



**Planning &
Infrastructure**

MODIFICATION REQUEST:

Lot 2 DP 748682

132-138 Killeaton Street, St Ives

MP10_0057 MOD 8 – Modification to unit 449

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

August 2012

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1. BACKGROUND

1.1 The Site

The site is legally described as Lot 2 DP 748682 and is known as 132-138 Killeaton Street, St Ives. It is situated on the southern side of Killeaton Street between Mona Vale and Yarrabung Roads and is in the Ku-ring-gai Local Government Area. The site is L-shaped and has an area of 2.297 hectares. It falls approximately 3 metres from its northern (Killeaton Street) to its southern (rear) boundary.

The site formerly accommodated a complex which comprised a monastery, college and chapel. The site has been largely cleared, with only the monastery, a two storey brick building, and a small stable remaining (refer to **Figure 1** below).

Killeaton Street is a two-lane local road with parking either side and forms a T-Junction with Mona Vale Road approximately 120 metres to the west.



Figure 1: Site Locality

1.2 Previous Approvals

On 2 May 2011, the Planning Assessment Commission (PAC) approved a Project Application (MP10_0057) for the construction of a residential development including demolition and excavation; construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments; adaptive reuse of the monastery building for communal facilities including pool and gymnasium; basement parking; and landscaping works, subject to conditions of consent.

On 6 August 2011, the Director-General approved amended plans to satisfy Condition B1A of the approval. The plans (including an additional basement car parking level) provided car parking numbers in accordance with the requirements for visitor and residential parking in the *Ku-ring-gai Development Control Plan (Town Centres) 2010*.

1.3 Previous Modifications

On 17 October 2011, the Acting Director General approved a Modification Application (MP10_0057 MOD 1) which involved the use of the existing driveway along the eastern boundary during construction.

On 2 December 2011, the Deputy Director General approved a Modification Application (MP10_0057 MOD 2) for an amendment to Condition C34 and C35 to allow for the installation of a pumping system to discharge water from the basement post construction.

On 1 December 2011, the PAC refused a Modification Application (MP10_0057 MOD 3) for an amendment to Condition B12 to allow a reduction in the number of visitor car parking spaces.

On 20 February 2012, the PAC approved a Modification Application (MP10_0057 MOD 4) for amendments to building RLs, additional pergola structures and changes to rooftop areas.

On 29 February 2012, the PAC approved a Modification Application (MP10_0057 MOD 5) which included modifications to the monastery building including the layout of the ground floor to provide all of the communal facilities and two residential apartments on the first floor.

On 23 May 2012, the Deputy Director General approved a Modification Application (MP10_0057 MOD 6) which included adding pergolas to Blocks A, B and D.

Modification Application (MP10_0057 MOD 7) to include 'Staged Strata Subdivision' into the Project Approval, MP 10_0057 is currently under assessment by the Department.

2. PROPOSED MODIFICATION

This modification application proposes to modify unit 449 on the level 4 (top floor) of block A by adding a dressing room. This will increase unit 449's floor space by 4.5sqm.

