



MODIFICATION REQUEST:

***Lots 101 and 102, Precinct C
52 Walker Street, Rhodes***

***MP 10_0058 MOD 1 – Modification to the
ground floor level of Tower A***

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

September 2011

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1. BACKGROUND

1.1 The Site

The project location is located at Lots 101 and 102, Precinct C, 52 Walker Street, Rhodes, situated in the Canada Bay Local Government Area. The development area is located on the northern most part of the peninsula (**Figure 1**) approximately 500 metres to the north of the Rhodes Train Station.



Figure 1: Site Locality

1.2 Previous Approvals

On 15 November 2010, the Planning Assessment Commission approved a Project Application (MP 10_0058) for the construction of a residential development, child care centre, retail tenancy, public open space, basement car parking and infrastructure at Lots 101 and 102, Precinct C, 52 Walker Street, Rhodes (**Figure 2**). Works are currently being undertaken in accordance with this approval.

Other sites within the Rhodes Peninsula approved under Sydney Regional Environmental Plan No 29 - Rhodes Peninsula (now repealed) are either under construction or have been completed.



Figure 2: Approved Level 1 layout of the development with Tower A highlighted (MP 10_0058)

2. PROPOSED MODIFICATION

The proposal seeks approval to modify:

- the location of the childcare entry and associated ramp along the Nina Grey Avenue frontage;
- the location of the external wall dividing the indoor and outdoor play areas in the childcare centre;
- the access and services at the Walker Street frontage of Tower A, including reconfiguration of planter boxes; and
- the internal configuration of the ground floor lobby level of Tower A.

Further details of the proposed modifications are provided in **Appendix A**. The proposed modification to the ground floor level of Tower A is shown at **Figure 3** below.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Under Section 75W (2) of the EP&A Act, the Minister's approval for a modification is not required if the project, as modified, will be consistent with the existing approval under this Part. In this instance, it was concluded that the proposed modification required a formal application to modify the approval.

3.2 Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Director-General may notify the Proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, 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.

3.3 Delegated Authority

On 17 August 2011, the Minister for Planning and Infrastructure endorsed a Departmental policy that the Director-General may determine requests under Section 75W of the *Environmental Planning and Assessment Act 1979* to modify Part 3A approvals where there has been a reportable political donation disclosure lodged only in respect to a previous application, and where:

- there are less than 10 submissions by way of objection by members of the public; and
- where the relevant council has not objected to the modification.

The above criteria apply to this Section 75W request as a reportable political donation was declared in relation to the original application, however Council does not object to the proposal and no public submissions were received.

No reportable political donations were declared in relation to this Section 75W request. The application can therefore be determined by the Director-General under delegated authority.

