

S75W Report to Modify Concept Approval MP10_0154

Residential Flat Development

Majors Bay

Submitted to NSW Department of Planning & Infrastructure
On Behalf of Holdmark Property Group

SUITE 6.02, 120 SUSSEX ST, SYDNEY NSW 2000
TEL +61 2 8270 3500 FAX +61 2 8270 3501 WWW.CITYPLAN.COM.AU
CITY PLAN STRATEGY & DEVELOPMENT P/L ABN 58 133 501 774

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01 Draft	5/10/17	Michael Watson <i>Senior Project Planner</i>	Susan E Francis Executive Director	 Susan E Francis Executive Director
Final	6/10/17	Michael Watson <i>Senior Project Planner</i>	Susan E Francis Executive Director	
Revised Final (Post Lodgement)	19/10/17	Michael Watson <i>Senior Project Planner</i>	Susan E Francis Executive Director	

This document is preliminary unless approved by a Director of City Plan Strategy & Development.

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of Holdmark Property Group. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. We have relied on information provided to us by the applicant and expert consultants. The comments have been based upon information and facts that were correct at the time of writing this report.

Copyright © City Plan Strategy & Development P/L
ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission. While we have tried to ensure the accuracy of the information in this publication, the Publisher accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

Table of Contents

1. Background.....	1
1.1 Concept Approval	1
1.2 Modification to the Concept Approval (MOD 1).....	1
1.3 Modification to the Concept Approval (MOD 2).....	2
1.4 Development Approval DA 513/2013	3
2. The Site and Context	4
2.1 The Site	4
2.2 Context and Surrounding Land Uses	6
3. Repeal of Part 3A.....	7
4. Sought Modifications	8
4.1 Overview.....	8
4.2 Details of Proposed Modifications	9
4.3 Building Envelope, Layout, Height and Separation	9
4.4 Basement and Parking	9
4.5 Statement of Commitments	10
5. PROPOSED MODIFICATIONS TO CONDITIONS OF CONSENT	11
6. ENVIRONMENTAL ASSESSMENT	13
6.1 Consistency with Conditions of Approval	14
6.2 Consistency with Director General's Requirements	15
6.3 Consistency with Relevant EPIs, Policies and Guidelines	19
6.3.1 Relevant Strategies	19
6.3.2 State Environmental Planning Policies.....	19
6.3.3 Canada Bay Local Environmental Plan 2013.....	20
6.3.4 Canada Bay Development Control Plan.....	22
6.4 Density.....	22
6.5 SEPP 65 ANALYSIS	23
6.6 Urban Design.....	23
6.7 Transport and Access.....	23
7. CONSULTATION	24
8. Conclusion.....	25

Appendix	Document	Prepared by
1.	Consistency with the Conditions of Approval	CPSD
2.	Amended Concept Plans	Turner Studio
3.	Traffic Statement	Stanbury Traffic Planning Pty Ltd
4.	Preliminary Architectural Plans	Turner Studio

100

1.1 Concept Approval

On 10 May 2013 the Planning Assessment Commission approved Concept Plan MP10_0154 in relation to the Majors Bay site (excluding 8-12 hilly Street). The site is indicated in Figure 1 below.

