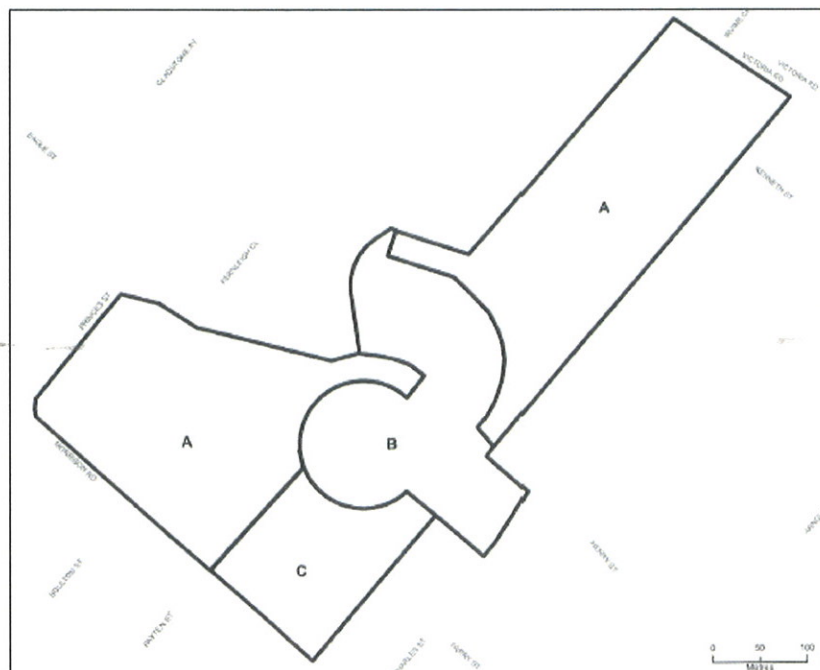


**SECTION 75W MODIFICATION
APPLICATION
ROYAL REHABILITATION CENTRE
SYDNEY – SUBDIVISION, RYDE**

MP 07_0100 (MOD 1)

Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

July 2010



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1. INTRODUCTION

This is a report on an application seeking to modify the project application approval (MP 07_0100) to modify the subdivision plan of the Royal Rehabilitation Centre Sydney (RRCS) site, Ryde.

The site is located at 600-642 Victoria Road and 59 Charles Street, Ryde and is legally known as Lot 102 DP 826426, Lot 1010 DP 836975 and Lot D DP 415046. The site is located in Ryde within the City of Ryde Local Government Area (LGA). The site comprises approximately 17.83 hectares and has frontages to Victoria Road, Charles Street, Morrison Road and Princes Street (see **Figure 1**).



Figure 1 – Location Plan of the Royal Rehabilitation Centre Sydney site

On 23 March 2006, the then Minister for Planning approved the concept plan (MP 05_0001) for the redevelopment of the RRCS site. The concept plan granted approval for a new purpose built specialised rehabilitation and disability facility, no more than 50 residential dwellings per hectare on land excluding the health facility, landscaped public and private open space and associated services and infrastructure (see **Figure 2**).

