



NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT
179 Residential Units and Retail Facility at
Lot 100, Precinct C
42 Walker Street, Rhodes
Proposed by Meriton Apartments Pty Ltd

Modification MP05_0039 Mod 1

Modification of Minister's Approval
Section 75W of the
Environmental Planning and Assessment Act 1979

August 2007

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1. INTRODUCTION

On 25 July 2007, Meriton Apartments Pty Ltd (the Proponent) lodged an application to modify MP05_0039 (tag C) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). The Proponent is seeking modify the plans to increase the size of the two basement levels to include an additional 51 parking spaces.

2. ORIGINAL APPLICATION

On 12 June 2007, the Minister for Planning approved the Major Project for the following:

- 179 residential dwellings contained within three buildings ranging in height from 5 to 10 storeys. One building is divided into two 'Blocks', referred to as Blocks C and D;
- A retail facility at ground level;
- Basement car park over two levels containing a total of 201 spaces; and
- Provision of landscaping works and shared facilities including pool and gym.

A copy of the original consent is at tag D and a copy of the original report is at tag E.

The original project cost of the development was \$51,027,929.

3. DESCRIPTION OF PROPOSED MODIFICATION

The modification seeks approval for the following amendments to the approved plans:

- Increase the size of the two basement levels;
- Increase the parking spaces from 201 to 252 spaces; and
- Reduce the deep soil area of the site.

4. STATUTORY CONTEXT

Modification of a Minister's approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including *revoking or varying a condition of the approval or imposing an additional condition of the approval*.

The modification requires changes to a condition of the Minister's approval. The power to make such a change therefore lies with the Minister.

Environmental Assessment requirements

In this instance, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification as sufficient information was provided to the Department to consider the application.

5. CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X(2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the Canada Bay Council on 27 July 2007 for 14 days until 9 August 2007. A response was received on 13 August 2007 raising the following issues:

- Support for the additional car parking
- Concern about the reduction of the deep soil planting area, and ability of the landscaping to be sustained.

Both the increased parking provision and deep soil planting proposed for the site are considered to be satisfactory, and are discussed in detail below.

6. CONSIDERATION OF PROPOSED MODIFICATIONS

Parking

The project as approved satisfies the minimum parking requirements under the RR DCP, however an additional 51 spaces are proposed (201 approved).

The following table details the proposed parking allocation in relation to the RR DCP controls:

Unit type or Use	DCP Requirements	Total Required	Proposed	Compliance
General (179 units)	Min. 1 per dwelling	Min. 179	227	Yes
1 bed (6 units)	Max. 1 per dwelling	Max. 6	6	Yes
2 bed (130 units)	Max 1.2 per dwelling	Max. 156	156	Yes
3+ bed (43 units)	Max. 1.5 per dwelling	Max. 65	65	Yes
Total Residential		Max. 227	227	Yes
Service vehicles	1 space per 50 units	4	4	Yes
Visitors	Max. 1 space per 10 units	Max 18	18	Yes
Retail (1)	nil	nil	3	No ¹
Total		Max. 249	252 (Reduced to 250 by condition)	Yes¹

1. The proponent has allocated parking spaces for the retail facility using the commercial parking rate. The retail rate does not allocate any spaces for this use. The major project application was approved with 1 retail space as it was considered that this provided an on-site parking space for an owner or manager of the retail facility, whilst still achieving the strategy in the DCP of minimising on-site parking. Providing 3 spaces is not considered to meet the strategy of the DCP, and the additional 2 retail spaces are therefore not supported, with a condition recommending the spaces be deleted from the plans. This approach is supported by the proponent.

The resultant 250 spaces comprises the maximum 249 spaces permitted by the DCP, plus the previously approved single retail space, and therefore the proposed parking allocation is considered to be satisfactory.

Disabled spaces are to be allocated at the rate of a minimum 1% of the total number of spaces. This translates to a minimum of 3 spaces. The proponent proposes 9 of the parking spaces to be disabled spaces, 5 for residents and 4 for visitors. This is greater than the minimum and is supported as it increases the number of spaces available for those with disabilities.

Of the residential parking spaces, a total of 82 spaces are in stacked formation (ie. 41 pairs), with 1 pair of stacked spaces to serve a single unit in accordance with the RR DCP. Further, a maximum of 33 three bedroom units are permitted have 2 spaces each, and a maximum of 26 two bedroom units are permitted to have 2 spaces each. To ensure the parking allocation will comply with the RR DCP, it is recommended that Condition B16 is further modified to state that the parking allocation for each unit shall be in accordance with the RR DCP.

Service vehicles spaces were not approved in the original application. A total of 4 spaces should be provided in accordance with the DCP, and therefore these additional spaces are supported.

Basement Design and Deep Soil Area

The basement is located wholly underground in a 'doughnut' configuration, with a void area in the middle of the site containing no structures. The application proposes to increase the size of the basement to accommodate the additional parking spaces by reducing the area of the central void. This will subsequently reduce the deep soil area in the middle of the site.

The original development was approved with a deep soil area of 26% of the site (including pervious paving), or 21.6% excluding pervious paving. This is greater than the minimum 20% deep soil area required under the Renewing Rhodes Development Control Plan (RR DCP).

On 20 August 2007, a revised landscape plan was provided by Site Image Landscape Architects to address concerns raised by the Department and Council regarding the impact of the modified basement on the approved landscaping plan for the site, including trees (**refer to tag B**). The revised plan features the following changes to the approved landscape plan:

- increased deep soil soft landscaping on the southern side of the site;
- changes to paving areas and locations throughout the site;
- minor changes to the location of the 6 large trees in the central courtyard; and
- soft landscaping above the basement structure including turf, and small plants and shrubs in planter boxes.

The resultant deep soil soft landscaping is 18.5% (excluding pervious paving), which is a deficiency of 1.5% under the RR DCP. The variation is considered to be minor, and with the additional soft landscaping in reduced soil depths above the basement structure, it is considered that the landscaping for the site still achieves the outcomes in the RR DCP.

8. MODIFICATION TO CONDITIONS OF APPROVAL

The Department recommends that conditions of approval apply to the proposed modifications, which amend the approved plans. These are included at **tag A**.

9. CONCLUSION

The proposed modifications are minor in detail and do not result in significant changes to the overall design and appearance nor to the conditions of the development as approved.

It is considered that the proposal, as modified, still achieves the same objectives as assessed for the originally approved under Major Project 05_0050 and does not alter the overall nature, need or justification of the approved project.

10. DELEGATION

Under the instrument of delegation dated 7 June 2007, the Minister has delegated his functions under Section 75W of the Act relating to modifying Part 3A approvals to the Executive Director Strategic Sites and Urban Renewal.

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation.

11. RECOMMENDATION

It is recommended that the Executive Director Strategic Sites and Urban Renewal, as delegate of the Minister for Planning:

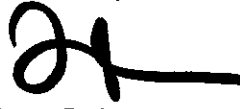
- (A) consider the findings and recommendations of this report;
- (B) approve the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the attached Instrument of Modification (tag A).

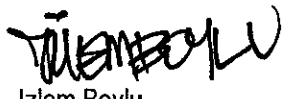
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