

September 2013

## Statement of Environmental Effects Section 75W Application

Minimal environmental impact, where the development as originally approved remains substantially the same

**Application No.:** MP10\_0189 (Sec 75J)  
**Determination Date:** 1<sup>st</sup> may 2012

AND

**Application No.:** MP10\_0189 MOD 1 (Sec 75W)  
**Determination Date:** 19<sup>th</sup> September 2012

**Proponent:** Frasers Putney Pty Ltd  
**Approval Authority:** Minister for Planning & Infrastructure  
**Subject Land:** Former Royal Rehabilitation Centre Sydney site, Ryde  
600-640 Victoria Road, Ryde (Lots 1,2,3 and 7 in  
Deposited Plan 1129793)  
**Project:** Residential Development- Stage1, Figtree Building

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Prepared by	Prepared for DA lodged at	Purpose	Date of Issue	Note
JA	Department of Planning	Final	September 2013	

# 1. INTRODUCTION

## 1.1. Preamble

This brief report is submitted to support a Section 75W amendment to the approval issued by the minister of planning on 1<sup>st</sup> May 2012 in respect to major Project MP10\_0189, 600-640 Victoria Road, Ryde (Lots 1,2,3 and 7 in Deposited Plan 1129793)

Stage 1, Phase 1 – Figtree Apartments.

This Application seeks to modify the consent by making minor design alterations to building 1, Figtree Apartments and external landscape works.

This Application does not seek the consent for any variations to building controls, consent conditions nor does it increase the Environmental Impact.

In reviewing the following relevant Plans and Documentation prepared by JBA Planning and Cox architects,

A-PA-SP-01 01	Indicative Site Staging Plan 12.12.2011
A-PA-FP-A0 01	Apartment Plans 12.12.2011
A-PA-FP-A1 01	Apartment Plans 12.12.2011
A-PA-FP-A2 01	Apartment Plans 12.12.2011
A-PA-FP-A3 01	Apartment Plans 12.12.2011
A-PA-FP-A4 01	Apartment Plans 12.12.2011
A-PA-FP-A5 01	Apartment Plans - Typical 12.12.2011
A-PA-FP-AE1 01	Apartment Type 1 - Elevations 12.12.2011
A-PA-FP-AE2 01	Apartment Type 1 - Elevations 12.12.2011
A-PA-FP-AS 01	Apartment - Sections 12.12.2011

we are comfortable that the development remains substantially the same and that the changes can be assessed pursuant to Section 75W (Section 96 1A equivalent) of the Environmental Planning and Assessment Act 1979.

All changes have been addressed in this statement; this statement must be read in conjunction with the accompanying plans prepared by Australian Consulting Architects P/L Dated September 2013.

## 1.2 Description of Changes

The application seeks to modify consent MP10\_0189 by making minor design alterations to the 47 Apartment Residential Building known as Figtree Apartments.

The proposed changes involve the redesign of 2 X Main entry Lobbies, the removal of an entry portico and changing part of a Balustrade from solid masonry to a powder coated aluminium palisade style balustrade. For a detailed list of changes please refer to part 3.4 of this report.

The proposed changes are limited to the constraints of the Figtree Apartments Residential Building, this application does not extend to the 55 semi detached/terraced and 14 detached dwellings that are subject to the same consent, MP10\_0189.

## 1.3 Site Description

The Original Site is known as Royal Rehabilitation Centre Sydney site, Ryde 600-640 Victoria Road, Ryde (Lots 1,2,3 and 7 in Deposited Plan 1129793) and located on the South Western Side of Victoria Rd and is subject to a major development by Frasers Property known as Putney Hill.