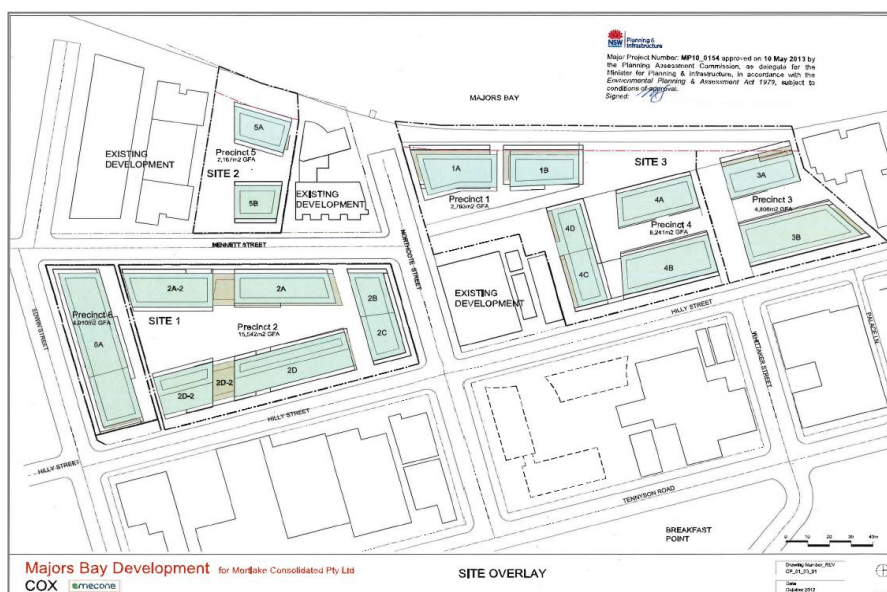


Figure 1: Concept Plan MP10_0154 in relation to the Majors Bay site (excluding 8-12 hilly Street)

1.2 Modification to the Concept Approval (MOD 1)

On 20 November 2014 the Planning Assessment Commission approved a Modification to Concept Approval for the entire Majors Bay to include an additional site (8-12 Hilly Street) as indicated in the following figure.

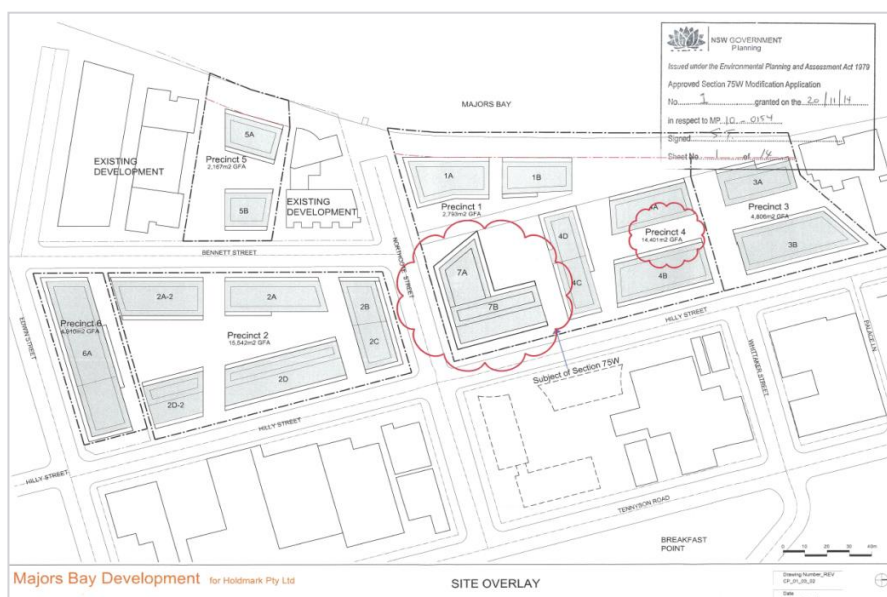


Figure 2: Entire Majors Bay site as approved under Modified Concept Approval MP10_0154 MOD 1

The Concept Approval (as modified) MP10_0154 MOD 1 as described in the Instrument of Approval includes:

- a) "Use of the site for the purpose of residential apartments and associated open space;
- b) Indicative building envelopes for 16 buildings ranging from three to seven storeys;
- c) Basement level car parking zones and car parking rates;
- d) Publically accessible open space and through site links;
- e) A maximum GFA of 44,619m² across the site;
- f) Pedestrian and cycle networks through the site;
- g) Street upgrades to public roads and upgrade to stormwater and drainage systems."

1.3 Modification to the Concept Approval (MOD 2)

On 2 June 2015 the Planning Assessment Commission approved a Modification to Concept Approval for the entire Majors Bay to include the former 'Dunny Lane' and Council car park into the site, incorporate an additional 320m² of GFA within Building 6A, and extend the basement footprint between Buildings 6A and 2D-2. This increased the site area by 320m², increased the approved Gross Floor Area (GFA) by 0.7:1 to 44,939m² and reduced the total FSR from 1.5:1 to 1.49:1 for the entire Concept Plan.