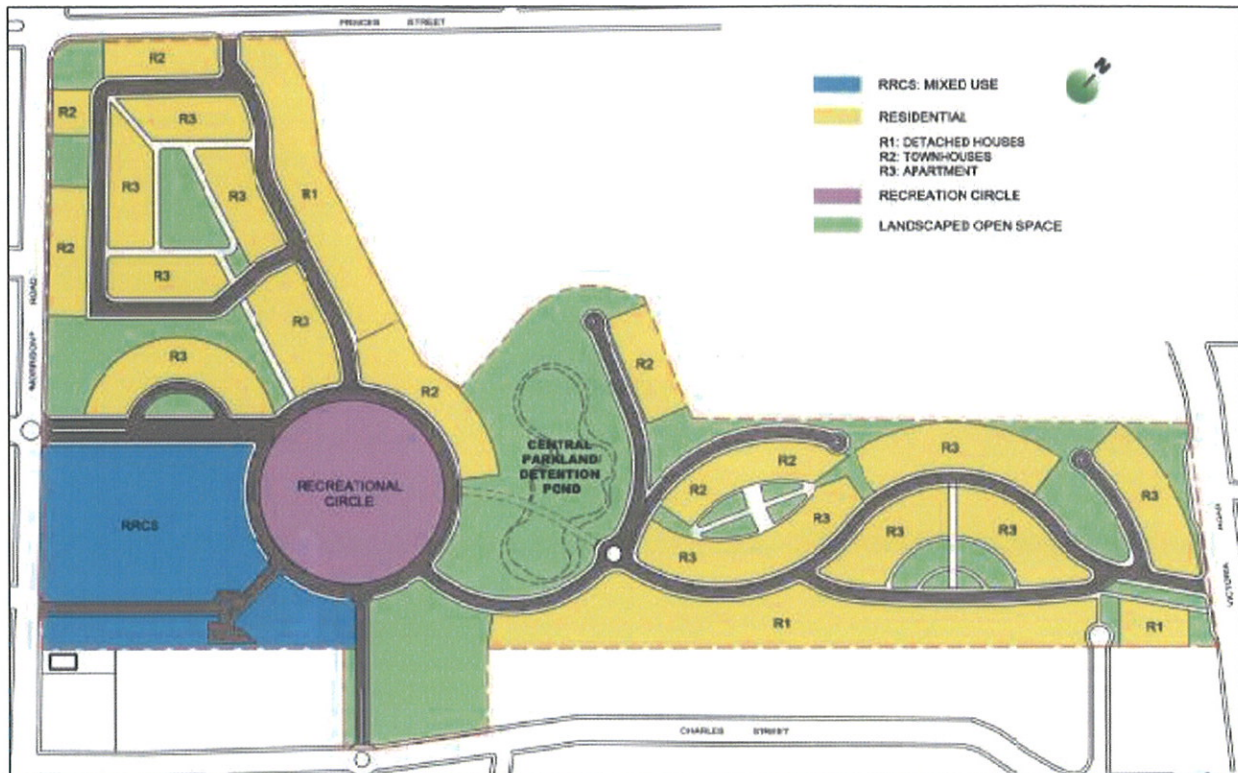


Figure 2 – Approved concept plan for the RRCS site

On 22 June 2005, the then Minister for Planning declared the RRCS site a potential State Significant Site (SSS). The SSS listing of the RRCS site under Schedule 3 of SEPP (Major Development) 2005 (MD SEPP) was subsequently gazetted on 2 August 2006.

On 12 August 2008, the then Minister for Planning approved the project application (MP 07_0100) for the carrying out of a Torrens title subdivision of the RRCS site into 7 superlots, associated rights of carriageway and service easements (see **Figure 3**).