## 2. PLANNING ISSUES

### 2.1 Provisions of the Act & Regulations

Section 96(1A) of the Environmental Planning & Assessment Act 1979 states:

*(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Clause 115 of the Environmental Planning and Assessment Regulation 2000 establishes several requirements relevant to this application (not all clauses included below):

- (1) An application for modification of development consent under section 96 (1), (1A) or (2) or 96AA (1) of the Act must contain the following information:*
- (d) a description of the proposed modification to the development consent,*
- (e) a statement that indicates either:*
  - (i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or*
  - (ii) that the modification is intended to have some other effect, as specified in the statement,*
- (f) a description of the expected impacts of the modification,*
- (g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,*

The Proposed amendments are considered to have minimal environmental impact (equivalent to a Section 96 1A) and therefore it is appropriate that this application be assessed under a Section 75W of the EP & A Act 1979.

## **2.2 Provisions of Environmental Planning Instruments**

The subject building is part of an approved major development (MP10\_0189) this application does not propose the amendment of any Planning Instruments or regulations. The subject building is currently under construction and the changes are a result of developer requested changes and to a lesser extent 'as built' on site changes.

Established Building Height, Floor space, setbacks Orientation etc remain substantially the same development per Approved Plans prepared by Cox Richardson.

### **3. IMPACT ASSESSMENT**

#### **3.1 Assessment of Potential Impact**

Guidelines for assessing s96 modifications state that the consent Authority must:

- Consider the impacts of the original development as if they were occurring at the time the modification application is determined.
- Compare the likely impacts of the proposed modified development, including the environmental, social and economic impacts, with the impacts of the original development.

Since the original approval, there have been no changes to the natural environment around the site that warrant consideration as part of this modification. It should be noted that construction has commenced on the subject site.

3.1.1 Context and setting; potential impacts on adjoining properties:

3.1.2 Access, traffic and parking:

There are no changes to access, traffic or parking.

3.1.3 Public domain:

No major visible change will result from the proposed changes. The Entry portico to the Figtree building has been removed however it was intended to serve the Figtree building only, the effect on Public Space is minimal.

3.1.4 Heritage:

There are no additional impacts or changes in this area.

3.1.5 Utilities; Other land resources; Water; Soils; Air and Microclimate; Flora & Fauna; Waste; Energy; Noise & vibration; Natural Hazards; Technological Hazards:

There are no significant additional impacts or changes in this area.

3.1.6 Safety, Security & Crime Prevention; Social impact in the locality.

There are no significant additional impacts or changes in this area.

3.1.7 Site Design and internal design:

3.1.8 Construction; Cumulative Impacts:

There are no significant additional impacts or changes in this area. It is noted that construction is underway however and major delays in assessment will cause construction delays at some stage.

### 3.2 Suitability of the Site

The suitability of the site has already been assessed. It is considered that the overall site orientation and position of adjoining homes mean that the proposed modification can be achieved easily and with no impact to other properties.

In this regard the site is extremely suitable to accommodate the minor cosmetic changes. The modification also results in a building which remains of consistent scale and appearance to the approved intended building (MP10\_0189)