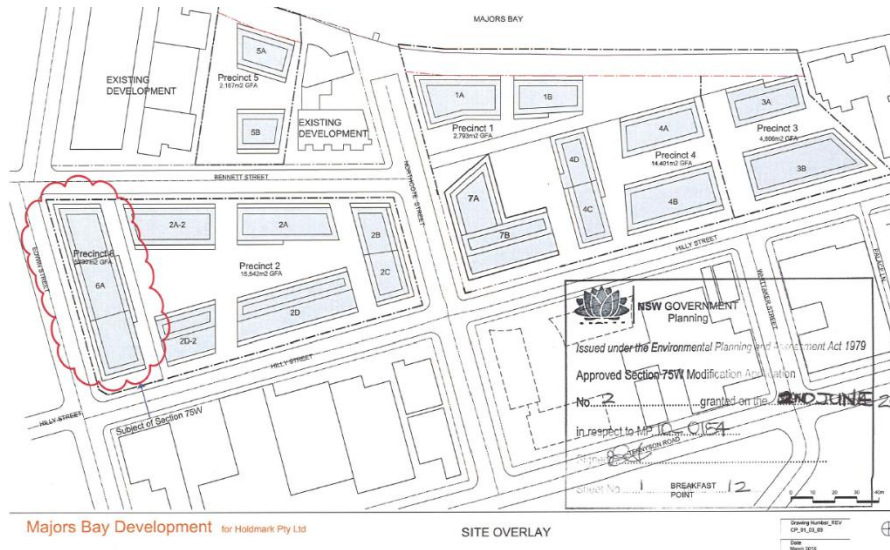


Figure 3: Entire Majors Bay site as approved under Modified Concept Approval MP10_0154 MOD 2

The modified concept approval as described in the instrument is as follows:

- (a) "incorporating a former Council car park (Lot 8, DP227984) and Dunny Lane (Lot 13, DP 747109) into the Concept Plan site area;
- (b) a building envelope extension for Building 6A; and
- (c) an increase to the maximum GFA from 44,619m² to 44,939m²"

1.4 Development Approval DA 513/2013

On 2 December 2014 DA consent No 513/2013 was granted by Sydney East JRPP for Majors Bay redevelopment area (excluding 8-12 Hilly Street) for:

"Construction of 15 Residential Flat Buildings comprising 142 X 1 bedroom, 240 X 2 bedroom And 48 X 3 bedroom apartments with basement parking for 748 spaces, various public domain works and provision of open space."

The consent applies to the land known as 21-23 Edwin Street, 1-9 Bennett Street, 20 Bennett Street, 15-25 Bennett Street, 1 Northcote Street, 14-22 Hilly Street Mortlake 2137.

Modification Application MOD/2015/0023

A modification application was granted consent to the DA 513/2013 on 27 July 2017. The modification included additional storage areas within the basement levels, as well as an additional parking level under Building 2B. The parking overall parking spaces remained at 748 spaces.

Modification Application MOD/2015/0111

A second modification application was granted consent to the DA 513/2013 on 7 January 2016. This application included an additional four (4) apartments within building 6A, as well as an additional five (5) parking spaces within the overall development, to meet the requirements of the additional units. These spaces were located within the new basement link between buildings 3B and 4B. The overall parking spaces for the DA increased to 753. The additional units were also increased the GFA of the building by 320m², which was consistent with the approved GFA for the Concept Approval under MOD 2.

2. The Site and Context

2.1 The Site

The subject site includes 21-31 Edwin Street, 16-22 Bennett Street, 1 Northcote Street and 8-12 and 14-22 Hilly Street, Mortlake collectively known as 'Majors Bay' which is located at the Mortlake peninsula and is approximately 3.5km from Concord West railway station and 4km from the North Strathfield railway station. The peninsula benefits from a foreshore location with Majors Bay to the west with large scale residential precincts to the east replacing historic industrial land uses, including Breakfast Point with residential developments up to 9 storeys in height.



Figure 4: Subject site and surrounding area (Source: Google Maps)

Majors Bay benefits from local retail centres including Breakfast Point, Majors Bay Road Concord, Tennyson Road Mortlake and Brays Road Concord, as well as major retail centres in Rhodes, Top Ryde and Burwood. There are extensive existing parks and recreation facilities including Olympic Park and access to the Parramatta River.

The land within the current Modified Concept Approval MP10_0154 MOD 2 consists 3 core sites, equating to a total area of 30,066m². The site under the concept approval is split into six (6) precincts. The changes that are sought under this subject application relate to Precinct 2 of the concept approval.

The site is identified in the Figure above and Figures below.



