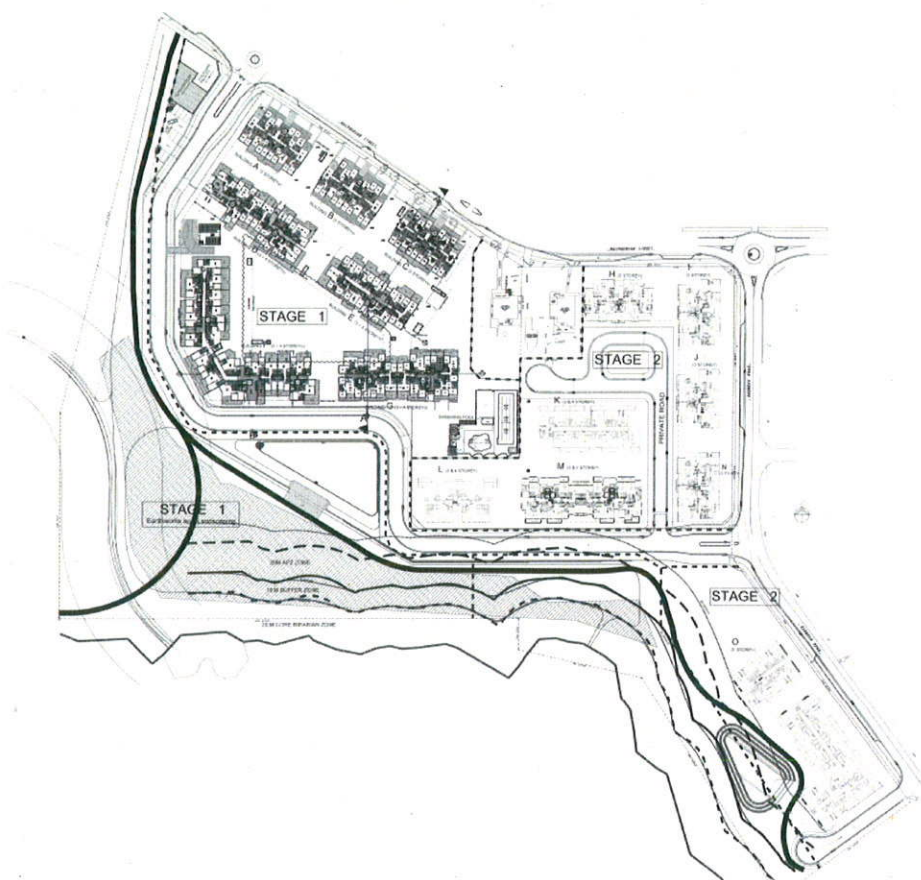


MODIFICATION REQUEST:
Residential and Child Care Centre
Development
14-18 Boondah Road Warriewood
MP10_0177 MOD 10



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

August 2012

© Crown copyright 2012
Published August 2012
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

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
MP10_0177 MOD 9	Design modifications to Buildings E and G including the addition of studies, storage cupboards, windows and door openings, 'pop-up' roofs and extension of a rood slab.	Approved by the DDG on 16 July 2012.

2. PROPOSED MODIFICATION

The modification application proposes to amend the level of the pool building, the location of which is shown in **Figure 2** below.