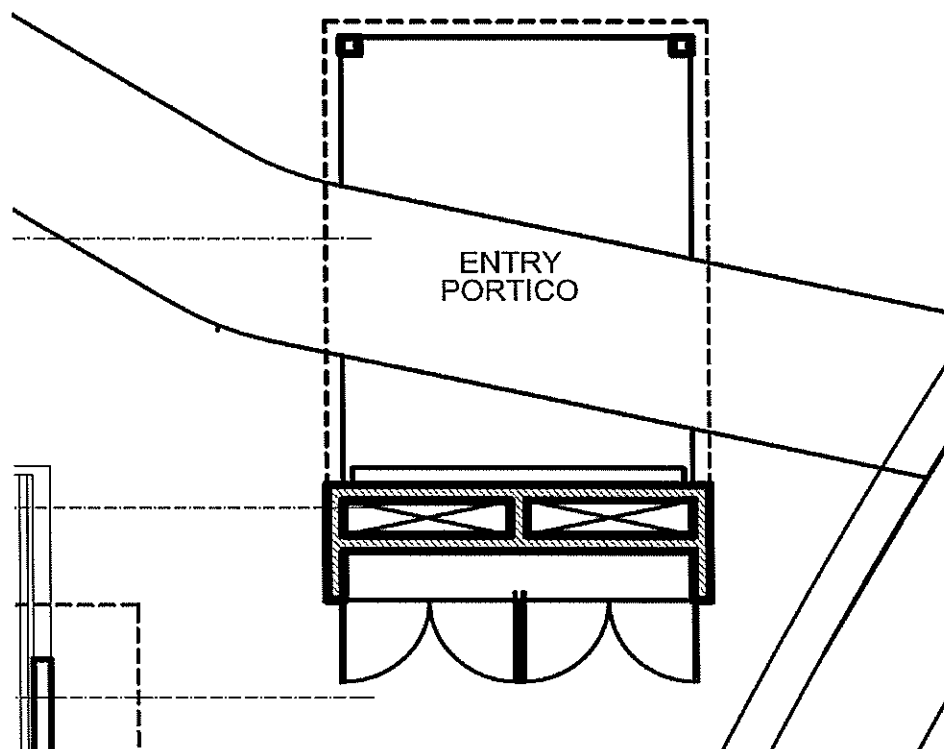
### 3.3 Variations to Conditions of Approval.

It is considered that no conditions of consent would need to be altered to accommodate this proposed modification.

### 3.4 Detailed Description of Changes

The following is a list of changes that should be assessed under this application and should be read in conjunction with plans prepared by Australian Consulting Architects Pty Ltd Dated September 2013,

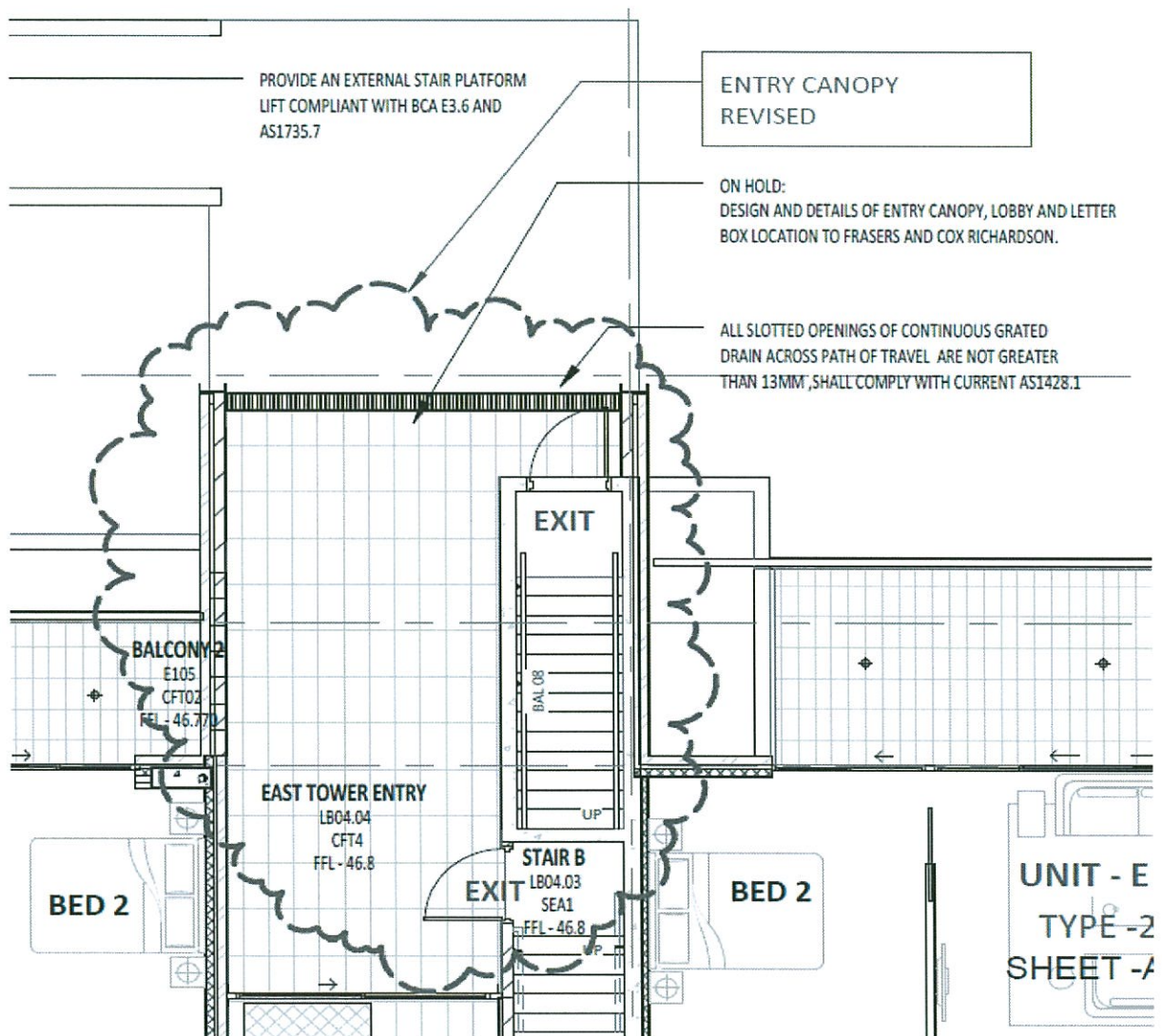
- 3.4.1 The entry Portico located at the North Eastern Corner of the property will not be constructed. The developer has opted to move the letterboxes previously located within the portico to the amended Entry Lobbies.



