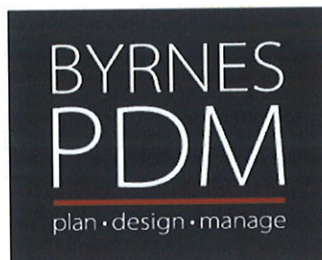


Application to Modify an Approval - s.75W

TO AMEND MAJOR PROJECT APPLICATION 05_0084 AT –
NO. 2 SPURWAY STREET, ERMINGTON



Prepared for
Cosmopolitan Homes



Prepared by
Byrnes PDM Pty Ltd

s.75W Request

This report has been prepared on behalf of Cosmopolitan Homes and is made pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The modification sought relates to the approval issued by the Minister for Planning on 21 November 2006 in respect of Major Project Application 05_0084 – for Lot 1001 DP 1040571 and Lot 1009 DP 1066557 at No. 2 Spurway Street, Ermington.

The legislative parameters by which modification of a Major Project Application can be modified is contained within Section 75W of the EP&A Act 1979, the relevant provisions are inserted as follows –

75W Modification of Minister's approval

(1) *In this section:*

modification of approval means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

(2) *The proponent may request the Minister to modify the Minister's approval for a project. 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.*

(3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*

(4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*

Major Project Application Approval

On 21 November 2006, the Minister for Planning granted approval to Project Application MP 05_0084, comprising:

Torrens Title subdivision of part Lot 1001 DP 1040571 and Lot 1009 DP 1066557 into 78 lots, and residential development, incorporating studio, freestanding, courtyard, and townhouse dwellings, a residential flat building providing a total of 101 dwellings and stratum subdivision of the second storey dwellings above the garages on Lots 2 and 25.

A substantial component of the development approved has been completed.

A previous s75W (MP05_0084 MOD2) which dealt with revised house designs on Lots 59-62 was approved on 28 November 2009.

Proposed Modification

It is proposed to amend the dwelling design of KUEH (909399) - Lot 60 (No.60) Seamist Avenue ERMINGTON as follows: -

- An increase in floor area on the first floor resulting from the addition of a bedroom and ensuite above the living room on the ground floor, which was formerly single storey. The proposal will convert the dwelling from three to four bedrooms.
- The floor area will increase by a total of 29.3m² resulting in a revised Gross Floor Area of 204.7m². In relation to the increase in floor space over Phase 4A this is considered to be a minor increase.

The modifications identified above are illustrated in the plans accompanying this submission that show the approved design and the proposed design.

Reasons for the Proposed Modification

KUEH (909399) - Lot 60 (No.60) Seamist Avenue ERMINGTON

The modification proposed will contribute to an improved dwelling having regard to internal area and maximises the potential for the site without compromising the design integrity of the project or the amenity of adjacent lots and their residents.

The additional floor space is contained to the north eastern side of the dwelling ensuring that shadows from early morning until mid afternoon fall predominantly on the existing dwelling and do not impact on neighbouring areas of open space.

The proposed master bedroom is positioned slightly forward of the approved first floor bedroom, however in line with the furthest edge of the approved balcony. The design sensitively matches the approved building materials. The setting forward of the proposed bedroom ensures that the first floor is articulated and does not present

as a single mass to the street. The overall bulk and scale of the building remains appropriate to its setting and function.

Having regard to the proposed improvements to the dwelling and there being no impact on urban design or residential amenity of the lot or neighbouring lots, the modification is considered worthy of support.

It is noted that this report is accompanied by a statement from Stockland that no objection is raised to the proposed amendment as it is in keeping with the general theme of the Project.

Conclusion

Modification is sought to the approval issued by the Minister for Planning on 21 November 2006 in respect of Major Project Application 05_0084 – for Lot 1001 DP 1040571 and Lot 1009 DP 1066557 at No. 2 Spurway Street, Ermington for -

Torrens Title subdivision of part Lot 1001 DP 1040571 and Lot 1009 DP 1066557 into 78 lots, and residential development, incorporating studio, freestanding, courtyard, and townhouse dwellings, a residential flat building providing a total of 101 dwellings and stratum subdivision of the second storey dwellings above the garages on Lots 2 and 25.

Following detailed design review of the dwellings improved design, environmental and amenity outcomes have been identified.

This application seeks approval for variation in the house design as described previously.

Consideration has been given to the potential environmental impacts that are relevant to the proposed development.

Having regard to the benefits of the proposal in this residential project and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to the Department of Planning for assessment and granting of approval pursuant to s.75W of the Environmental Planning and Assessment Act 1979.