Figure 5: Subject site as approved under Conceptual Plan MP10_0154 MOD 1



Figure 6: Contextual aerial view of Majors Bay (Source: Google Maps)

100

The site benefits from local retail centres including Breakfast Point, Majors Bay Road Concord, Tennyson Road Mortlake and Brays Road Concord, as well as major retail centres in Rhodes, Top Ryde and Burwood. There are extensive existing parks and recreation facilities including Olympic Park and access to the Parramatta River. Refer to the Site Analysis Plan provided at Figure below.



Figure 7 Site Analysis of the site and surrounds

The locality has historically been characterised by predominantly industrial and warehousing uses. As the area is located within Mortlake and is the subject of ongoing and historical urban renewal, the character of the area is currently transitioning to predominantly provide residential development. The majority of the buildings under the Concept Approval have been constructed.

3. Repeal of Part 3A

The *Environmental Planning and Assessment Amendment (Repeal of Part 3A) Bill 2011* (the Bill) replaces Part 3A with an alternative system for the assessment of projects of state significance whilst providing for appropriate “*transitional provisions*” for projects already being assessed under the provisions of Part 3A.

The amended Act contains provisions for the assessment of further applications for development to which Part 3A does not continue to apply (such as residential development which is not State Significant Development). Under these provisions, and subject to the new Regulations, development which is covered by a Concept Approval approved under Part 3A but is subject to assessment under Part 4:

- *is taken to be development which may be carried out under Part 4, despite anything to the contrary in an environmental planning instrument;*
- *must be consistent with any development standard within the terms of the Concept Approval approval;*
- *must be generally consistent with the terms of approval for the Concept Approval;*
- *the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Approval.*

Future applications for the residential development of the site will be assessed by City of Canada Bay Council under Part 4 in accordance with the Modified Concept Approval (MOD 1). The Modified Concept Approval was subject to transitional provisions and therefore continues to be assessed by the NSW Department of Planning and Infrastructure.

Clause 3C(2) of Schedule 6A of the EP&A Act stipulates that Section 75W continues to apply for the purpose of modifying Concept Approvals approved before or after the repeal of Part 3A. As such, the proposed modification is submitted in accordance with the provisions of Section 75W of the EP&A Act, 1979.

4. Sought Modifications

4.1 Overview

This subject application seeks to increase the Gross Floor Area (GFA) within Precinct 2 of the Concept Approval, as well as introduce the following non-residential uses:

- Gymnasium (373m²); and
- Medical Centre/Health Consulting Rooms (137m²).

The additional GFA being sought within precinct 2 equates to 510m². The additional GFA is to be located within the approved building envelopes under the Concept Approval (as modified), which have since been constructed pursuant to DA 513/2013. Specifically, the additional GFA will be situated within Level B2 and Level 0 of the approved building in Precinct 2 in areas that were previously excluded from the definition of GFA (i.e. services and voids). Thus, whilst the proposal seeks to increase the GFA, this will be accommodated within the building envelopes already approved. The resultant changes from the proposed modifications to the approved GFA of the Concept Approval include:

Component	Site Area	Approved GFA (as modified)	Proposed GFA
Precinct 2	10,803	15,542m ² (residential)	16,052m ² comprising: <ul style="list-style-type: none"> ▪ 15,542m² (residential) ▪ 510m² (non-residential)
Concept Approval GFA/FSR	30,066	44,939m ² 1.49:1	45,449m ² 1.51:1

The location of the proposed additional GFA is indicated in **Figures 8 and 9**:

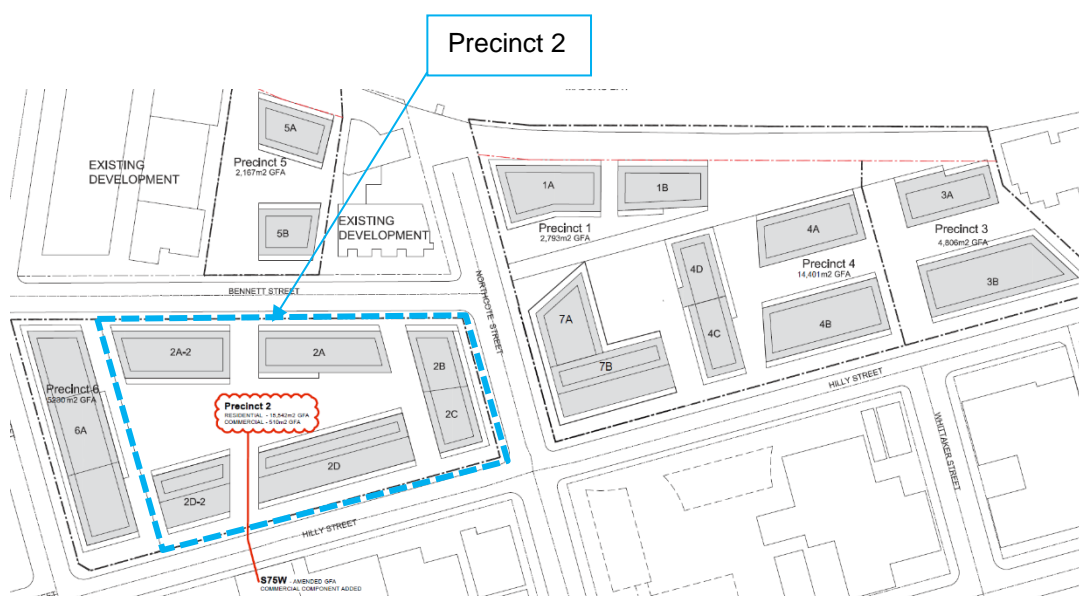


Figure 8: Extract of proposed modifications. Precinct 2 outlined in blue (Source: Turner Architects)

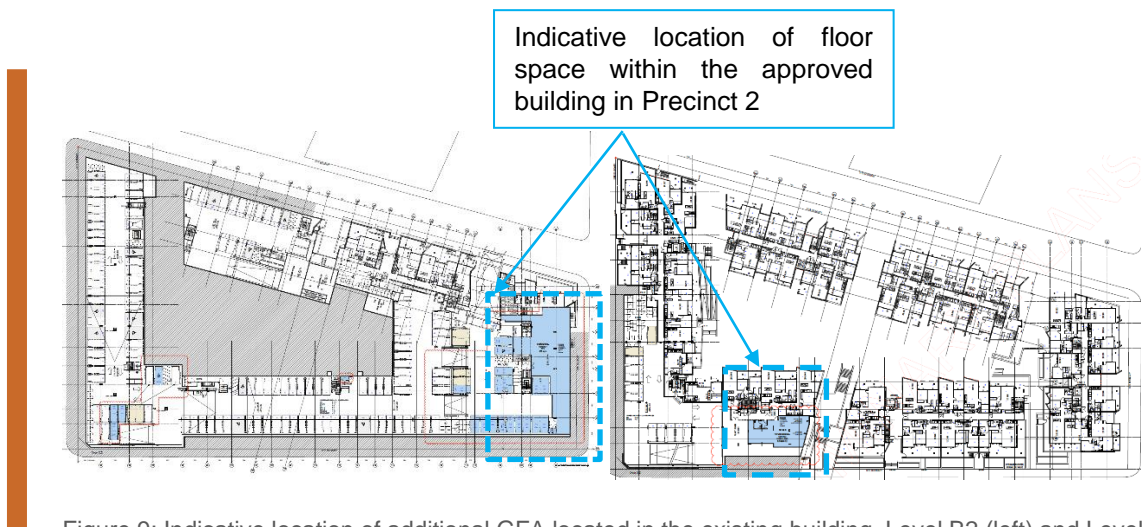


Figure 9: Indicative location of additional GFA located in the existing building. Level B2 (left) and Level 0 (right) (Source: Turner Architects)

The proposed uses are compatible within these areas of the development. In this respect, they are uses that will be used by both the residents of the Majors as well as members of the public, and will function well in this space.

4.2 Details of Proposed Modifications

This modification seeks to amend the Concept Approval to reflect an increase in total site area (Majors Bay) to 45,449m² with an overall FSR of 1.51:1, and allow the use of non-residential (gymnasium and medical centre/health consulting rooms) within the building envelope of Precinct 2. This includes an increase of Precinct 2 to have a GFA of 16,052m².

The Concept Approval (as modified) currently includes the floor space of the various building envelopes that are to be used for residential purposes. The proposal seeks to introduce additional floor space into Precinct 2 to accommodate additional non-residential uses. The additional floor space is to be located in the existing building that has been constructed, and will be subject to a separate DA. The areas that the floor space will go were approved for services within the building, however, the approved areas are not required now that they are constructed as the services have been consolidated and have required less 'space' than anticipated. So rather than having 510m² of unused vacant space within the basement, it is proposed to utilise this space for an appropriate use in these locations including a gymnasium and medical centre/health consulting rooms.