Entry Portico to be removed

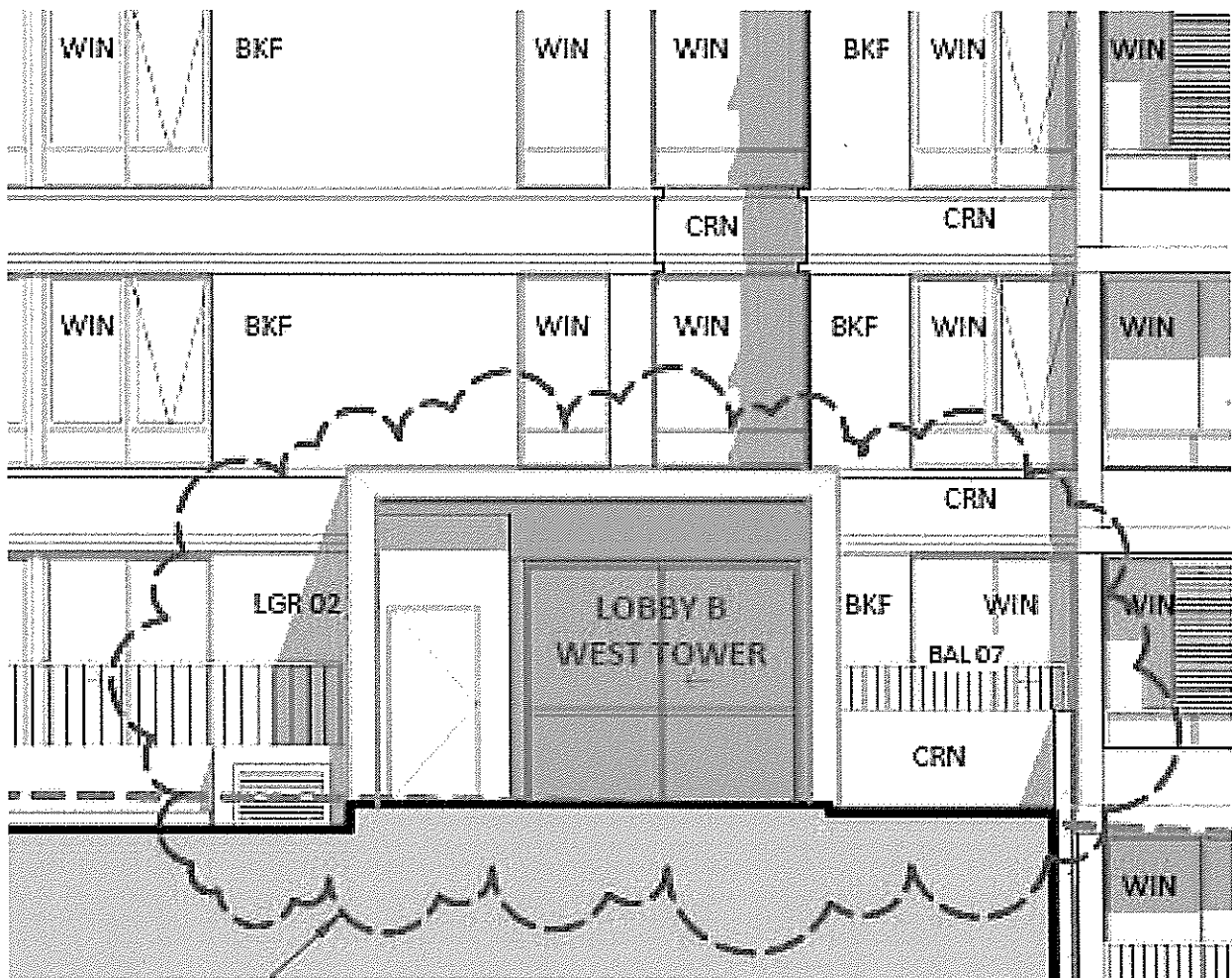
Extract from Cox Richardson Plan A-PA-FP-A1 Revision 02 2012-05-10

