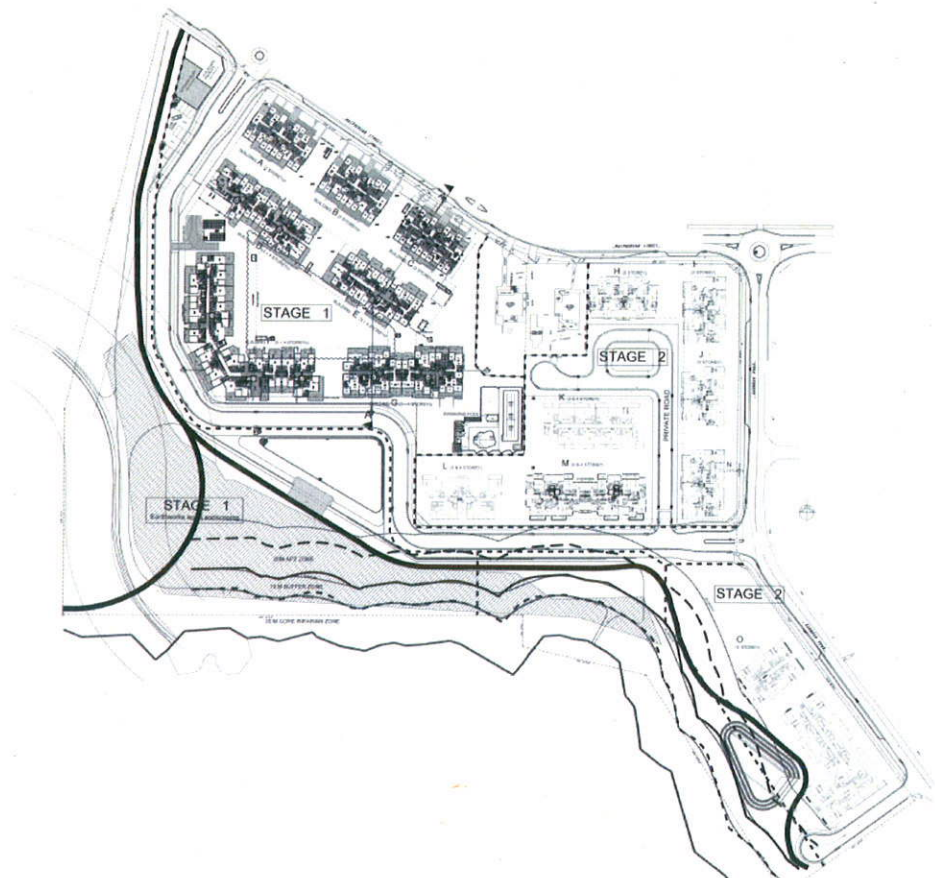




**MODIFICATION REQUEST:
Residential and Child Care Centre
Development
14-18 Boondah Road Warriewood
MP10_0177 MOD 9**



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

July 2012

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1. BACKGROUND

1.1 The Site

The subject site, 14-18 Boondah Road, Warriewood, is located in the Warriewood Valley Release Area within the Pittwater Local Government Area (LGA). The site is irregular in shape, has an area of 8.118 hectares and frontages of 293 metres to Boondah Road and 273 metres to Macpherson Street. Vehicular access is available from both road frontages. The land slopes approximately 2.5 metres to the rear (south) towards the wetlands.

The site is currently being developed in accordance with the approved Stage 1 Project Approval (MP.10_0177).

The site locality and site boundary is illustrated in **Figure 1**.



Figure 1: The Site

1.2 Previous Approvals

On 18 January 2011, the Planning Assessment Commission (PAC) approved a Concept Plan (MP 09_0162) for a multi-unit housing development and child care centre, private and public open space, parking, road works, pedestrian and cycle pathway, landscaping and ecological rehabilitation works.

The PAC also issued Stage 1 Project Approval (MP 10_0177) for a development comprising:

- demolition of the existing buildings and structures on site and tree removal;
- excavation, earthworks and flood mitigation works;
- construction of 7 residential buildings apartments with associated pools and gymnasium;
- childcare centre;
- external road works, internal public access roads, pedestrian and cycle way; and
- ecological rehabilitation and landscaping works.

