

DEPARTMENT OF PLANNING

Development Assessment

SUBJECT: Section 75W modification request for internal alterations to 12 – 40 Bonar Street and 5 Loftus Street, Arncliffe, Rockdale **(MP09 0148 MOD 5)**

PURPOSE

The purpose of this report is to determine a modification request for internal alterations to Block D and to correct an inconsistency between approved plans and the Instrument of Approval at 12 – 40 Bonar Street and 5 Loftus Street, Arncliffe, Rockdale.

THE SITE

The site, known as 12 – 40 Bonar Street and 5 Loftus Street, Arncliffe (Lot 100 DP 706950, Lot E DP 399131 and Lot 101 DP 706950) is located approximately 9km south-west of the Sydney CBD within the Rockdale Local Government Area (See Figure 1). The site comprises an area of 16,323m² and is bound on three sides by Loftus, Hirst and Bonar Street. The site forms part of the Bonar Street Precinct which has been rezoned to redevelop underutilised industrial land into medium to high density residential development.

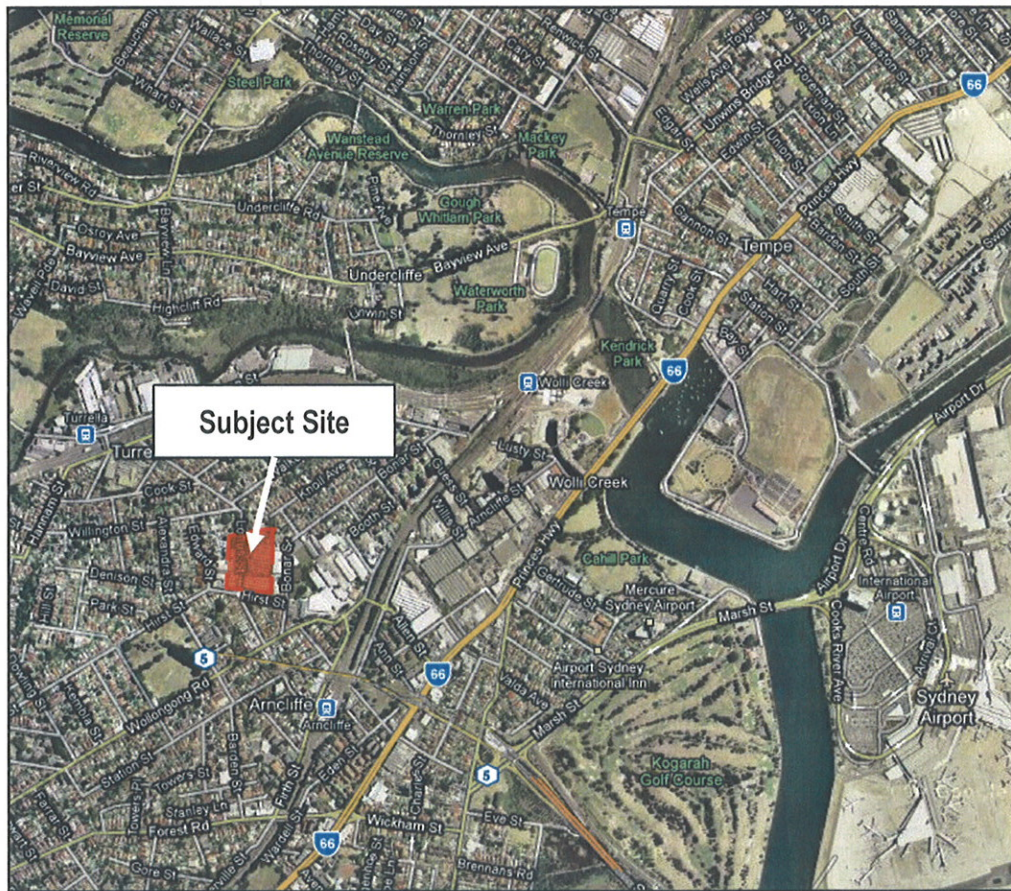


Figure 1: Site Location

BACKGROUND

On 3 March 2010, the Planning Assessment Commission approved the Major Project for the construction of a multi dwelling residential development comprising four apartment buildings with a total of 305 residential apartments, excavation and dewatering of the site, a basement level car park and associated landscaping works. The original application approved 450 car parking spaces.

On 14 May 2010, the Director of Metropolitan Projects approved a Section 75W Modification for reduce the number of car parking spaces from 450 as originally approved to 401. This was granted approval as the amendment was based on market demand and the site's close proximity to public transport. The reduced car parking rate was considered to be reasonable and unlikely to create any adverse impacts upon the locality.

On 21 April 2010, a second Section 75W Modification was lodged to the Department of Planning. This modification requested minor amendments be made to the approval in regard to Contributions. This application was withdrawn.

On 12 May 2010, a third Modification was lodged with the Department of Planning. This modification seeks to delete Condition B24 (Revised 2D flood study at intersection of Hirst/Bonar Streets) of Consent. This modification is currently still under assessment.

On 1 October 2010, the Director of Metropolitan Projects approved a Section 75W Modification for changes to the internal configuration of the development resulting in an amendment to the total number of dwellings and the dwelling mix. This modification granted approval for 307 dwellings. The approved plans however illustrated only 305 dwellings creating an inconsistency between the Instrument of Approval and Approved Plans.

PROPOSED MODIFICATION

The purpose of this modification is two-fold.

Firstly the proposal seeks to modify the number of units shown on the plans from 305 to 307. This figure is consistent with the figure previously sought in the Proponent's Environmental Assessment documentation (Modification 4) and the most recent Instrument of Approval.