- 3.4.2 The 2 X Entry Lobbies located on the northern facade of the building have been amended include an additional enclosing wall that letterboxes will be located within and the ceilings to the lobbies have been raked to increase the flow of smoke (in the event of a fire) in order to comply with a fire engineering solution.



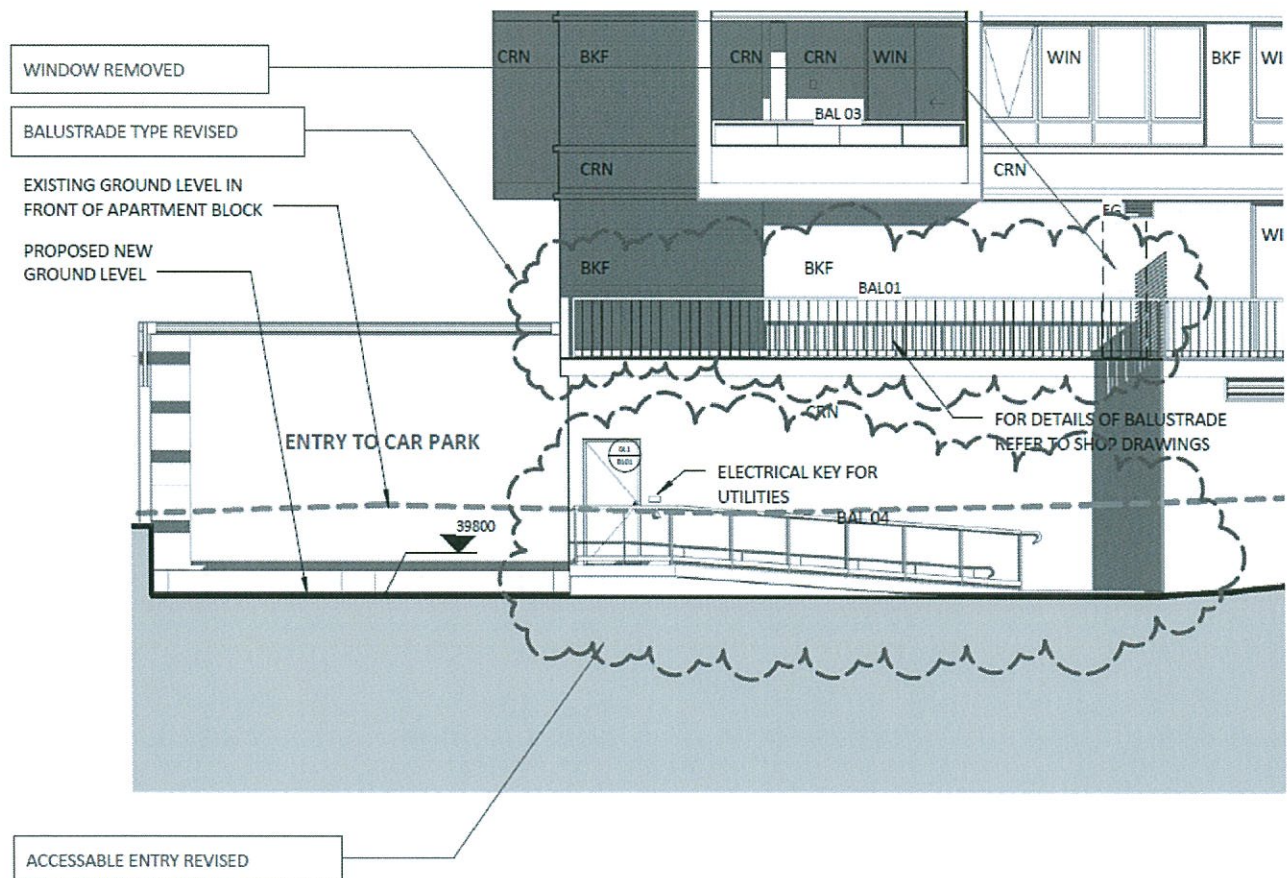
Plan of Entry Lobby Canopy Revised  
Extract from Australian Consulting Architects A-11A-2104 Issue A





