying development within the meaning of the EPA Act 1979; and
2. Other future development shall be subject to the provisions of the State Environmental Planning Policy (Major Development) 2005, or otherwise the provisions of Part 4 or Part 5 of the Act, as the case may be (with the exception of modifications to approved Project or Concept Plan approvals, which shall be determined in accordance with Part 3A of the EPA Act 1979.

The reasons for the imposition of conditions and the revised terms of the Concept approval are:

- (1) To adequately mitigate the environmental impact of the development.
- (2) To maintain the amenity of the local area.
- (3) To encourage good urban design and a high standard of architecture.
- (4) To ensure future sympathetic adaptive reuse of, and redevelopment in the vicinity of, heritage buildings.
- (5) To outline the appropriate future planning assessment regime for future development of the site.

Tony Kelly MP
Minister for Planning

Sydney,

2010

SCHEDULE 2

The above approval is modified as follows:

- A. The following conditions (1, 2, 7 and 17) are modified, in the terms specified (with deleted words shown as ~~strike through~~ and new words shown **bold, italics and underlined**)

1. *Development Description*

Concept approval is granted only to the carrying out the development solely within the concept plan area as described in the document titled "Breakfast Point Concept Plan 2005" prepared by Giles Tribe Architects & Urban Planners (dated 22 March 2006 – Issue 3) **as amended by plans by Giles Tribe Architects & Urban Planners dated 24 May 2010 – Issue 4** including:

- (1) 176, 222 m² maximum gross floor area (~~representing a 0.65:1 floor space ratio over the entire Breakfast Point site~~);
- (2) 1, 519m² maximum commercial and non-residential uses (within the 176, 222 m² maximum gross floor area specified above);
- (3) 989 residential dwellings (and up to a maximum of 1,189 residential dwellings, subject to compliance with Condition No. 7 of this approval – **Note this condition was complied with on 4 August 2006**);
- (4) **35643sqm maximum gross floor area for a residential care facility (as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004)**;
- (5) Landscaped public and private open space;
- (6) Associated services and infrastructure;
- (7) Land use distribution, building heights, densities, dwelling mixes and types;
- (8) Subdivision into no more than 100 Torrens Title Lots; and
- (9) Subdivision into no more than 1,189 strata subdivision lots (for residential dwellings) subject to compliance with the conditions of this approval

2. *Development in Accordance with Plans and Documentation*

The development shall also be generally consistent with the following plans and documentation:

- (1) Breakfast Point Concept Plan 2005 prepared by Giles Tribe Architects & Urban Planners (dated 22 March 2006 – Issue 3), **as amended by plans by Giles Tribe Architects & Urban Planners dated 24 May 2010 (Issue 4)**
- (2) Statement of Commitment for the Concept Plan prepared by Rosecorp (dated 24 March 2006)
- (3) Breakfast Point Response to issues raised in submissions prepared by Rosecorp (dated 24 March 2006)
- (4) Response to issues raised in Council's submission prepared by Rosecorp (dated 24 March 2006)

Except for otherwise provided by the plans and documentation described in Condition 1, Schedule 2 and the Department's conditions of approval as set out in Schedule 2, and the proponent's statement of commitments.

7. *Additional Floor Space*

The Applicant may request an increase in the approved gross floor area (as identified in Condition No. 1) within the concept plan area to achieve a floor space ratio for development across the entire Breakfast Point site equalling a maximum of 0.67:1, **with the total number of additional units not to exceed 200 dwellings.**

Any request to increase the gross floor area in the manner set out above will demonstrate through the submission of detailed plans and documentation that the proposed increase in gross floor area will:

- Maintain or improve the amenity of existing and approved buildings (and their occupants);
- Maintain and not obstruct existing view corridors and vistas as proposed under the *Breakfast Point Master Plan 2002*; and
- Not result in the significant loss of open space within the subject Precinct; and
- Address any other matter as required by the Director General.

The timing, format and content of further detailed plans and documentation to be lodged in respect of this condition will be to the satisfaction of, and subject to approval by, the Director General.

~~Should the Director General approve an increase in gross floor area, the total number of additional units must not exceed the specified 1865 dwellings in the Breakfast Point Master Plan 2002, by more than 200 dwellings.~~

17. Submission of Subsequent Project Applications

The Applicant will submit subsequent project applications, **where relevant**, for the development of the subject site in accordance with the Breakfast Point Concept Plan conditions of approval.

The subsequent project applications will be supported (but not be limited to) the following:

- (1) plans and/or maps specifying existing ground level;
- (2) documentation that demonstrates compliance with relevant Site Audit Statements and any recommendations within the Breakfast Point Site Management Plan Revision E;
- (3) an archaeological investigation prepared and undertaken by a suitably qualified person(s) (as relevant);
- (4) detailed landscape survey and design plans consistent with the Breakfast Point Landscape Principles contained within Section x of the Breakfast Point Concept Plan;
- (5) a detailed staging plan (or similar) showing proposed distribution of units and associated car parking, gross floor areas, unit type, and dwelling mix;
- (6) plans which demonstrate that all off street car parking associated with the proposed development (such as driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) has been designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002;
- (7) plans (or similar) which confirm the number and location of visitor car parking spaces having regard to the Visitor Car Parking Master Plan;
- (8) documentation that demonstrates compliance with the 2002 Master Plan's "Section 5.00 – Access, Parking and Circulation" as they apply to pedestrian movements and bicycles;
- (9) documentation that demonstrates compliance with BASIX;
- (10) **documentation that demonstrates compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, where relevant**, and
- (11) draft subdivision plans having regard to the matters in Conditions 18 – 20.