1.3 Previous Modifications

A number of modification applications have been pursued by the proponent. These modification applications are summarised in **Table 1** below.

Table 1: Previous Modifications

Concept Plan Modifications		
Modification No.	Application details	Determination
MP09_0162 MOD 1	The deletion of the internal road, re-alignment of the pedestrian/bicycle path routes, amendment to the requirements of accessible units and car parking provision.	Approved by PAC on 15 December 2011
Project Modifications		
Modification No.	Application details	Determination
MP10_0177 MOD 1	The deletion of the second basement level and provision of a total of 474 spaces within a single level basement. Amendment to Condition B13 to provide for a car parking rate of 2 resident car parking spaces per 2 bedroom unit and 1 visitor car parking space per 5 units.	Approved by PAC on 15 July 2011
MP10_0177 MOD 2	Modification of Condition C19 – Ground water to allow for the installation of a permanent pumping system to ensure the basement is free of stormwater.	Approved by the Director General on 12 October 2011
MP10_0177 MOD 3	Amendment to the basement car park plan including the deletion of a vehicular entry/exit point.	Approved by PAC on 15 November 2011
MP10_0177 MOD 5	Amendment to Condition C21 relating to CPTED measures within the basement car park for the painting of the soffit.	Approved by PAC on 12 January 2012
MP10_0177 MOD 7	Staged strata subdivision of Buildings A, B, C, D, E, F, G and Pool Building.	Approved by the Deputy Director General on 18 April 2012
MP10_0177 MOD 4	Staging of road works within Boondah Road and Macpherson Street, staging of landscaping and deletion of requirement for cost sharing of the roundabout at the entry to the Anglican Retirement Village.	Approved by PAC on 10 May 2012
MP10_0177 MOD 8	Amend the wording of various conditions relating to the timing of the development including C2(c), C2(d), C12(d), C12(e), F4, F12, F13, F14(a), F16 and F17.	Approved by the Deputy Director General on 23 May 2012
MP10_0177 MOD 6	Deletion of internal roadway linking Macpherson Street and Boondah Road and replacement with two private roads and realignment of the bicycle path route.	Approved by the PAC on 12 June 2012

Stage 1 of the development as modified comprises the construction of 7 residential buildings with associated basement parking. The development comprises a total of 226 dwellings with a mix consisting of 1 x studio, 25 x 1 bedroom apartments, 185 x 2 bedroom apartments and 15 x 3 bedroom apartments.

2. PROPOSED MODIFICATION

The proposal relates to design modifications to Buildings E and G. The proposed design modifications include:

- the introduction of studies to Units 134, 135, 234, 235, 330 and 335 of Building E and Units 361 and 362 of Building G;
- relocation of storage and laundry cupboards in Units G69, 169, 269 and 368 of Building G;
- the extension of the roof slab above Terrace 2 of Unit 330 in Building E;
- additional windows and door openings to Unit 332 of Building E located on the third floor;
- amendment to window and door openings to Unit 361 of Building G; and
- amendment to 'pop-up' roof elements on Building G.

As a result of the above design changes, Condition A1 of Project Approval MP10_0177 is proposed to be amended to include revised plans and elevation details of Buildings E and G.

The proponent seeks also to amend an administrative error contained in Condition A1 relating to a drawing number reference which was approved under a previous modification (MOD 6) of the development.

3. STATUTORY CONTEXT

3.1 Continuation of Part 3A

Under clause 3C of Schedule 6A to the *Environmental Planning & Assessment Act 1979* (the Act), Section 75W of the Act (as in force immediately before its repeal on 1 October 2011) continues to apply for the purpose of the modification of a project application approved before or after the repeal of Part 3A.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Department may approve or disapprove of the modification to 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 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 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 modify conditions imposed on the Project Application approval and therefore, approval to modify the application is required.

3.3 Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original DGRs.

3.4 Delegated Authority

The Minister has delegated his functions to determine section 75W modification applications to the Deputy Director General, Development Assessment & Systems Performance where:

- the relevant 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 objecting to the proposal.