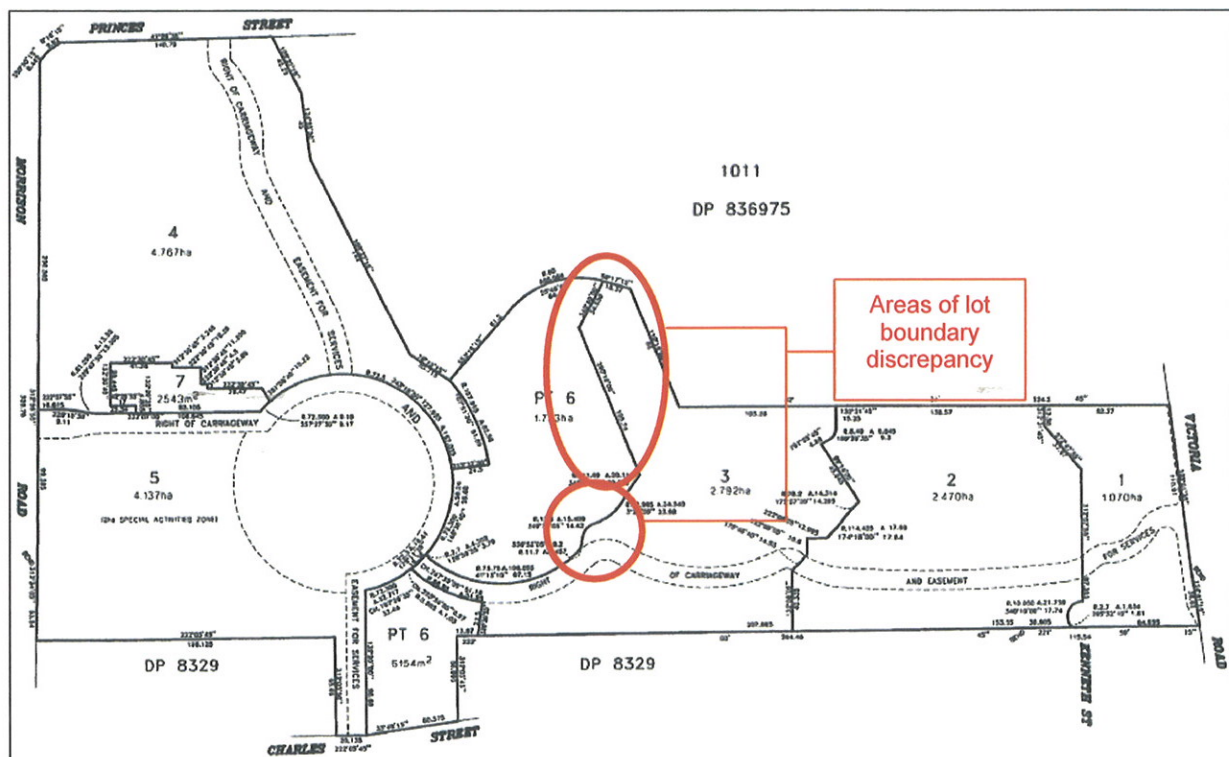


Figure 3 – Approved plan of subdivision creating 7 superlots of the RRCS site (circled areas indicate area subject to modification)

2. PROPOSED MODIFICATION

On 30 April 2010, Robinson Urban Planning Pty Ltd on behalf of Peloton Development Management Pty Ltd, who act as development managers for the RRCS site, submitted a modification application under section 75W of the EP&A Act to modify the project application approval (MP 07_0100) to modify the subdivision plan of the RRCS site.

Following queries by the Department on 6 May 2010, regarding whether the amended plans have the desired outcome the proponent is trying to achieve (described below), the application was amended on 7 June 2010 with final amended subdivision plans.

The proposed modification seeks to rectify minor discrepancies between the approved subdivision plan (**Figure 3**) and the land zoning map of the MD SEPP (**Figure 4**). This amendment will also ensure that the lot boundaries of the modified subdivision plan (**Figure 5**) are aligned with the approved concept plan (**Figure 2**), and subsequently clearly define the boundaries of the central parklands lot (Part lot 6 of the approved subdivision plan), which is to be dedicated to City of Ryde Council.

