

# 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 project application referred to in Schedule 1, subject to the conditions in Schedule 2.



**Michael Woodland**  
Director  
Metropolitan Projects

Sydney 22 DECEMBER 2010

## SCHEDULE 1

### PART A — TABLE

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

#### **End of Section**

## SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

Condition A2 is amended by inserting the following:

### **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<br>G          | Area Diagrams_Stage 1 DA               | 03/05/2010<br>10/8/2010 |
| DA07                                                           | F<br>G          | Site Statistics_Stage 1 DA             | 11/05/2010<br>5/8/2010  |
| DA11                                                           | F               | Illustrative Street Network Diagrams   | 03/05/2010              |
| DA21                                                           | E<br>F          | Illustrative Basement Plan             | 17/11/2009<br>5/8/2010  |
| DA22                                                           | E<br>F          | Illustrative Bennelong Road Level Plan | 17/11/2009<br>5/8/2010  |
| DA23                                                           | E<br>F          | Illustrative Amalfi Drive Level Plan   | 17/11/2009<br>5/8/2010  |
| DA24                                                           | E<br>F          | Illustrative Level 1 Plan              | 17/11/2009<br>5/8/2010  |
| DA25                                                           | E<br>F          | Illustrative Level 2+3 Plan            | 17/11/2009<br>5/8/2010  |
| DA26                                                           | E<br>F          | Illustrative Level 4 Plan              | 17/11/2009<br>5/8/2010  |
| DA27                                                           | F<br>G          | Illustrative Levels 5+6 Plan           | 11/05/2010<br>5/8/2010  |
| DA28                                                           | F<br>G          | Comparative Height Study/Roof Plan     | 11/05/2010<br>5/8/2010  |
| 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<br>B | Illustrative Section to Amalfi Drive | 11/05/2010<br><b>10/8/2010</b> |
| DA41 | F<br>G | Urban Form Control Drawings          | 03/05/2010<br><b>9/8/2010</b>  |
| DA01 | B<br>C | Concept Landscape Plan               | 19/11/2009<br><b>13/8/2010</b> |

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 (RL 22.35 RL 23.50 m) 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".

Condition A4 is amended by inserting the following:

### **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> 45,500m<sup>2</sup>.

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

**END OF MODIFICATION TO MP09\_0160**