



NSW GOVERNMENT
Department of Planning

**WATERFRONT APARTMENTS
LOT 1001 DP 1040571 & LOT 1009 DP
1066557, 2 SPURWAY STREET,
ERMINGTON
*Proposed by Zhinar Architects***

Modification MP05_0084 Mod 1

Modification of Minister's Approval
Section 75W of the
Environmental Planning and Assessment Act 1979

April 2008

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1. INTRODUCTION

On 13 November 2007, Zhinar Architects (the Proponent) lodged an application to modify MP05_0084 **Tag B** pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). The Proponent is seeking permission to make minor modifications (mainly internal) to the building.

2. ORIGINAL APPLICATION

On 21 November 2006, the Minister for Planning approved MP05_0084. The approval provided for a mixture of self-contained studio dwellings, detached dwellings, courtyard homes, townhouses/terraces, a residential flat building and subdivision in a combination of Torrens, and strata title allotments. The site lies within the Parramatta City Council Local Government Area.

A copy of the original consent is at **Tag C** and a copy of the original report is at **Tag D**.

The original project cost for the development was \$34 million.

3 DESCRIPTION OF PROPOSED MODIFICATION

The modification seeks approval for the following amendments:

- Extending the basement perimeter due to Structural requirements;
- The provision of 5 additional car parking spaces;
- An increase in garbage and bicycle storage areas in the basement;
- Relocation of the adaptable units from ground floor to first floor;
- The provision of an additional exit from the basement car park to the main entrance of the building;
- The relocation of the exit on the eastern side of the building;
- Decrease in the size of the lift car to suit manufacturer's requirements and specifications;
- Minor internal layout of units;
- The provision of an additional support column to the first floor balcony and roof above, due to structural requirements;
- The provision of additional ventilation from the basement car park; and
- Relocation of rain water tank.

A copy of the proposed modifications is at **Tag E**.

4 STATUTORY CONTEXT

Modification of a 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 under this Part. In this instance, the proposed modification is consistent with the existing approval granted under Part 3A; however, the modification requires changes to a condition of the Minister's approval.

Environmental Assessment Requirements

It is 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.

5 CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X(2)(f) of the Act, the Director-General is 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 request for the modification has been placed on the Department's website.

6 CONSIDERATION OF PROPOSED MODIFICATIONS

The modifications relate to the following:

Extend the basement.

Extending the basement perimeter due to Structural requirements.

Comment: It is intended to extend the perimeter of the basement to the same configuration as the building above. This will improve the efficiency of the design and increase the area of the basement for the occupants use. The basement extension will not increase the FSR or GFA of the building as the basement area is excluded from both FSR and GFA calculations.

Additional car parking spaces.

The provision of 5 additional car parking spaces

Comment : The increase in the basement floor area has enabled the width of the car parking spaces to be increased from 2.4m to 3.0 m and an additional 5 car parking space to be provided as a result of the overall basement extension. The increase in car parking is minor and acceptable as the Master Plan provides minimum rather than maximum car parking requirements.

An Increase in storage areas

An increase in garbage and bicycle storage areas in the basement.

Comment: The increase in the basement floor area has enabled the area used for the storage of garbage and bicycles to be increased. This will provide better amenity and space for bicycle users and better organisation and layout of services.

Additional exit from basement.

The provision of an additional pedestrian exit from the basement car park to the main entrance of the building.

Comment: An additional stairway is to be provided from the basement to the front of the building, as the only access currently available is from the end of the building. These stairs are being provided to improve access for residents, between the basement and the residential component of the building in time of possible lift failure. The additional exit is minor and will not have an adverse visual impact on the building.

Relocation of exit from basement.

The relocation of the pedestrian exit on the eastern side of the building.

Comment : The proposed changes to the internal layout of the basement have necessitated the change in the location of the basement exit door on the side of the building. The relocation of the basement exit door will not impact upon the visual appearance of the building.

Decrease in size of lift.

Decrease in the size of the lift car to suit manufacturer's requirements and specifications.

Comment : The size of the lift well has been reduced to meet current specifications.

Relocation of the adaptable unit.

The adaptable units are to be relocated from the ground floor to the first floor.

Comment The adaptable units have been relocated from the ground floor to the first floor. This modification has been proposed because the floor level of the ground floor unit is approximately 1m above the courtyard level, and to provide access ramps within the courtyard would make the courtyard virtually unusable.

For people with disabilities, relocating units from the ground floor to the first floor would not reduce accessibility as the units are serviced by lifts.

Internal layout

Minor alterations to the design of the apartments and lobby area.

Comment :The amendments to the internal design of the building are minor in nature and have been made to accommodate the smaller lift size, as well as providing for better internal layout of apartments, lobby and entry area.

Additional support columns.

The provision of an additional support column to the internal balconies of the ground and first floor units.

Comment Columns have been provided to the balconies of units 1, 13, 5 & 17 to provide structural support to the upper balconies and roof. The additional support columns will integrate with the overall design of the building, are minor in nature and will have little visual impact.

Additional ventilation to basement.

The provision of additional ventilation from the basement car park.

Comment Additional ventilation has been provided to the basement car park by opening additional sections of the rear wall. The proposed opening of the wall will have no adverse impact on the appearance of the building, as the additional openings will be in locations generally shielded from public view.

Relocation of rain water tank.

The rainwater tank is to be relocated from the front of the building to the side of the building.

Comment The rain water tank has been relocated to a more efficient location.

The Department has considered the impact of the above changes on the proposed development and raises no objection to any of the proposed modifications.

7 CONCLUSION

The proposed changes do not increase the floor area or the height of the building.

The proposed modifications are minor in detail and located mainly within the building. The main visible change to the building will be the provision of the column supports to the balconies. The additional support columns will not have an adverse impact on the appearance of the building. Overall the proposed modifications will provide a more functional and efficient use of the approved building envelope.

The proposed modifications require a minor change to be made to one of the conditions of the original approval referring to the approved plans¹.

It is considered that the proposal, as modified, still achieves the same objectives as assessed for the original approval under Major Project 05_0084 and does not alter the overall nature, need or justification of the approved project.

8 DELEGATION

Under the instrument of delegation dated 7 June 2007, the Minister has delegated his functions under Section 75W of the Act relating to modifying Part 3A approvals to the Executive Director Strategic Sites and Urban Renewals.

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation as the proposed modification does not increase the height or the GFA calculation of the approved building.



9 RECOMMENDATION

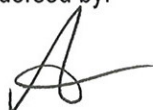
It is recommended that the Executive Director Strategic Sites and Urban Renewals, as delegate of the Minister for Planning:

- (A) **consider** the findings and 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 (**tag A**).

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