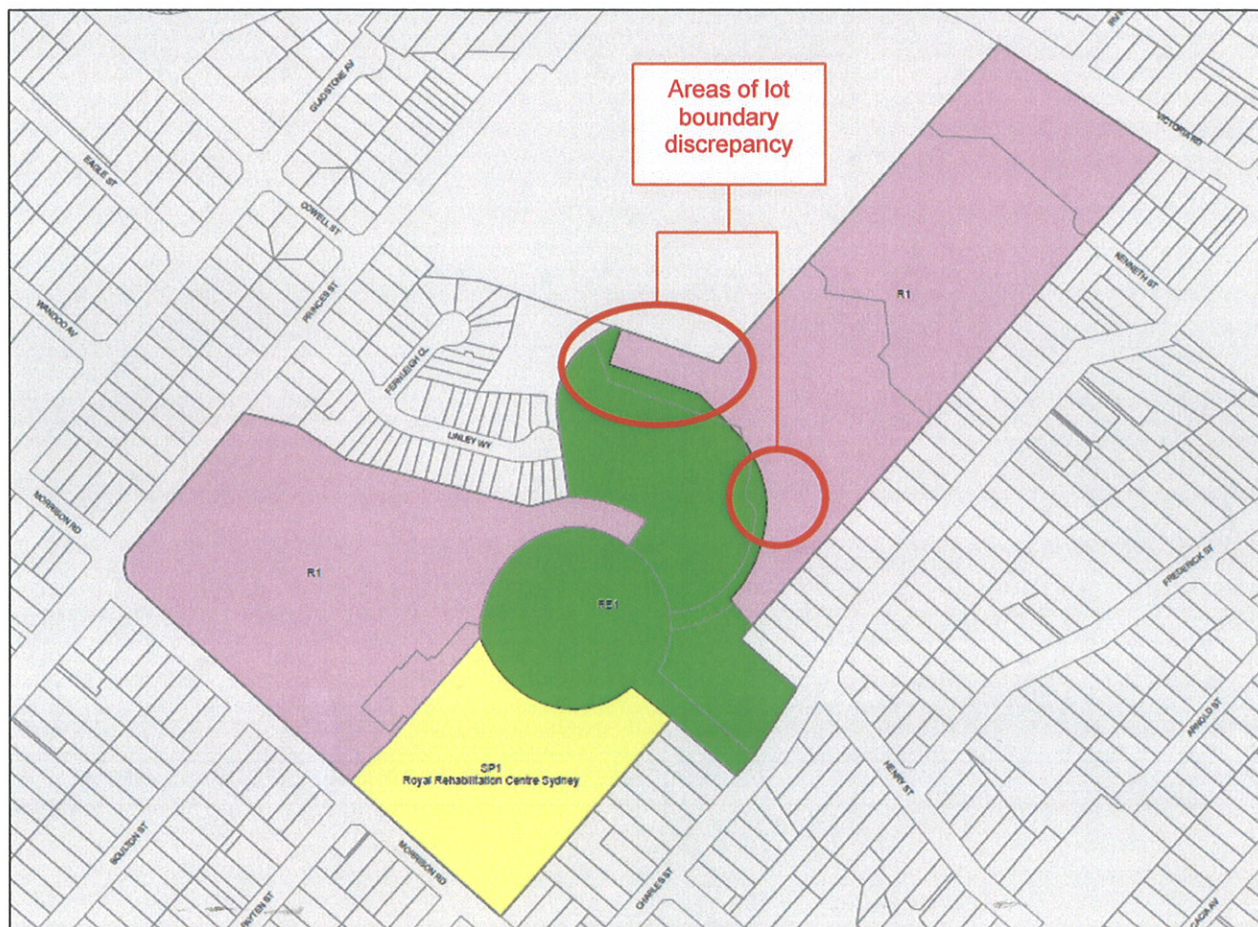


Figure 4 – MD SEPP (Amendment No.5) RRCS land zoning map (circled areas indicate area subject to modification)