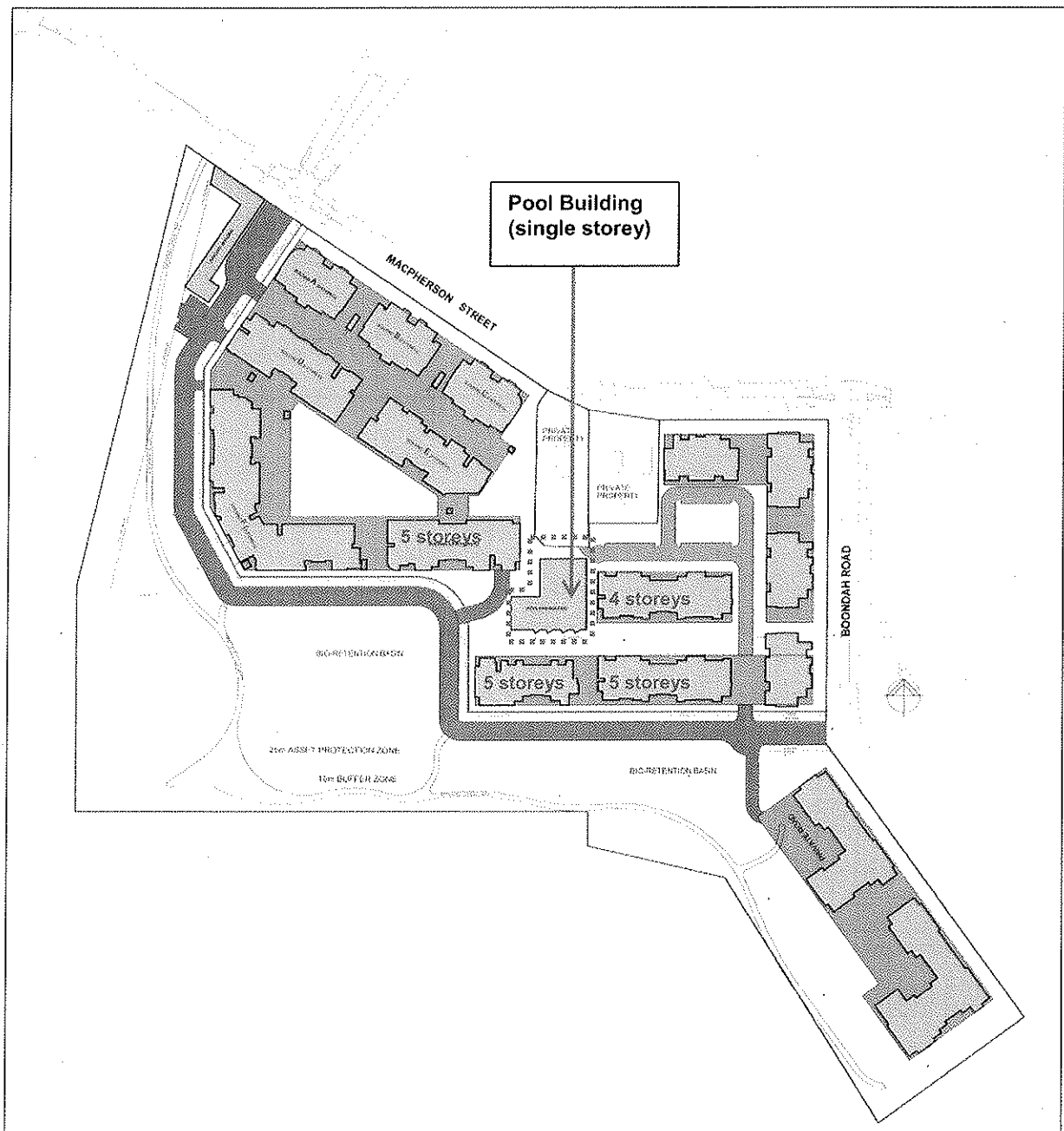


Figure 2: Location of the pool building and approved heights of surrounding buildings

The modification application proposes to raise the pool building by 700mm and correct a reference relating to BASIX certification.

The level of the pool building is proposed to be raised to ensure the floor level is more consistent with the natural ground level. This is illustrated in **Figures 3** and **4** below.

Figure 3 shows the approved level of the pool building at RL 5.00 while **Figure 4** shows the proposed level of the building at RL 5.70. A comparison of the two elevations reveals that the raising of the pool building reduces the amount of building required to be built underground.