No submissions have been received from the public and Pittwater Council did not object to the proposal. While a donation has not been disclosed in relation to this application, the proponent provided a statement disclosing a reportable political donation with the previous Concept Plan (MP09_0162).

Accordingly this modification application is referred to the Deputy Director-General, Development Assessment & Systems Performance for determination.

4. CONSULTATION AND SUBMISSIONS

Under Section 75W of the Act, a request to modify an approval does not require public exhibition. However, under Section 75X(2)(f) of the Act, the Director-General is required 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 application to modify the approval was made publicly available on the Department's website and was referred to Pittwater Council.

Pittwater Council did not object to the proposed modification subject to the Department being satisfied that the changes:

- will not result in the study areas being able to be converted into additional bedrooms that in turn require additional car parking spaces; and
- are in accordance with the BASIX certification.

Proponent's response

The proponent responded to Council's comments on 12 June 2012 by providing a revised BASIX Certificate due to the change in the thermal comfort score for Building E.

With regard to the proposed studies, the proponent has stated that they are identified as studies on the approved plans and any change will be a non compliance.

Comment

A total of eight studies are proposed in units to Buildings E and G ranging in floor areas of approximately 5m² to 10.4m².

The Department does not consider the conversion of studies to bedrooms or the resulting parking requirements to be a significant issue based on the size of the studies and the rates that apply to unit types. This issue is further discussed under Section 5.1 of this report.

The proponent submitted a revised BASIX Certificate in response to Council's submission.

The Department raises no further issue in this regard and recommends the referencing of the revised BASIX Certificates to be incorporated in an existing Statement of Commitment (see **Schedule 2 of Appendix C**).

5. ASSESSMENT

The Department considers the key issue for the proposed modification to be:

- Conversion of studies into bedrooms
- Aesthetic quality

As noted in Section 4, Council raised issue with the possibility that studies could be converted into additional bedrooms which would impact parking requirements.

In this regard, the Department raises no issue with the introduction of studies for the following reasons:

- the proposed studies are generally not conducive for use as bedrooms due to their dimensions (5-10m²);
- only two out of the eight studies proposed are of a sufficient size to present a possibility to be used for anything other than a study or for storage purposes. These studies are contained in Unit 335 of Building F and 361 of Building G;
- should the two studies in Units 335 and 361 be converted into additional bedrooms, it would have no implications on parking requirements given these two units are approved as 2 bedroom units and the rate remains constant for units that contain two or more bedrooms; and
- the proposed studies will not change the bulk and scale of the development and gross floor area will remain unchanged.

A typical study proposed under this modification application is depicted in **Figure 2** below.