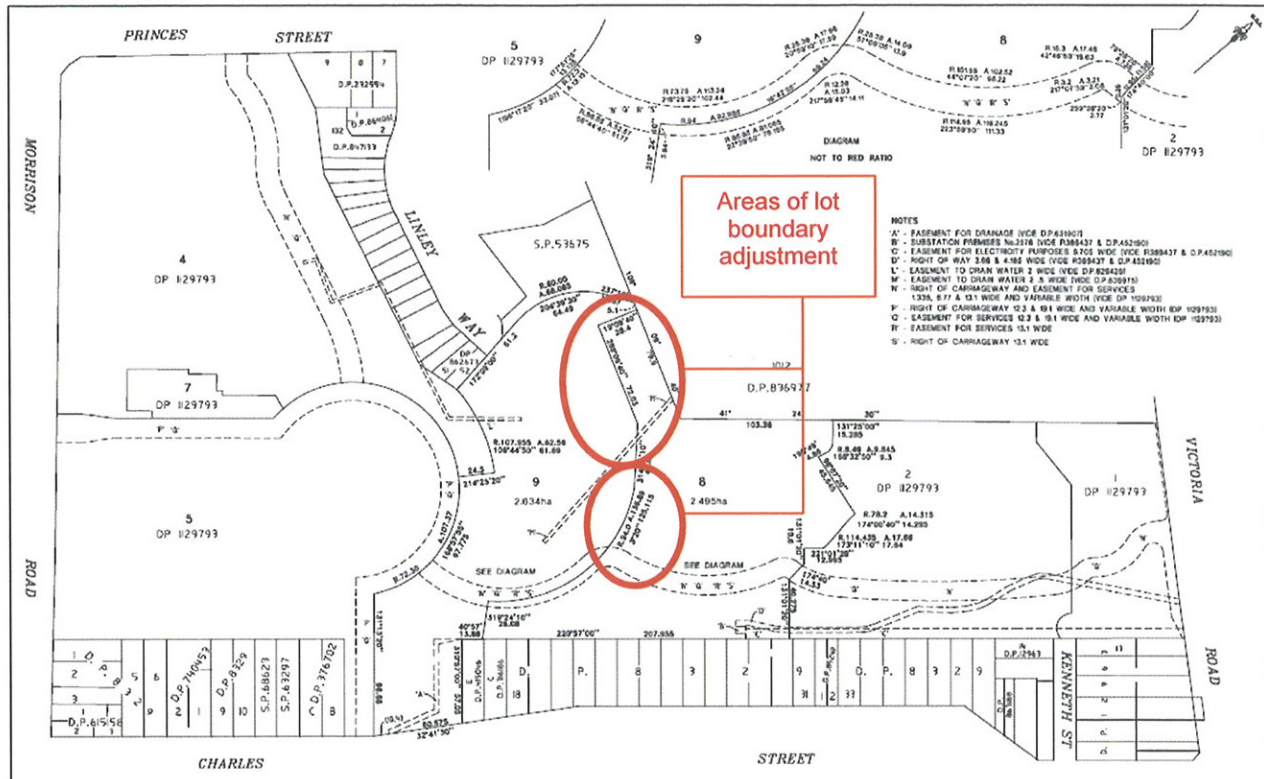


Figure 5 – Proposed modified subdivision plan (circled areas indicate areas of lot boundary adjustment)

The modification application proposes to correct the following discrepancies between the approved subdivision plan and the zoning map of the MD SEPP:

1. At the north-western narrow section of approved Lot 3 and Part Lot 6 (respectively renamed Lot 8 and Lot 9 in the modified subdivision plan). The discrepancies between the two plans arises from the fact that the approved subdivision plan shows an angled boundary at the north-western end of approved Lot 3, at the point where it adjoins approved Part Lot 6. In contrast, the zoning map shows a sharp right angled corner at this point;
2. At the boundary between the north-western section of approved Lot 3 and Part Lot 6. The approved subdivision plan shows the north-western area of approved Lot 3 to be wider in the approved subdivision plan than in the zoning map; and
3. The boundary between the approved Lot 3 and Part Lot 6 on the eastern side of the parkland area. The boundary on the approved subdivision plan shows a sharp change in direction, whereas the boundary on the zoning map curves around the south-eastern side of the parkland area.

3. STATUTORY CONTEXT

3.1 MODIFICATION OF A MINISTER'S APPROVAL

Section 75W (2) of the EP&A Act provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to change the terms of the Minister's determination through amending the approved subdivision plan and conditions of approval, the modification requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. As the modification application largely relates to administrative amendments to one condition of approval, the Department considered it unnecessary to re-issue the DGRs.

3.4 MODIFICATION TO EXISTING PROJECT APPROVAL

The RRCS site is listed within Schedule 3 of the MD SEPP and the current modification is a modification to the Minister's Determination of the Royal Rehabilitation Centre Sydney Subdivision Project Application (MP 07_0100).

