

# Application to Modify an Approval - s.75W

TO AMEND MAJOR PROJECT APPLICATION 05\_0084 AT – LOT 59 DP 113939,  
SEAMIST AVENUE, ERMINGTON



Prepared by: **Think Planners**  
Document Date: **April 2015**  
Consent Authority: **Department of Planning**



## Quality Assurance

**PROJECT:** Statement of Environmental Effects

**ADDRESS:** Lot 59 Seamist Ave ERMINGTON

**COUNCIL:** Parramatta City Council

**CONSENT AUTHORITY:** Department of Planning

**ARCHITECT:** Rawson Homes

**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
March 2015	Draft for client review	1	AB	AB
April 2015	Final for Submission	1	AB	AB

<b><i>Integrated Development (under S91 of the EP&amp;A Act). Does the development require approvals under any of the following legislation?</i></b>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<b><i>Concurrence</i></b>	
<i>SEPP Infrastructure</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>



## Contents

Quality Assurance .....	2
s.75W Request.....	4
Major Project Application Approval .....	5
Proposed Modification .....	5
Reasons for the Proposed Modification .....	6
Conclusion .....	9

## s.75W Request

This report has been prepared on behalf of Rawson 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.

Notwithstanding in 2011 the NSW government repealing Part 3A of the Act, the Department continues to accept modifications to applications previously approved under Part 3A of the Act. Section 75W of the EP&A Act 1979, stated –

### **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.

Previous s75W approvals have been granted as follows –

- MOD2 revised house designs on Lots 59-62 was approved on 28 November 2009
- MOD3 modification to Lot 63
- MOD4 modification to Lot 60

## Proposed Modification

It is proposed to amend the approved house design on Lot 59 DP 113939 No.16 Seamist Ave, Ermington as follows -

- Extend the family room on the ground floor and bedroom 4 on the first floor to attach the dwelling to the garage.
- Relocate the alfresco area to align with the family room and turn around the rear of the garage.
- Reconfigure the ground floor staircase location, including relocating the powder room.
- Addition of a playroom and small deck on top of garage at the first floor level.
- Reconfigure the first floor staircase location and replace the study nook with a bathroom.

Each of the modifications identified above are illustrated in the plans accompanying this submission that show the proposed design.

## Reasons for the Proposed Modification

The modification proposed will contribute to an improved internal layout and improved living areas, without compromising on the overall dwelling design for the lot.

The proposal will increase the ground floor family room living area size through the filling in of a previously unusable and unnecessary space that separates the family room and garage.

The ground floor connection between the dwelling and garage enables the proposal to also increase the first floor living space through the addition of a play room use above the garage. The two photos below (courtesy of Streetview) demonstrate that –

1. The provision of living spaces above garages is common in the precinct as demonstrated in the photos below.
2. The dwelling located on the south western corner of the same street block as the subject site has provided a more dominant building form to mark the corner, in that case a 3 storey element. Accordingly, the increased form in the proposal is considered acceptable in this corner location.



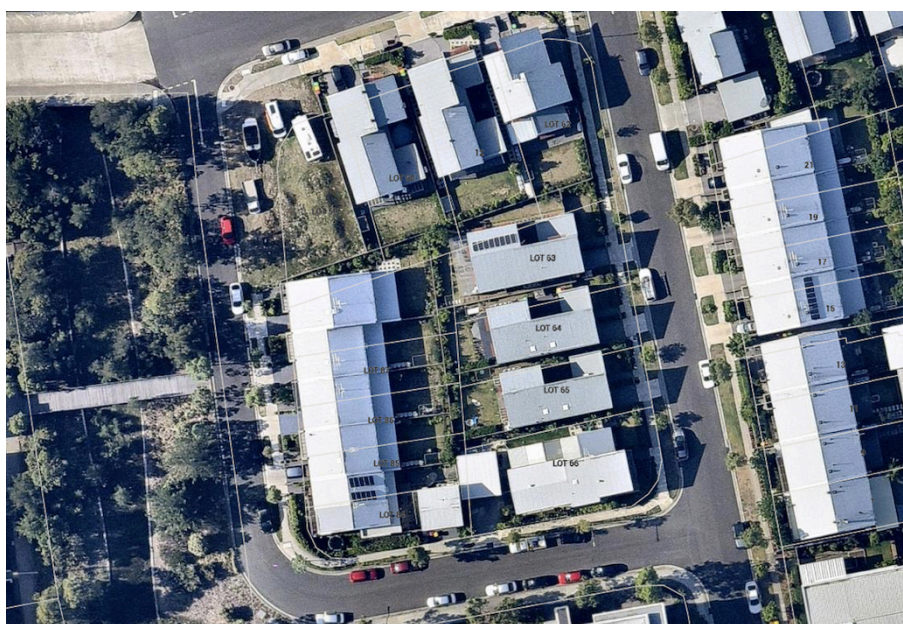




The internal amendments are minor and do not alter the functionality of the internal living spaces or reduce the range of spaces within the dwelling.

The setback does not impact upon the predominant private open space area of the dwelling which remains a large area incorporating grassed permeable rear yard, paved patio with timber pergola and direct connection through large sliding doors with the family, dining and kitchen area.

The increased height of the garage will lead to some additional overshadowing being generated in the afternoon period to the dwelling to the south. However, as illustrated in the aerial photo below (courtesy of Nearmap) and the street photo below (courtesy of Streetview), the adjoining property is built close to the boundary; the only window to be impacted is not a large window providing the primary source of light to a living / family room; and the shadowing impacts will be predominantly to the roof of the adjoining dwelling.



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

Consideration has been given to the minor amendments to window sizes and locations resulting from the reconfiguration of internal space. The windows purpose (eg bedroom) is unchanged by the proposal and therefore the minor adjustment to location and window size does not lead to any new privacy or overlooking concern, that was not previously assessed to be reasonable having regard to the residential nature of the precinct.



## 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 59 DP 1138939 at No.16 Seamist Avenue, 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.*

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.