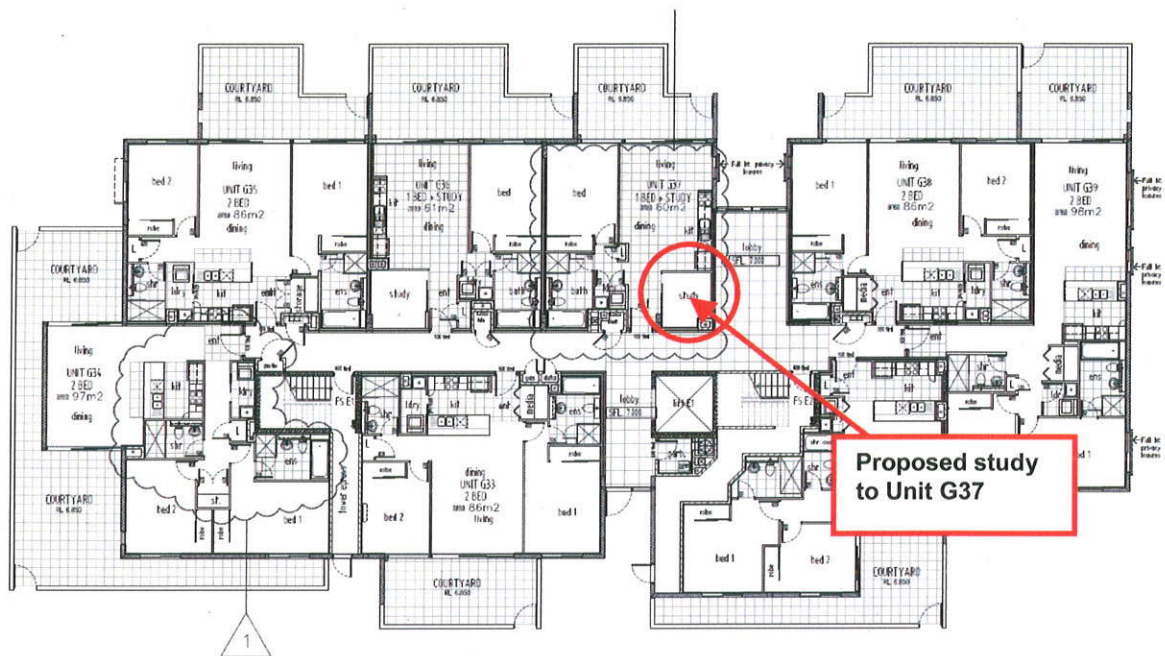


Figure 2: Building E, Ground Floor Plan

The Department recommends the introduction of studies be approved and consequently, Condition A1, 'Development in Accordance with Plans and Documentation' be amended to accommodate the revised plans.

5.2 Aesthetic quality

Proposed 'pop-up' roofs

The reconfiguration of windows and door openings to Buildings E and G are considered minor as they relate to small areas of the building's facades. Furthermore, the introduction of 'pop-up' roofs to Building G serves to maintain a design element that has been consistently applied to the majority of approved buildings in the development. The proposed 'pop-up' roofs are depicted in **Figure 3**. Previously approved 'pop-up' roofs are depicted in **Figure 4** belonging to Buildings A and B.

