

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, I approve the modification of the concept approval referred to in schedule 1, subject to the conditions in schedule 2.



Heather Warton
Director

Metropolitan and Regional Projects North

Sydney

18 April

2013

SCHEDULE 1

Concept Plan Approval:

MP09_0197 granted by the then Deputy Director-General, Development Assessment and Systems Performance, as delegate of the Minister for Planning and Infrastructure on 17 August 2011.

For the following:

Concept Plan for the Nepean Health Precinct Mixed Use Development, including:

- staged redevelopment of the site for commercial, retail, serviced apartments and residential purposes;
- 35,750m² of GFA and building envelopes (including height and floor space ratio);
- car parking; and
- landscaping, site works and services.

Modification:

MP09_0197 MOD 1: The modification request includes:

- reduction in GFA of concept plan to 28,938 sqm
- reduction in height of Building A
- reconfigured land uses in Buildings A and B
- reduced and reconfigured car parking
- modification to the levying of Section 94 contributions

The approval is modified as follows:

SCHEDULE 2

PART A TERMS OF APPROVAL

Delete Conditions 1 and 2 and replace with the following:

1. Approval of the Nepean Health Precinct Mixed Use Development, except as modified by this approval, including but not limited to:
 - (a) staged redevelopment of the site for commercial, retail, serviced apartments and residential purposes;
 - (b) building envelopes including maximum heights as marked on the approved plans;
 - (c) a maximum gross floor area of **28,938 sqm (Stage 1 – 18,250 sqm; Stage 2 – 10,688 sqm)**;
 - (d) car parking; and
 - (e) landscaping and site works and services.
2. The development shall be generally in accordance with the following plans and documentation:
 - (a) Environmental Assessment titled *Nepean Health Precinct Mixed Use development Environmental Assessment and Appendices* prepared by *Cityscape Planning + Projects*, dated November 2010;
 - (b) Preferred Project Report titled *Nepean Health Precinct Mixed Use development Preferred Project Report and Appendices* prepared by *Cityscape Planning + Projects*, dated May 2011;
 - (c) **Section 75W Modification and Appendices prepared by *Cityscape Planning + Projects* dated October 2012.**
 - (d) The following plans;

Architectural (or Design) Drawings prepared by TURNER + ASSOCIATES		
Drawing No.	Revision	Name of Plan
CP10	J	BASEMENT 03
CP11	J	BASEMENT 02
CP12	J	BASEMENT 01
CP13	J	LOWER GROUND PLAN
CP14	J	GROUND PLAN
CP15	I	LEVEL 1
CP16	I	LEVEL 2
CP17	I	LEVEL 3
CP18	I	LEVEL 4
CP19	I	LEVEL 5
CP20	I	LEVEL 6
CP21	I	LEVEL 7
CP22	I	ROOF PLAN
CP30	G	NORTH ELEVATION
CP31	G	SOUTH ELEVATION
CP32	F	EAST ELEVATION
CP33	G	WEST ELEVATION
CP40	G	SECTION AA
CP41	G	SECTION BB
CP42	G	SECTION CC

CP43	G	SECTION DD	
CP44	F	SECTION EE / WEST ELEVATION	
CP45	G	SECTION FF	
Architectural (or Design) Drawings prepared by <i>turf</i>			
Drawing No.	Revision	Name of Plan	DATE
LC-02	C	LOWER GROUND FLOOR LANDSCAPE PLAN	08/03/13
LC-03	C	GROUND FLOOR LANDSCAPE PLAN	08/03/13

- (e) Statement of Commitments (Schedule 4); and
- (f) The modifications contained within this approval.

Delete Schedule 3 and replace with the following:

SCHEDULE 3

PART B MODIFICATIONS TO THE CONCEPT PLAN

1 Land Use and Floor Space

Notwithstanding the land use and floor space figures detailed in the Section 75W Modification and Appendices prepared by Cityscape Planning + Projects dated October 2012, the approved land use a floor space figures are in accordance with the table below:

Concept Plan (sqm)			
Land Use		Approved GFA (sqm)	
Commercial		11,372	
Serviced Apartments		4,501	
Residential		10,200	
Retail		2,865	
TOTAL		28,938 sqm	
Stage 1			
Stage 1 Building A (sqm)		Stage 1 Building B (sqm)	
Land Use	Approved GFA (sqm)	Land Use	Approved GFA (sqm)
Commercial	9,280	Commercial	588
Retail	1,225	Serviced A	4,501
Residential	2,656	Retail	0
TOTAL	13,161	TOTAL	5,089
Stage 2 Building (sqm)			
Land Use		Approved GFA (sqm)	
Commercial		1,504	
Residential		7,544	
Retail		1,640	
TOTAL		10,688	

2 Car Parking

Notwithstanding any car parking identified in the architectural plans prepared by *TURNER + ASSOCIATES* in Part A of Schedule 2, car parking approved under this approval must be in accordance with the table below.

Required Car Parking Spaces			
Land Use	Stage 1	Stage 2	Stage 1 + Stage 2
Commercial	247	38	285
Serviced Apartments	65	-	65
Retail	47	63	110
Residential	36	78	114
Residential Visitor	7	16	23
Surplus Car Parking	-	22	22
TOTAL	402	217	619

Surplus Car Parking identified in Stage 2 in the above table is to be allocated to the 22 space shortfall in car parking for the Serviced Apartments in Stage 1.

Provision of disabled car parking is to be in accordance with the Disability Discrimination Act Access Code 2010.

SCHEDULE 4

FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Insert new Environmental Assessment Requirement No. 11, as follows:

11. Subdivision and Strata Subdivision

- a) The Proponent is to demonstrate in future applications for the strata subdivision that easements for access are created over appropriate lots in the subdivision to provide public access, access to lifts, lobbies, fire stairs, service areas, loading areas and car parking pursuant to section 88B of the Conveyancing Act 1919.
- b) The Proponent is to demonstrate in future applications for the strata subdivision that easements for services are created over appropriate lots in the subdivision to facilitate servicing of drainage areas, plant areas, loading areas, service rooms, or other services which require joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision pursuant to section 88B of the Conveyancing Act 1919.
- c) The Proponent is to demonstrate in future applications for the strata subdivision that the common driveway and manoeuvring aisles in the at-grade and basement car parking areas are the subject of appropriate reciprocal rights-of-way and shall be identified on the instrument under section 88B of the Conveyancing Act 1919.
- d) The Proponent is to demonstrate in future applications for the strata subdivision that car parking is allocated to each of the respective land uses in accordance with Schedule 3 of this approval. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking space to those other than an occupant, tenant or lessee of the

building. These requirements are to be enforced through signage and restrictive covenant placed on title pursuant to section 88B of the Conveyancing Act 1919.

- e) The Proponent is to demonstrate in future applications for the strata subdivision that the Serviced Apartments are to be used for short stay accommodation purposes only, and not for permanent residential use. This restriction is to be enforced through a restrictive covenant placed on title pursuant to section 88B of the Conveyancing Act 1919.

END OF MODIFICATIONS - MP09_0197 MOD 1