

DEFINITIONS

In this approval the following definitions apply:

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

BCA means the Building Code of Australia.

Breakfast Point Concept Plan 2005 means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

Concept Plan Area means the land coloured pink in Figure 1.02 of the Breakfast Point Concept Plan 2005.

Council means City of Canada Bay Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

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

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

BREAKFAST POINT CONCEPT PLAN

ADMINISTRATIVE CONDITIONS

A1. *Development Description*

Concept approval is granted only to carrying out the development described in detail below:

- (1) Development of all items within the Concept Plan Area as described by the Breakfast Point Concept Plan 2005.

A2. *Development in Accordance with Plans and Documentation*

The development shall be in accordance with the following plans and documentation:

- (1) Breakfast Point Concept Plan prepared by Giles Tribe Architects and Urban Planners (2005);
- (2) Preferred Project Report and Statement of Commitments.

Except for otherwise provided by the Department's conditions of approval as set out in Schedule 2, Part B and the proponent's statement of commitments as set out in Schedule 2, Part C.

A3. *Inconsistency Between Documentation*

The proponent will rectify all inconsistencies between the plans and documentation set out at Condition A2, within three months of the determination date of the Breakfast Point Concept Plan to the satisfaction of the Department.

In the event of any outstanding inconsistency between conditions of this concept approval and the plans and documentation referred to above, the conditions of this concept approval prevail.

A4. *Determination of Subsequent Project Applications*

The determination of subsequent applications for project approval is to be generally consistent with the terms of approval of the Breakfast Point Concept Plan and subject to the conditions of approval set out herewith.

GENERAL

B1. Development Control

Any departure from the terms of approval of Breakfast Point Concept Plan as described in Schedule 1 – Part A will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, development envelopes, the internal circulation network (within the Concept Plan area), and any other aspect of the proposal that requires amending.

Any revised plans and documentation will provide (but not be limited to):

- (1) An urban design strategy including detailed analysis of the physical, environment, social, cultural and economic aspects of the site informing opportunities and constraints resulting in an agreed urban design option.
- (2) An analysis of existing buildings, existing building heights and footprints, surrounding street and block pattern, existing delineation of public and private open space, topography and view corridors.
- (3) An appropriate built form, building height, open space, view corridors, density, vegetation strategy, entry points, car parking and traffic management and road hierarchy.

The timing, format and content of further detailed plans and documentation to be lodged in respect of Condition B1 will be agreed by the Department.

B2. Land Contamination Investigation

Future applications for project approval will be consistent with the appropriate Site Audit Statements and carried out in accordance with the Breakfast Point Site Management Plan Revision E.

B3. Construction Management

Prior to commencement of works on the site the proponent will submit a Construction Management Plan, to the satisfaction of the Department. The Construction Management Plan shall address the following (at a minimum):

- Traffic management
- Noise and vibration management
- Dust control
- Construction waste management
- Erosion and sediment control
- Archival recording of heritage
- Hazardous materials removal

B4. Waste Management Plan

Prior to commencement of works on the site the proponent will submit a waste management plan, to the satisfaction of the department.

B5. Landscape and Public Domain Management

Future applications for project approval will be consistent with the Breakfast Point Landscape principles detailed in the Concept Plan. Detailed landscape plans are to be submitted with Project Applications.

B6. Community Consultation

A detailed programme for future community consultation will be formalised by the proponent and agreed by the Department, within three months after the determination date of the Breakfast Point Concept Plan to the satisfaction of the Department.

B7. Urban Design

The proponent will accord with the maximum heights, maximum number of dwellings, maximum floor space and minimum setbacks in the development parcels in the plans and documentation described Condition A2.

The proponent will submit subsequent project applications in accordance with the maximum development parameters in the plans and documentation described in Condition A2 and generally in accordance with the urban design principles set down in State Environmental Planning Policy 65 – Design Quality of Residential Flat Development, Residential Flat Design Code (DIPNR) and the Residential Flat Design Pattern Book (DIPNR).

B8. Measurement of Storey Height

Each Project Application will refer to a map or diagram specifying existing ground level.

B9. Details of Vehicular Access

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) should be designed in accordance with AS 2890.1 - 2004 and AS 2890.2 - 2002. Details are to be submitted prior to a Construction Certificate being issued.

B10. Heritage

In the event of that future project approval is granted to demolish buildings on the subject site, the impacts will be mitigated by the following procedures:

- The important historic, social and cultural significance of on site heritage items to be commemorated through a professionally written history of the subject site;
- Archival photographic recordings to be made of the significant buildings, the Breakfast Point site and the landscape elements on the Breakfast Point site, in accordance with NSW Heritage Council's guidelines.

B11. State Environmental Planning Policy Building Sustainability Index (BASIX)

The proponent will comply with the NSW Government Building Sustainability Index targeting 40% reduction for potable water consumption, 25% reduction for greenhouse gas emissions and improvement in the thermal performance of all new residential buildings.

B12. Submission of Subsequent Applications

The proponent will submit subsequent project applications for the development of the subject site in accordance with the conditions of approval to the Breakfast Point Concept Plan.

The proponent will submit further documentation for the subsequent Project Applications which will include (but not be limited to):

- Detailed landscape survey and design
- Heritage interpretive elements in the public domain
- BASIX compliance

- Waste Management Plan
- Car parking provision, loading and subject site access in accordance with the relevant codes.
- Construction Management Plans
- Compliance with the utility authorities' standards and reticulation requirements, and approval/permit processes.

B13. Dwelling Numbers and Mix

The developer/applicant shall provide to the Department an updated tally of "development statistics" applying to the site detailing the figures as follows:

- Total number of dwellings
- Total gross floor areas of all approved buildings
- Total number of 1 bedroom units
- Total number of off street carparking provided
- Total number of bedrooms of all approved buildings

The statistics shall be submitted to the Department with the application for a Project Application. The statistics shall indicate that the development approved herein would not increase the statistics approved under the Concept Plan.

B14. Section 94 Contributions

The following Section 94 contributions are required towards the provision of public amenities and services:

<u>Amenities and Services</u>	<u>Amount</u>
Community Facilities	\$251.74 per dwelling
Recreation and Public Open Space	\$412.02 per dwelling
Roads and Traffic Management	\$1166.24 per dwelling
TOTAL	\$1830.00 per dwelling

The S94 Contribution amount includes for works in kind already completed as follows:

- Provision of about 16ha of open space namely Silkstone Park, The Waterfront Park, The Village Green, Spring Park, various through site links and the waterfront walkway/bicycle path and associated landscaped areas.
- A Neighbourhood Community Centre
- A Children's Centre.

The S94 Contribution amount also includes for provision of additional Works in Kind to be contributed to the Canada Bay Community in the form of approximately 240 sqm of floor area of the existing Heritage Building on the North Eastern point of Breakfast Point known as the Powerhouse Building plus a curtilage of landscaped open space with appropriate easements for access and services(see plan attached). This facility will be made habitable for the purpose of the establishment of a museum both inside the building and in the landscape area.