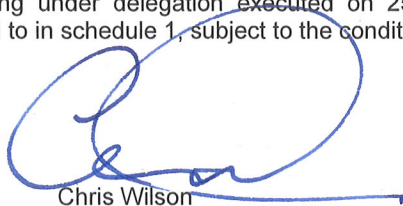


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the Concept Plan referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson
EXECUTIVE DIRECTOR
MAJOR PROJECTS ASSESSMENT

Sydney

18 October

2010

SCHEDULE 1

Concept Approval: Breakfast Point Concept Plan 2005 granted by the Minister for Planning on 7 April 2006.

For the following: Concept approval for development solely within the concept plan area 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 the approval);
- (4) Landscaped public and private open space;
- (5) Associated services and infrastructure;
- (6) Land use distribution, building heights, densities, dwelling mixes and types;
- (7) Subdivision into no more than 100 Torrens Title Lots; and
- (8) Subdivision into no more than 1,189 strata subdivision lots (for residential dwellings) subject to compliance with the conditions of this approval.

Modification: Breakfast Point Concept Plan 2005 MOD 1: Conversion of 4 Residential Apartment Buildings within the Seashores Precinct for Seniors Housing and redistribution of remaining dwelling numbers to other buildings within the Seashores, Plantations, Point and Woodlands North Precincts.

SCHEDULE 2
CONDITIONS

The above approval is modified as follows:

- a) *Modification 1 is amended by deletion of the struck out words and insertion of the **bold and underlined** words and deletion of struck-out words as follows:*

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) 176,222m² **183,480m²** 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 176,222m² **183,480m²** maximum gross floor area specified above);
- (2a) 37,004m² maximum gross floor area for Serviced Self-Care Housing (as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (within the 183,480m² 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);
- (3a) 227 seniors housing dwellings;**
- (4) Landscaped public and private open space;
- (5) Associated services and infrastructure;
- (6) Land use distribution, building heights, densities, dwelling mixes and types;
- (7) Subdivision into no more than 100 Torrens Title Lots; and
- (8) Subdivision into no more than 1,189 strata subdivision lots (for residential dwellings) subject to compliance with the conditions of this approval.

- b) *Modification 2 is amended by insertion of the **bold and underlined** words as follows:*

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)**



Planning

- (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.

c) *Modification 7 is amended by deletion of struck-out words as follows:*

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.

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.~~

d) *Modification 17 is amended by insertion of the **bold and underlined** words and deletion of struck-out words as follows:*

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; and**
- (11) draft subdivision plans having regard to the matters in Conditions 18 – 20.
- (12) Any application for the Seniors Living component shall be accompanied by documentary evidence that demonstrates recent discussions have been held between the Proponent and the State Transit Authority (STA) regarding bus services to/from, and within the site along designated routes. This evidence shall be in the form of a letter from the STA.**