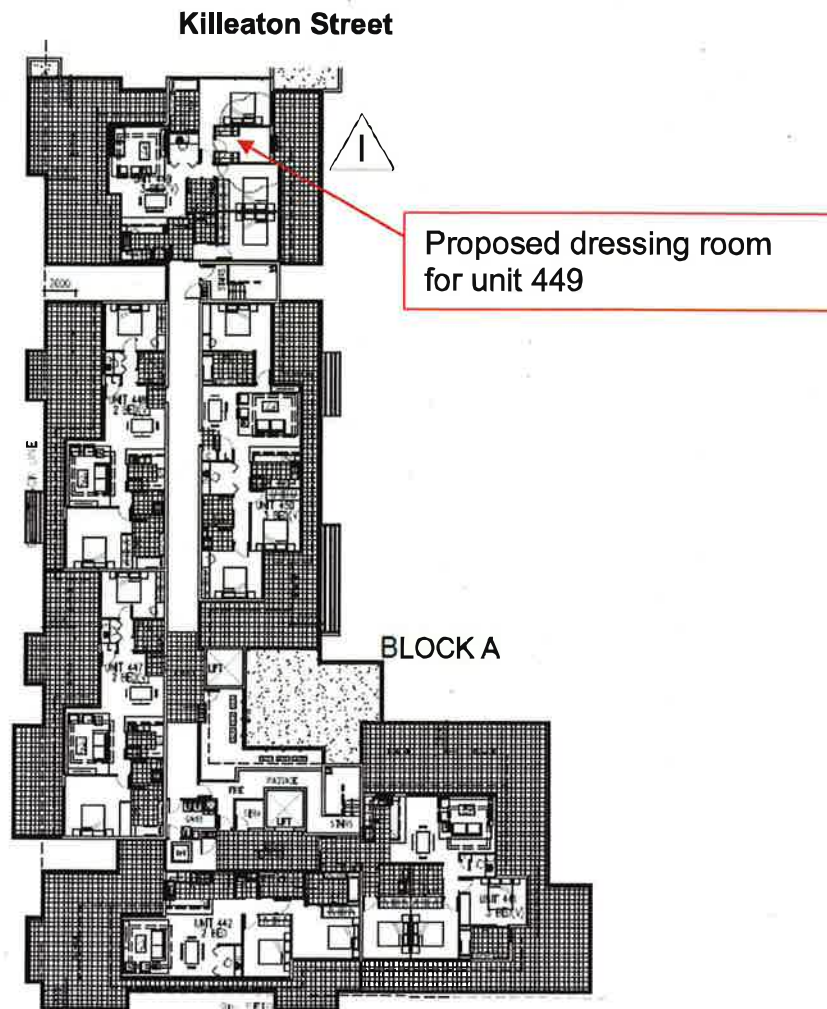


Figure 2: Unit 449 dressing room (Stage 2 – Level 4 Plan)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with Clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification application has been lodged with the Director General pursuant of Section 75W of the Act. Section 75W provides for the modification of a Minister's approval.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to amend the building form as originally approved and therefore, approval to modify the application is required.

3.3 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 a 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, as sufficient information was provided to the department to consider the application.

3.4 Delegated Authority

On 14 September 2011, the Minister for Planning and Infrastructure delegated his powers and functions under Section 75W of the Act to the Deputy Director General where:

- the relevant local council has not made an objection, and
- a political disclosure statement has been made, but only in respect of a previous related application, and
- there are less than 10 public submissions in the nature of objections.

There have been no submissions received from the public. The political donation statement which accompanied this application declared no donations had been made within the reportable period. The political disclosure statement which accompanied the original application however reported a declaration had been made at that time. Accordingly the application is able to be determined by the Deputy Director General under delegation.

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 Ku-ring-gai Council for comment.

No public submissions were received on the modification request.

4.1 Ku-ring-gai Council

Ku-ring-gai Council reviewed the proposal and raised no objection.

5. ASSESSMENT

Unit 449 is located on the top floor of Block A. The proposal seeks to modify the eastern elevation of Block A by placing a dressing room in what is currently a recessed void. The modification will change the roof line and increase the floor area of the unit from 105.7sqm to 110.8sqm.

Having regard to SEPP 65 Design Quality of Residential Flat Development and Ku-ring-gai's DCP 48 Medium Density Residential Development, the unit will retain a high level of internal amenity with minimal impact on access to sunlight and ventilation. The balcony on the eastern side will be reduced but overall, unit 449 retains a large balcony area. The articulation of the roof line and the building wall of the top floor will be changed, but the building will retain a high level of articulation.

6. CONCLUSION AND RECOMMENDATIONS

The proposal seeks to amend the original approval by adding a dressing room to unit 449 in Block A. The proposed modifications are considered to be minor and do not result in significant changes to the overall development. The proposal achieves the same objectives as assessed for the originally approved development under MP 10_0057 and does not alter the overall nature, need or justification of the approved project.

It is recommended that the Deputy 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 MP10_0057 MOD 8.

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30/8/12

APPENDIX A MODIFICATION REQUEST

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5257

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