Elevation of Entry Lobby Canopy Revised  
Extract from Australian Consulting Architects A-11A-3002 Issue A

- 3.4.3 The balcony to unit 5A on the ground floor has been amended. The South Western Balustrade that was proposed as solid masonry has been changed to an open powder coated aluminium palisade style balustrade. A Planter box on the North West face that was also incorporated into this balcony space has been removed. There are no windows directly looking onto the new palisade handrail and the outlook from the balcony to the North West is onto a driveway below and an open space, therefore the amenity of the occupants of Unit 5A as well as the amenity of the surrounds is not impacted
- 3.4.4 The door on the Southern faced that provides egress from the basement bicycle storage area was relocated in order to achieve wheelchair access to the kerb side bin pickup area. A compliant ramp and required handrails was also added.
- 3.4.5 An amendment has been made to the Bathroom of Unit WG05 in order to correct a discrepancy between plans, elevations and physical model and marketing plans. A window in the bathroom was removed to correct a clash between window location and bathroom fittings.



Balustrade, planter and ramped access amended

Extract from Australian Consulting Architects A-11A-3001 Issue A

- 3.4.6 An amendment has been made to the roof over Unit 28B in order to correct a discrepancy between plans, elevations and physical model.

## 4. FINAL REMARKS

### 4.1 Conclusion

The following points summarise the merits of this application:

- 1 This requested modification is minor and will make no significant change to the overall appearance of the building and remains substantially the same building per major Project MP10\_0189.
- 2 There are no changes to the overall height or the front, side or rear setbacks of the building ensuring the building's overall mass and form remains unchanged.
- 3 This is an attractive building outcome within its context and the amendments to the lobbies help increase building aesthetics and create 2 focal points as the building's main entries.

We consider that due to the minimal impact of the proposed modification should be approved and given the subject building is currently under construction request that the assessment be expedited in a timely manner.

Regards

A handwritten signature in blue ink, appearing to read 'Joe Aflak', with a large, stylized flourish extending to the right.

Joe Aflak

Australian Consulting Architects P/L