In modifying the unit numbers and mix, the proposal also seeks to make internal alterations to Levels 4 and 5 of Building D to change 2 x 3 bedrooms units to 4 x 1 bedroom units. This will result in a total 307 dwellings.

The final dwelling mix which the proponent is seeking is shown below:

Unit Type	Approved (Plans Mod 4)	Proposed
Studio	5	5
1 Bedroom	38	42
2 Bedroom	238	238
3 Bedroom	24	22
Total	305	307

Table 1 – Final Dwelling Mix

The previously approved plans are provided at Tag A and the plans outlining the proposed modifications are provided at Tag B.

CONSULTATION

In accordance with section 75J of the EP&A Act and clause 8G of the EP&A Regulation; the modification request was made available on the Department's website and referred to Rockdale City Council for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request. The following comments were received from Council on 7 December 2010:

- Unit sizes: the one bedroom units do not comply with the Residential Flat Design Code under SEPP 65.

- Unit mix: the proposed unit mix is not in accordance with the recommended mix in Council's Draft Development Control Plan 2011.
- Parking allocation: proposed car parking allocation does not comply with Council's policies.

The above issues have been considered in the key issues section of this report.

On 15 December 2010, the Council provided revised conditions relating to Section 94 Contributions which reduced the total contributions payable by \$20,204.40. These conditions have been included in the Instrument of Approval. Further detail relating to Section 94 Contributions is provided in the key issues section of this report.

DELEGATED AUTHORITY

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As no public submissions were received, the Director may determine the modification request under delegated authority.

KEY ISSUES

Section 94 Contributions

The Department has assessed the modification having regard to the revised dwelling mix and the Rockdale City Council S94 Contribution Plan. It has been found that the contributions payable will be reduced due to the change in unit mix and the resulting change in population as per the S94 Plan.

The total contribution payable to Council has decreased by \$20,204.40 from \$4,455,725.92 to \$4,435,521.52

It is recommended that the Section 94 contribution conditions be amended accordingly.

Overall Amenity – SEPP 65

The Department has considered the proposed modifications against the development controls of the Residential Flat Design Code (the Code).

The proponent seeks to create 2 x 1 bedroom cross through apartments with an internal area of 58m² and an external area of 16m². This meets the Code's requirements for this particular apartment type, which states a minimum of 50m² of internal and 8m² of external living space must be provided.

The proponent also seeks to create 2 x 1 bedroom single aspect apartments. These have an internal area of 56m² and an external area of 6m². This falls short of the Code's recommended areas by 7.4m² and 4m² respectively. The area provided however does comply with the Codes 'Rule of Thumb' for affordable housing which states that a 1 bedroom apartment should have a minimum internal area of 50m². For this reason the Department considers that the proposed amendments satisfy the recommended outcomes of the Code.

Unit Mix

Council raised concerns that the proposed unit mix is not in accordance with the recommended mix in Council's Draft Development Control Plan 2011.

Meriton advise that the unit mix has been based on careful market demand analysis. This is to ensure that people are housed in the most effective manner possible. The proponent maintains

that the unit mix imposed in the Council's draft DCP does not reflect the demand for units in the locality.

The Department considers the proposed unit mix is acceptable as the change is only minor when compared to the previous approval. Furthermore the proposed dwelling mix will help Rockdale LGA to achieve their dwelling target of 7,000 additional dwellings by 2031, as outlined in the Draft South Subregional Strategy.

Parking

Council raised concerns that the proposed allocation of parking spaces did not comply with Council controls.

Unit Type	Proposed Unit Mix	RTA Guideline	DCP control	Proposed allocation	Proposed Amended Allocation
Studio	5	0 (0 per unit)	5 (1 per unit)	5	5 spaces
1 Bedroom	42	26 (0.6)	42 (1)	32	42
2 Bedroom	238	215 (0.9)	286 (1.2)	287	277
3 Bedroom	22	31 (1.4)	44 (2)	44	44
Visitor				30	30
Carwash				2	2
Service				1	1
Total	307	272	377	401	401

Table 2 – Car Parking Requirements

In response to Council's concerns Meriton have amended the proposed allocation which provides each dwelling with at least one car parking space.

Overall, the proposed amended allocation complies with Council's car parking requirements. Notwithstanding there is a minor non compliance with car parking allocations for 2 bedroom units. The modification seeks approval for 277 car parking spaces, while the DCP requires 286, a short fall of 9 spaces.

The proposed allocation does however comply with the RTA guidelines. The proposed amended figures also ensure 1 car parking space is provided per dwelling. This has been a requirement requested by Council in previous modification applications.

The Department considers this allocation to be acceptable as the departure is only minor and still complies with RTA Guidelines. Also each unit has at least 1 space and the opportunity for on street parking at the site is high. Furthermore the site is well serviced by local buses and is within approximately 400m walking distance to Arncliffe and Turrella Railway Stations, reducing the dependence on private car travel.

CONCLUSION

The proposed modifications are minor and do not result in a change to the overall design theme of the precinct. The proposal achieves the same objectives as assessed in the original approved development under MP09_0148 and does not alter the overall nature, need or justification of the approved project. It is therefore recommended that the modification be approved subject to the amended conditions.

RECOMMENDATION

It is RECOMMENDED that the Director:

- ☐ note the information provided in this briefing;
- ☐ approve the modification request, subject to conditions;
- ☐ sign the attached modifying instrument (Tag C); and
- ☐ sign the attached letters to notify the proponent and council (Tag D).

Prepared by:



Rachel Hodge
Student Planner

Endorsed by:



Ben Lusher
A/Team Leader

Approved by:



Michael Woodland
Director
Metropolitan Projects

22/12/2010