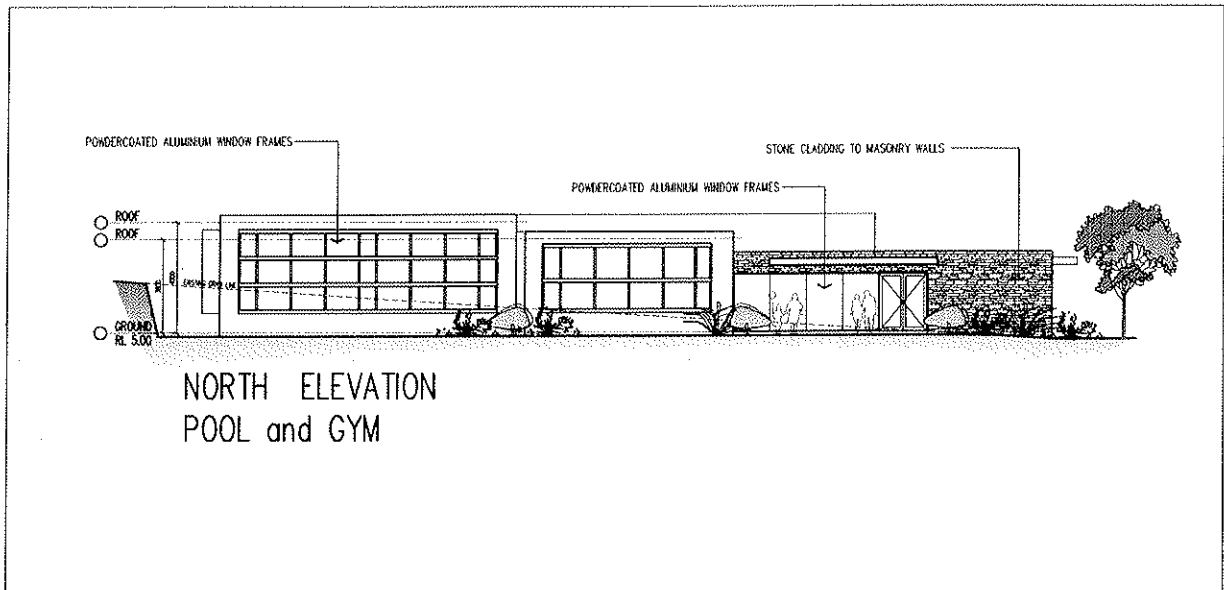


Figure 3: Approved floor level of RL 5.00

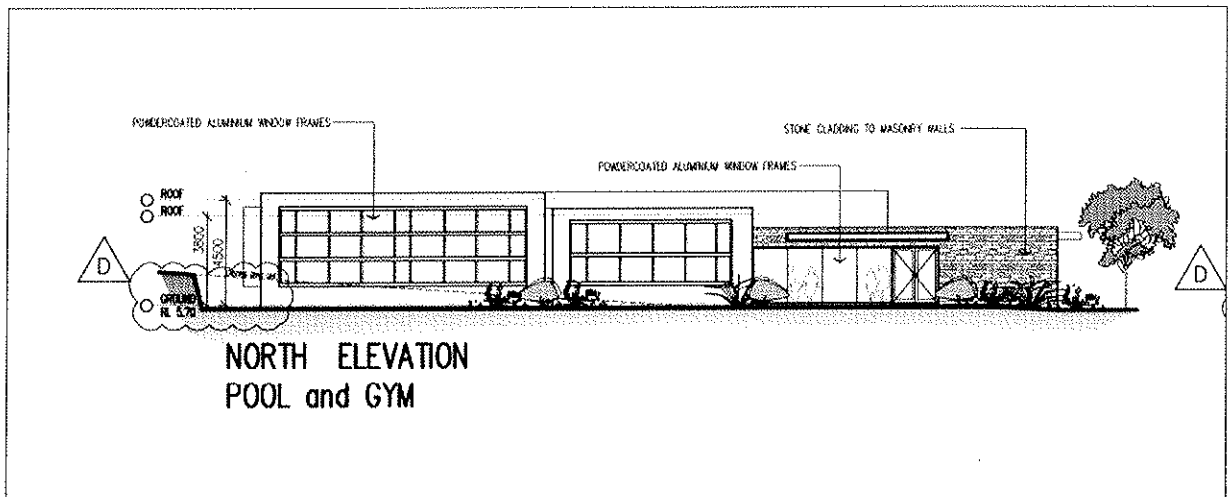


Figure 4: Amended floor level of RL 5.70

The proponent also wishes to revise a Statement of Commitment titled 'Ecologically Sustainable Development' which was approved under the previous modification. This revision is sought to correctly reference the amended ESD report that was approved as part of MOD 9 on 16 July 2012. The proposed re-wording of the commitment is reproduced as follows:

Ecologically Sustainable Development

The proponent commits to the building sustainability initiatives as detailed in the schedule contained in the BASIX Certificates identified as 288216M_09, 2985546M_09, 298550M_09, 298615M_08, 298614M_11 and 296601M_08 submitted for the modification application MP10_0177 MOD 9 "Efficient Living Report dated 12 June 2012" submitted with MP10_0177 MOD 9.

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 specific conditions and commitments on the Project Application approval and therefore, approval to modify the application are 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, in principle, object to the modification application.

5. ASSESSMENT

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

- Finished floor level of the pool building
- BASIX referencing

5.1 Finished floor level of the pool building

The pool building is proposed to be raised by 700mm so that the ground floor FFL is changed from RL 5.00 to RL 5.70. The level of the building is raised so that the floor level will be more consistent with the natural ground level. In other words, the proposal seeks to reduce the amount of building required to be built below ground level.

The design of the building including the overall building height and floor to ceiling height otherwise remains unchanged. As a result, there will be a marginal increase in the height of the building of 700mm. The Department raises no issue with the additional 700mm height of the single storey building as it would not pose a significant impact on the amenity of residents particularly given the building is only single storey in height and is surrounded by buildings of four to five storeys in height.

In this regard, the Department raises no issue with the proposed raising of the pool building.

5.2 BASIX referencing

The wording of the Statement of Commitment identified as 'Ecologically Sustainable Development' is proposed to be amended to correctly reference the earlier approved ESD report containing the amended BASIX certification approved under the MOD 9 application. In place of references to each individual BASIX Certificate, some of which are currently incorrectly referenced, the proponent seeks to make reference to a single report containing all of the relevant certificates.

The Department raises no issue with the proposed rewording of the commitment as it merely corrects reference to approval documentation and results in poses no environmental impacts.

6. CONCLUSION

The Department is satisfied that this modification application falls within the scope of section 75W of the Act. The proposed modification does not involve any design changes to the development other than a 700mm increase in the height of the pool building and seeks to correct the Statement of Commitments. Lastly, the proposal does not alter the original assessment as to the site's suitability for this development.

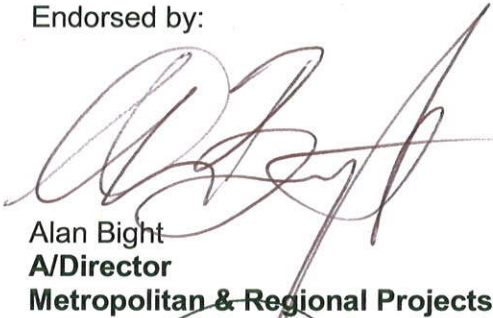
The Department raises no issue with the modifications sought under this application and recommends its approval.

7. RECOMMENDATION

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

- (A) **Consider** the findings and recommendations of this report; and
- (B) **Approve** the Director-General's Environmental Assessment Report under *Section 75W Application Environmental Planning and Assessment Act 1979*, and
- (C) **Sign** the attached Instrument of Modification (**Appendix C**).

Endorsed by:

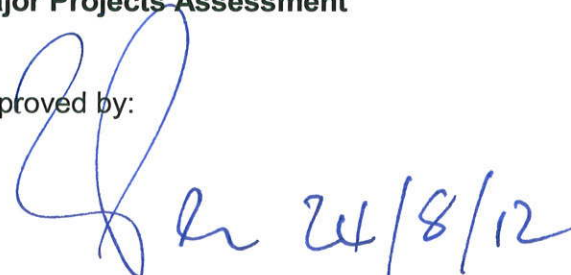


Alan Bight
A/Director
Metropolitan & Regional Projects South



Chris Wilson
Executive Director
Major Projects Assessment

Approved by:



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance