



***MODIFICATION REQUEST:
Concept Plan for a Mixed Use Residential
Development at 63-77 West Parade, West
Ryde
(MP 09_0029 MOD 1)***

Extension to Concept Approval lapse date

*Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979*

October 2014

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1. BACKGROUND

1.1 Introduction

The purpose of this report is to assess an application to modify the Concept Approval (MP 09_0029) for a mixed use residential, commercial and retail development at 63-77 West Parade, West Ryde under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Site and Locality

The site is known as 63-77 West Parade, West Ryde (Lots 1-8 in DP 19985), located between West Parade and the railway line approximately 16 km from the Sydney CBD within the Ryde Local Government Area (**Figure 1**). This site is approximately 180 metres north of the West Ryde Railway Station - Transport Interchange precinct and is approximately 280 metres north of Victoria Road.

The site is relatively long and narrow with a total area of approximately 3,735 m² (**Figure 2**). The site was previously occupied by 8 single dwellings with the surrounding area predominately characterised by residential buildings. The West Ryde Transport Interchange precinct to the south includes a series of mixed use commercial and retail buildings.

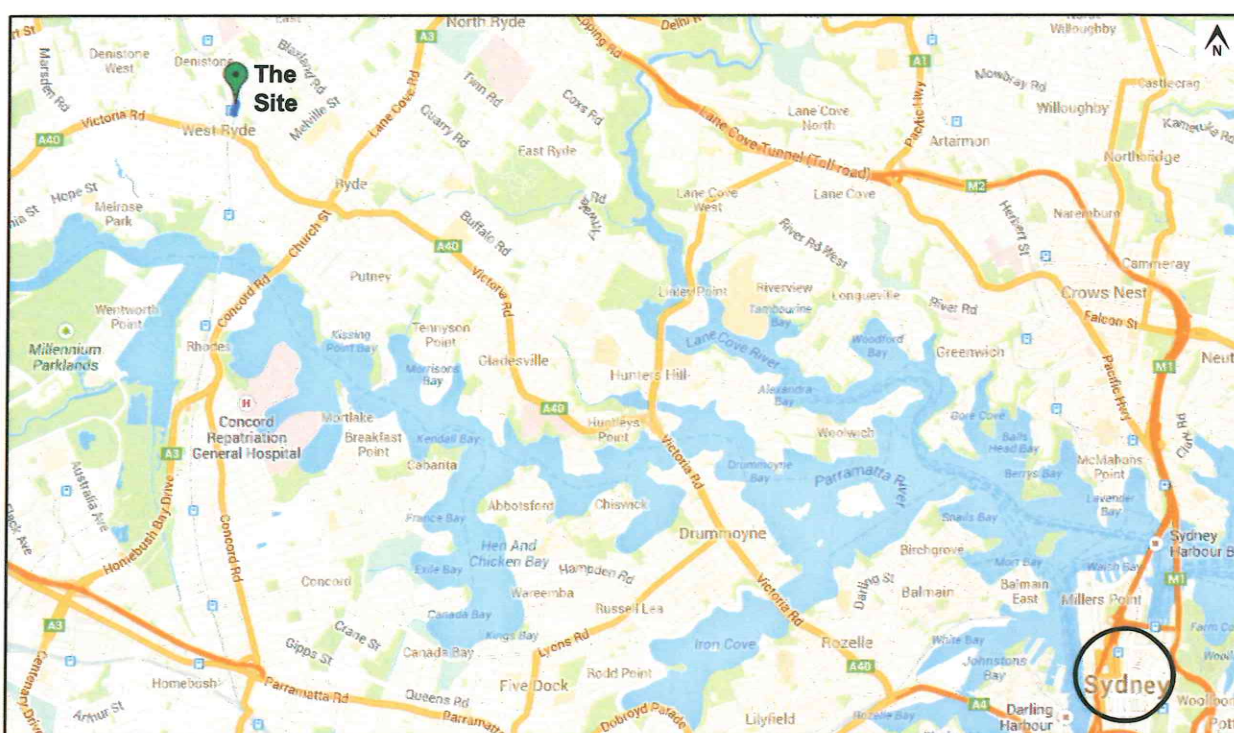


Figure 1: Site Location (Source Google Maps 2014)



Figure 2: Aerial view of site and immediate locality (Source: NearMaps 2014)

1.3 Previous Approvals

On 18 June 2010, the then Minister for Planning approved a Concept Plan for a mixed use residential, retail and commercial development. The approval lapses 5 years from the date of determination (being 18 June 2015) unless the development has physically commenced. The Concept Plan itself does not give approval to any construction works. The approval provides that construction of all future stages of the project are subject to separate development applications under Part 4 of the EP&A Act. Such applications would be lodged with and assessed by City of Ryde Council.

At the time of writing this report no physical works have commenced on site. The proponent has confirmed that no development applications have been lodged with City of Ryde Council for the site.

2. PROPOSED MODIFICATION

The application seeks a 3 year extension to the lapse date of the Concept Approval to 18 June 2018 (unless works have physically commenced).

Further details of the proposed modification are provided in **Appendix A**.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W (2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the

approval of the project as modified would be consistent with the original approval. As the proposal involves modification to the terms of approval, the application will require the Minister's approval.

3.2 Secretary's Environmental Assessment Requirements

In this instance, it was not considered necessary to notify the proponent of the Secretary's Environmental Assessment Requirements pursuant to section 75W (3) of the EP&A Act as sufficient information was provided to assess the modification application.

3.3 Delegated Authority

In accordance with the Minister's delegation, the Secretary can determine the application as:

- the relevant local Council has not made an objection;
- a political donation disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with section 75X (2) (f) of the EP&A Act, the Department is required to make the modification request publicly available. The application was made available on the Department's website and was referred to City of Ryde Council. Due to the minor nature of the proposal, the modification request was not exhibited by any other means.

4.2 City of Ryde Council

Council does not object to the proposed modification to extend the lapsing date of the approval.

5. ASSESSMENT

As currently approved, the Concept Plan is due to lapse 5 years from the date of determination (18 June 2015), unless development has physically commenced on the site.

The proponent (NSW Land and Housing Corporation) has not physically commenced the development and has advised that the project is on hold due to current changes within NSW public housing and how they now manage, plan and develop public housing sites. Due to the site's locality, proximity to high employment areas and access to services it is a highly significant and strategic site for the proponent. On this basis the proponent has requested an extension to the lapse date to provide further time to develop and determine how best to optimise the site.

In addition, since the approval of the Concept Plan, the key findings of the NSW Auditor-General's 2013 report *Making the best use of public housing* have also impacted on the proponent's development strategy, which include:

- the current portfolio and funding arrangements do not enable the proponent to meet the changing tenant needs;
- the changing demographic of tenants;
- an increased shortfall between supply and demand for public housing; and
- slow growth in social housing compared to the overall NSW housing.

These key findings firstly need to be addressed to determine how to optimise the development of the site.

In this regard, the proposal seeks approval for a 3 year extension to the lapsing date from 18 June 2015 to 18 June 2018 to allow:

- the proponent to undertake a holistic review of the entire asset portfolio;
- address the key findings and constraints identified in the Auditor-General's report;
- develop a comprehensive portfolio strategy (the proponent notes this is currently under development and is to be implemented in 2014/15 onwards); and
- to ensure the current benefits of the Concept Approval are retained.

Section 75Y of the EP&A Act outlines that the Minister may modify the 5 year lapsing period, subject to a review of the approval before extending the lapsing period.

The Department considers it appropriate to extend the approval lapse date as the site will continue to remain suitable for the type of mixed-use development that was originally assessed as part of the Concept Approval, which also remains consistent with the desired future character and land use of the West Ryde precinct. The proposed modification will not alter the overall nature of the Concept Approval as it will continue to achieve the same objectives assessed in the original approval for residential, retail and commercial development. The Department considers that no other modifications are required.

Having reviewed the requirements under Section 75Y and given the above, the Department considers the modification request is acceptable.

In order to facilitate the proposed modification, the Department recommends that a new Term of Approval A6 be imposed to provide a revised lapse date of 18 June 2018, as outlined in **Appendix C**.

6. CONCLUSION

The Department has assessed the application on its merits and is satisfied that it is appropriate to extend the approval lapse date by 3 years from 18 June 2015 to 18 June 2018.

The proposed modification is considered reasonable and will result in no environmental impacts beyond those assessed in the Concept Approval for the mixed use development at the West Ryde site. The extension to the lapsing date will allow the proponent additional time to ensure the objectives of the current Concept Approval are retained. On this basis the modification is supported.

7. RECOMMENDATION

It is recommended that the Secretary, as delegate for the Minister for Planning:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification subject to the terms of approval under section 75W of the *Environmental Planning and Assessment Act 1970*; and
- (c) **sign** the attached Instrument of Modification (**Appendix C**).

Prepared by:

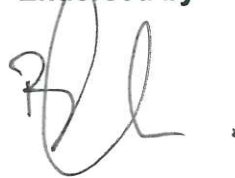
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A. Watson 14/10/14

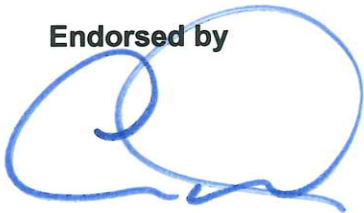
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APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6659

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6659

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