3.3 CONSULTATION AND EXHIBITION

While section 75W of the EP&A Act does not require a modification application to be publicly exhibited, the application was placed on the Department's website in accordance with section 75X(2)(f) of the EP&A Act and clause 8G of the Environmental Planning and Assessment Regulation 2000. City of Ryde Council was notified of the modification application on 21 May 2010, and again on 10 June 2010 with the subdivision plans that were further amended.

The Department received no submissions from the public and 1 submission from City of Ryde Council. The key issues raised in Council's submission are summarised below.

City of Ryde Council

City of Ryde Council raised the following issues:

- The modification application should be notified as per Council's normal notification process for large applications; and
- The proposed changes to the subdivision plan may necessitate further changes to the wording of the Deed of Agreement between Council and RRCS.

Comment:

The Department considers the proposed modification to be minor in nature as it seeks to correct minor irregularities between the boundaries of the zoning map of the MD SEPP and the approved subdivision boundaries. As such, it is considered that this application does not warrant any further notification.

The Department understands that the proposed changes to the subdivision plan may necessitate further changes to the wording of the Deed of Agreement between Council and RRCS. Therefore, if the modification application is approved, the Department will include an appropriate condition relating to the amendment of the Deed of Agreement as requested by Council.

The Department's consideration of the proposed subdivision boundary realignment is outlined in Section 4.

4. CONSIDERATION OF PROPOSED MODIFICATIONS

The proposed modification seeks to rectify minor discrepancies between the approved subdivision plan (**Figure 3**) and the land zoning map of the MD SEPP (**Figure 4**) via adjusting the boundary between the central parklands lot (Part lot 6 of the approved subdivision plan), and the adjoining residential lot (Lot 3 of the approved subdivision plan).

In doing this the modification seeks to clearly define the boundary between the central parklands lot, which is to be dedicated to City of Ryde Council, and the adjoining residential lot, via rectifying part of the central parklands lot that is zoned 'General Residential Zone' and part of the residential lot that is zoned 'Public Recreation Zone'.

The central parklands lot is intended to function as both public open space and as a stormwater detention basin. The Deed of Agreement between the Royal Rehabilitation Centre Sydney and City of Ryde Council states that the central parklands lot is to be 23,384m² and is to be dedicated to Council for its ownership, management and maintenance, inclusive of stormwater infrastructure within the central parklands lot.

The amended subdivision plan will result in the transfer of 2,960m² of public recreation zone from the adjoining residential lot (now proposed Lot 8) to the central parklands lot (now proposed Lot 9), increasing the central parklands lot to 26,340m², which Council has agreed to.

The approved number of lots (seven) will not change and the pathways of the approved service easements and rights of carriageway will also not change, although two new easements would be created to service proposed Lot 8.

On the basis of the above, the Department considers that modified subdivision plan is acceptable and does not pose any adverse impacts. As such, the Department recommends that the modification application should be approved.

5. CONCLUSION

The Department considers that the modification request is acceptable and appropriate given it will result in the alignment of the subdivision plan with the zoning map of the MD SEPP and will not result in any additional impacts. As such, the modification is supported.

6. DELEGATION

Under the Instrument of Delegation dated 25 January 2010, the Minister delegated his functions under section 75W of the EP&A Act to the Director, Government Land and Social Projects, where there are fewer than 10 public submissions in the nature of objections in respect of the modification request.

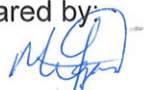
As there were no public submissions, the modification application can be determined under delegation.

7. RECOMMENDATION

It is recommended that the Director, as delegate for the Minister for Planning:

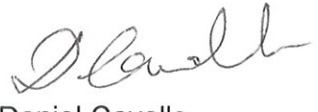
- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

Prepared by:


for George Mobayed
Planning Officer
Government Land & Social Projects

Endorsed by:

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