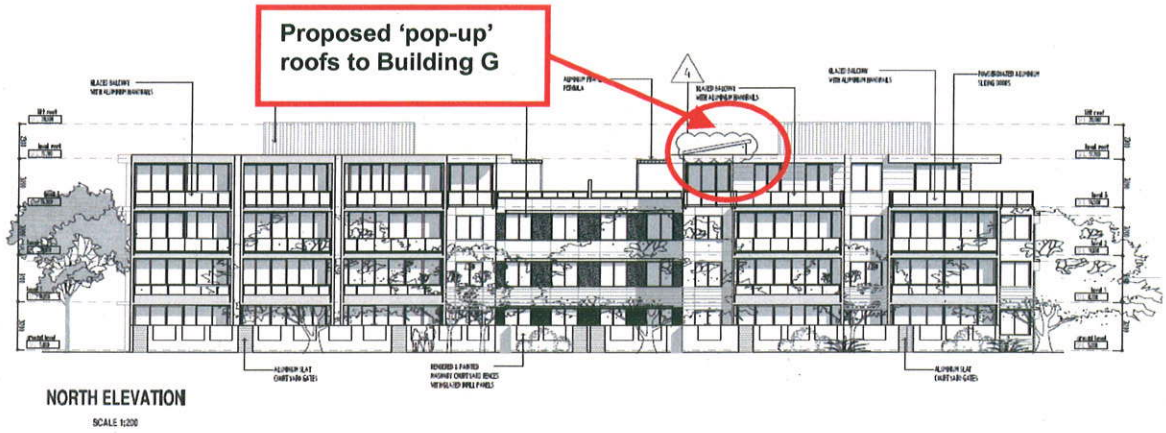


Figure 3: Proposed 'pop-up' roofs to Building G

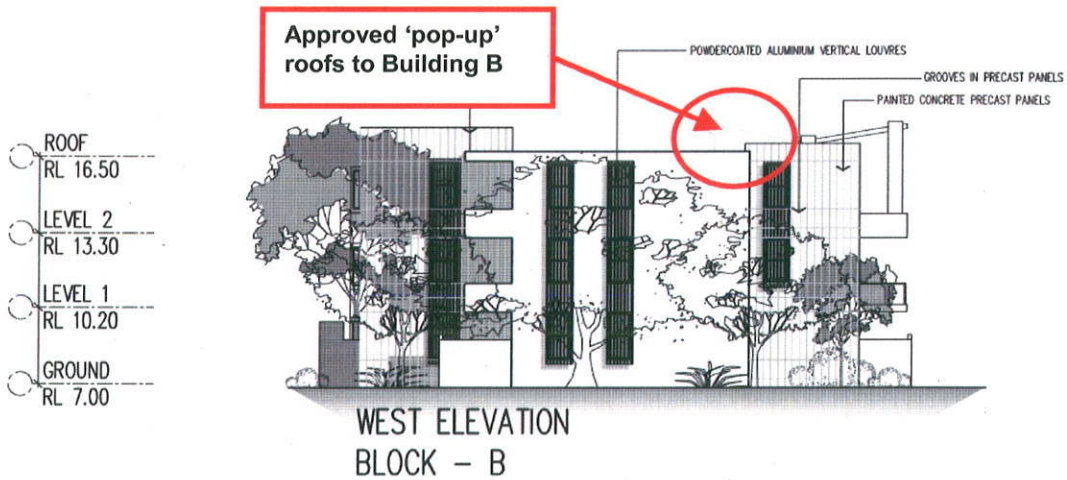
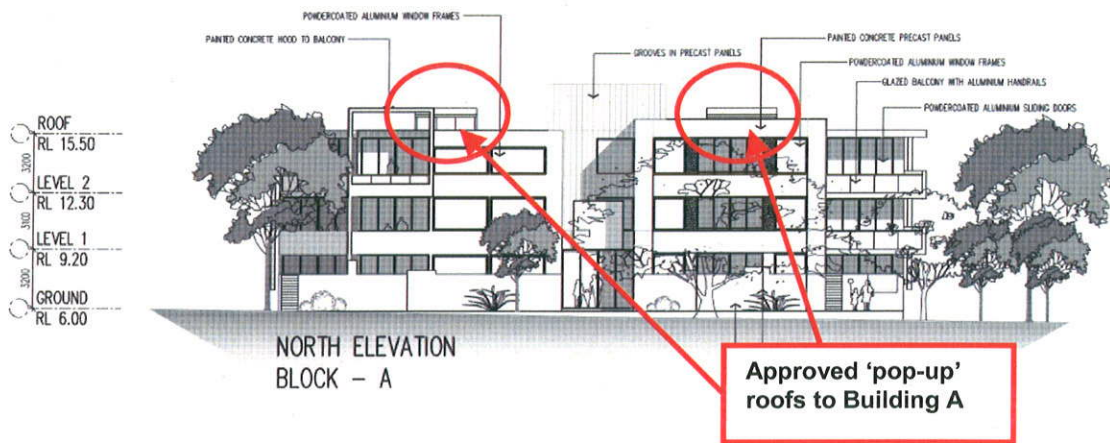


Figure 4: Approved 'pop-up' roofs to Buildings A and B

Proposed extension of roof slab

The proposed extension of the roof slab to Building G serves to provide shade to a terrace of Unit 330. The impact of this design change is considered to be negligible to the overall bulk and scale of the building given the projection of the roof slab and that it covers a relatively small area of approximately 12m². Furthermore, the proposed roof slab does not project above the height of the building and maintains uniformity with other horizontal façade treatments which include awnings and pergolas.

Figure 5 depicts the extent of the proposed roof slab extension and its appearance on the south elevation of the building.

