

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 project 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

Project Approval:

MP09_0220 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:

Stage 1 of the Nepean Health Precinct Mixed Use Development, including:

- construction of two buildings for commercial, retail and serviced apartment purposes;
- car parking; and
- landscaping, site works and services.

Modification:

MP09_0220 MOD 1: The modification request includes:

- reduction in GFA of Stage 1 to 18,250 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 A1 – ADMINISTRATIVE CONDITIONS

Delete Condition A2 and replace with the following:

A2 Development in Accordance with the Plans and Documentation

The development will be undertaken in accordance the following documents and plans:

Environmental Assessment Report titled <i>Nepean Health Precinct Mixed Use development Environmental Assessment</i> and Appendices prepared by Cityscape Planning + Projects, dated November 2010;			
Preferred Project Report titled <i>Nepean Health Precinct Mixed Use development Preferred Project Report</i> and Appendices prepared by Cityscape Planning + Projects, dated May 2011			
Section 75W Modification and Appendices prepared by <i>Cityscape Planning + Projects</i> dated October 2012.			
Architectural (or Design) Drawings prepared by <i>TURNER + ASSOCIATES</i>			
Drawing No.	Issue	Name of Plan	
EA11	K	BASEMENT 02	
EA12	K	BASEMENT 01	
EA13	K	LOWER GROUND PLAN	
EA14	J	GROUND PLAN	
EA15	I	LEVEL 1	
EA16	H	LEVEL 2	
EA17	H	LEVEL 3	
EA18	I	LEVEL 4	
EA19	I	LEVEL 5	
EA20	I	LEVEL 6 / Roof Plan	
EA30	I	NORTH ELEVATION	
EA31	I	SOUTH ELEVATION	
EA32	H	EAST ELEVATION	
EA40	I	SECTION AA	
EA41	I	SECTION BB	
EA42	I	SECTION CC	
EA44	H	SECTION EE / WEST ELEVATION	
EA45	I	SECTION FF	
Architectural (or Design) Drawings prepared by <i>TURNER + ASSOCIATES</i>			
Drawing No.	Issue	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

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

Delete Condition A4 and replace with the following:

A4 Additional Approval Required

Separate application(s) shall be submitted to the consent authority for consideration of:

- (1) any building identification signage and business identification signage; and
- (2) the internal fit-outs of any buildings; and
- (3) **any subdivision or strata subdivision.**

Insert new Condition A12:

A12 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 (identified in Condition A2 of this approval), the approved land use and floor space figures for Stage 1 are in accordance with the table below:

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
TOTAL 18,250 sqm			

Delete Condition B14 and replace with the following:

B14 Car Parking

Prior to the issue of any Construction Certificate, the Proponent is to prepare a car parking allocation statement to the satisfaction of the Director-General. The car parking allocation statement is to address the land use car parking allocation requirements established in the below table.

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

Note: The 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 (this is to occur under a future development application for Stage 2 in accordance with the concept plan (MP09_0197)).

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

Delete Condition B15 and replace with the following:

B15 Developer Contributions

Prior to the issue of a Construction Certificate, the Proponent is to pay monetary contributions to Penrith City Council in accordance with the following Section 94 Contributions Plan identified in the table below:

Contribution Plan Name	Amount
Cultural Facilities	\$10,713.60
Footpaths	\$6,998.40
Local Open Space	\$45,288.00
District Open Space	\$125,280.00
Neighbourhood Centre	\$11,836.80
Total	\$200,116.80

The above rates are subject to quarterly reviews. If the contributions are not paid within the current quarterly period, the contributions will be reviewed at the time of payment in accordance with the Section 94 plans. The projected rates of the contribution amounts are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period.

Insert new Condition B16:

B16 Shared Zone and Drive Way

The 1.4 m wide shared zone adjacent to the bike facilities room on the eastern side of Building B (identified in the architectural plans prepared by *TURNER + ASSOCIATES* in Condition A2 of this approval) is to be widened to 2.4 m, and extended to the south beyond the bike facilities room at a width of 1.4 m and connect with Barber Avenue. The revised shared zone is to be identified through wide line marking and signage. Speed bumps are also to be introduced along the driveway adjacent to both ends of the shared zone. Details of the above revised shared zone and introduced traffic calming devices are to be provided to the Certifying Authority prior to issue of a Construction Certificate

END OF MODIFICATIONS - MP09_0220 MOD 1