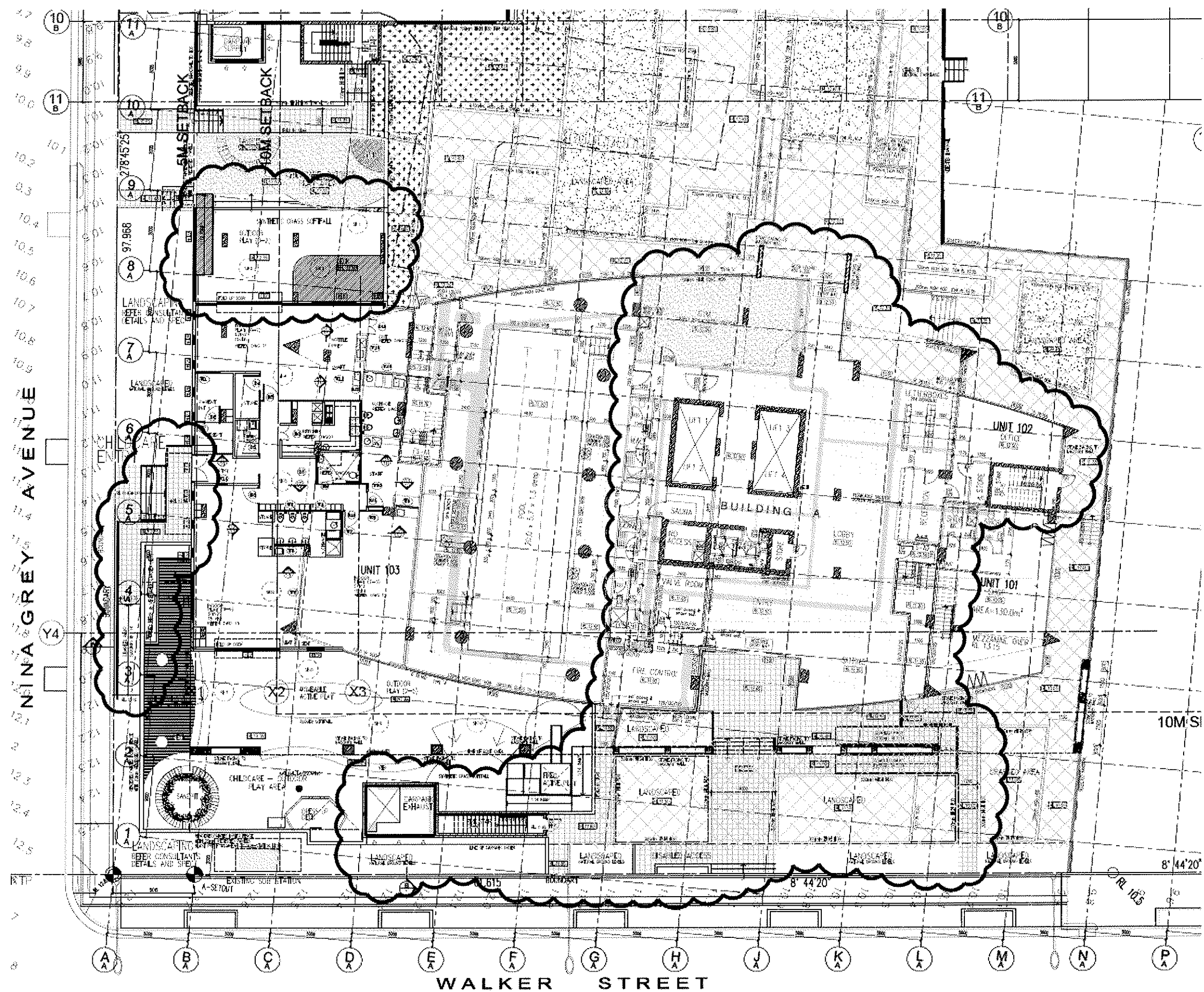


Figure 3: Proposed amendments to Level 1 of Tower A

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to Canada Bay Council for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

Canada Bay Council raised no objections to the proposed modifications, subject to the modification retaining the GFA consistent with Condition 10 of the Approval, which states:

10. Gross Floor Area Certification:

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the subject site does not exceed 49,800.3m² (in accordance with the Canada Bay Local Environmental Plan 2008 (Rhodes West). Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to issue of Construction Certificate for above ground works. Should the development be staged, then a cumulative table shall be submitted with each stage.

The Proponent has confirmed that the proposed modifications do not increase the GFA as identified in Condition 10 above.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be amendments to the childcare centre layout and external and internal design modifications to the lobby area of Tower A.

Modification to Child Care Centre

Canada Bay Development Control Plan – Child Care Centres requires that 7m² of outdoor play area be provided for each child. The amendment to the location of the wall between the outdoor and indoor areas increases the overall size of the outdoor play area to 112.5m² (additional details provided on 31 August 2011). On average 7.5sqm of outdoor play area per child is now provided based on 15 children having access to this area, which is in excess of Council's requirements.

Internal Modifications

The proposed modification to the ground floor level is to improve the layout and functionality of this level. The modifications are a result of design development and include relocating the gymnasium and office / reception area; inclusion of male and female toilets and a sauna room; and inclusion of a fire control room and other essential services.

No concerns are raised with the modifications, as they improve the use of the approved ground floor level with no increase to the overall gross floor area.

External Modifications

The proposed modification includes the reconfiguration of the car park exhaust, fire egress paths and disabled access ramps. The proposed external modifications are considered to be minor in nature; are proposed to ensure the proposal is constructed in accordance with relevant Australian Standards / Codes and conditions of Approval; and do not increase the height of the building.

The landscaping and disabled access ramp modifications are incorporated into the streetscape and are considered satisfactory as they will not adversely impact upon the Walker Street or Nina Grey Avenue frontages.

6. CONCLUSION AND RECOMMENDATION

The proposed modifications are considered to be minor and result in an improvement to the overall design of the project. The project achieves the same objectives as assessed in the original approved project and does not alter the overall nature, need or justification of the approved project.

It is therefore recommended that the modifications be approved subject to the amended conditions.

It is recommended that the Director General:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification request under delegated authority, subject to conditions; and
- (c) **sign** the attached Instrument of Modification for MP 10_0058 MOD 1.

Endorsed by



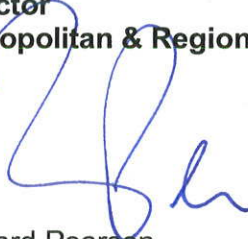
16/9/2011

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APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4880

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4880

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