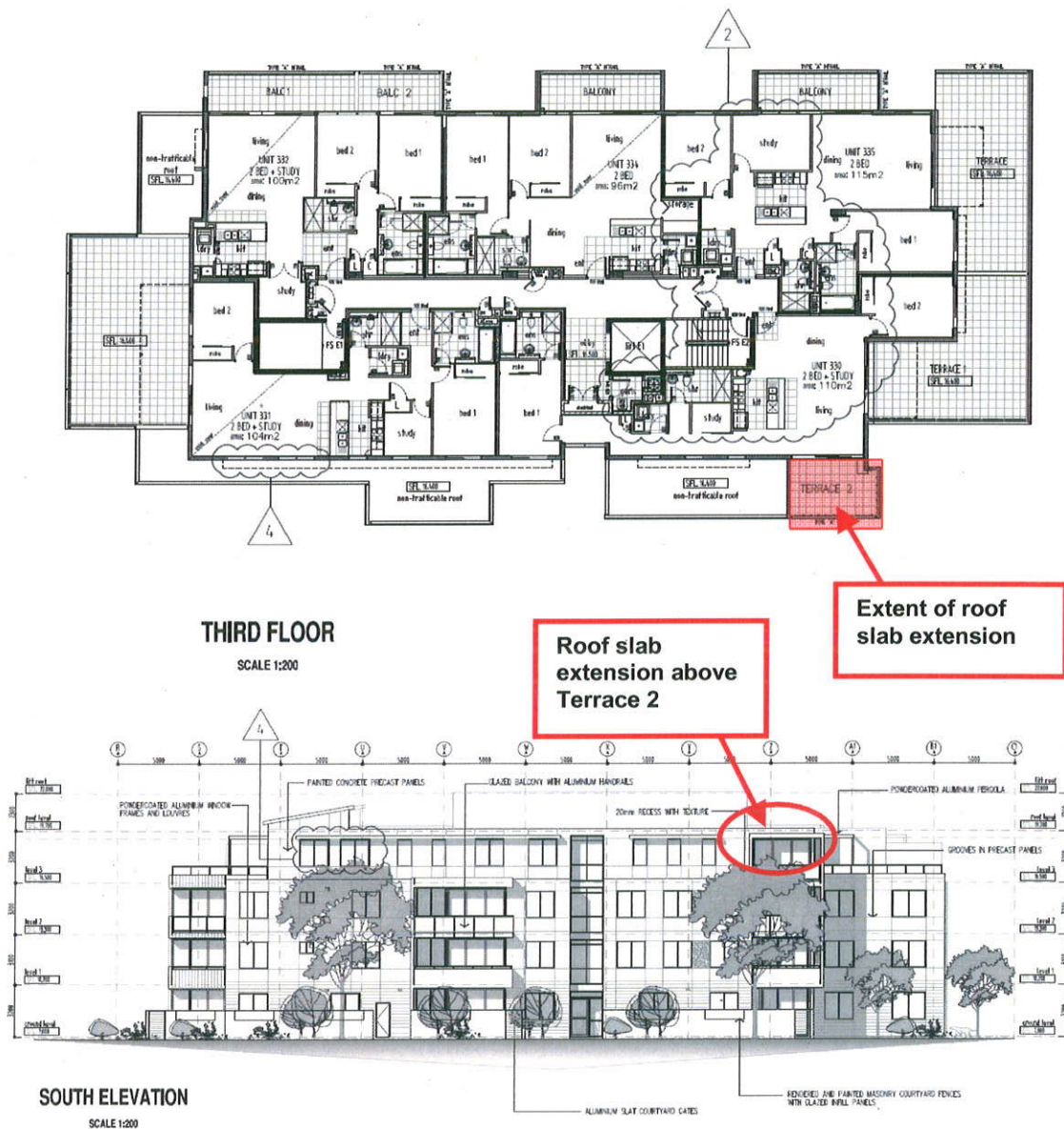


Figure 5: The extent and location of the proposed roof slab to Building E in plan and elevation

The Department raises no issue with the proposed 'pop-up' roofs and the extension of the roof slab to Building G and E as the impact on bulk and scale is considered negligible and they are consistent with existing design elements of the buildings.

6. CONCLUSION AND RECOMMENDATIONS

The Department is satisfied that this modification application falls within the scope of section 75W of the Act. The proposed modification does not change the original assessment as to the site's suitability for this development.

The proposed modification involves minor internal and external design modifications that do not result in a change to the bulk, scale and siting of the approved buildings. Furthermore, the proposed modifications are considered to be consistent with existing design elements of the approved buildings on the site.

Consequently, no issue is raised with the proposal and the subsequent amendment of Condition A1 to update relevant documentation and correct a reference to a drawing number.

The proposed modification is therefore considered to be acceptable.

It is recommended that the Deputy Director General, Development Assessment & Systems Performance:

- (A) **Consider** the 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 (**Appendix C**).



**A/Director
Metropolitan & Regional Projects South**



**Executive Director
Major Projects Assessment**

**Deputy Director-General
Development Assessment &
Systems Performance**