The Gymnasium will be located in Level B2 and will have an area of 373m². The remaining 137m² of floor space will be used for the purpose of a medical centre/health consulting rooms located on Level 0. The purpose of the proposal is to allow a future DA to be lodged so that these uses can be approved within the buildings.

4.3 Building Envelope, Layout, Height and Separation

This application does not seek to change the approved building envelopes, maximum approved height of buildings, or the separation between buildings. No physical changes are proposed to these elements.

4.4 Basement and Parking

The existing Concept Approval requires parking rates for the residential component of the development under Condition 6 of Schedule 3.

The proposal seeks to include additional floor space within Precinct 2, which will necessitate appropriate parking within the Precinct.

Given the modification includes a minor increase of non-residential GFA, the existing constructed building will be able to accommodate the additional number of parking spaces as recommended by Stanbury Traffic Planning (**Appendix 3**), as well as the existing requirements under Condition 6 Car Parking of the Concept Approval which are set out in the Table below.

Type of bedroom	Parking Rate
1 Bed	1
2 Bed	1.5
3 Bed	2
Visitor	1 per 5

Accordingly, the proposal also seeks to amend the Concept Approval to include the appropriate parking rates within the Instrument of Approval to ensure adequate parking spaces are incorporated into Precinct 2 for future development.

4.5 Statement of Commitments

The potential environmental impacts of the redevelopment of Majors Bay are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports that were submitted with the Concept Approval, MOD 1, and MOD 2.

This proposal maintains the items specified in the Statement of Commitments which was approved with the Concept Plan (Refer **Appendix 1**).

Please note that the Voluntary Planning Agreement (VPA) under DA 513/2013 may need to be amended for consistency with this application. This can be resolved as part of any future DA.

5. PROPOSED MODIFICATIONS TO CONDITIONS OF CONSENT

The proposal seeks to modify the following conditions of the Concept Approval. The existing words to be replaced/modified are shown with ~~strike through~~ and the new proposed words are shown in **red**.

Condition A1 (Part A)

A1 Concept approval is granted to the development as described below:

- use of the site for the purpose of residential apartments, **non-residential uses (Precinct 2 only)**, and associated open space;
- indicative building envelopes for 16 buildings ranging from three to seven storeys;
- basement level car parking zones and car parking rates;
- publicly accessible open space and through site links;
- a maximum GFA of ~~44,939m²~~ **45,449m²** across the site;
- pedestrian and cycle networks through the site;
- street upgrades to public roads and upgrade to stormwater and drainage systems.

Condition A2 (Part A)

The list of architectural drawings for MP10_054 under this condition are to be amended with the revised plans that accompany this application provided at **Appendix 2**. It is noted that the majority of these plans are only required to be modified due to them identifying the GFA for each precinct, and are being amended for consistency.

Condition A6

Site	Site Area	Precinct (GFA m ²)	GFA (m ²)	FSR
Site 1	10,803	Precinct 2 (15,542 16,052) Precinct 6 (5,230)	20,772 21,282	1.92:1 1.97:1
Site 2	2,911	Precinct 5 (2,167)	2,167	0.74:1
Site 3	16,352	Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (14,401)	22,000	1.35:1
Total	30,66	44,939 45,449	44,939 45,449	1.49:1 1.51:1

Condition 6A (Schedule 3)

Residential Rates	
Type of bedroom	Parking Rate
1 Bed	1
2 Bed	1.5
3 Bed	2
Visitor	1 per 5
Non-Residential Rates (Precinct 2)	
Use	Parking Rate
Gymnasium	4.5 spaces per 100m² (minimum)
Health Consulting Rooms	1 space for each medical practitioner, plus; 1 space for each 2 non-medical practitioner employees, plus; 1 patient space for every 2 specialists

Alternatively, this condition could be include the following sentence:

"Any other proposed use to be consistent with Council's relevant parking provisions".

Condition 10 (Schedule 3)

Future Development Applications for buildings which include facades denoted 'without openings to habitable rooms', on the Building Separation Plan, (CP_02_18_0, ~~March 2015~~) (CP 02_18_04, ~~September 2017~~) must demonstrate what architectural treatments, articulation and/or landscape screening will be used, to ensure the attractive presentation of these walls.

6. ENVIRONMENTAL ASSESSMENT

This section identifies and assesses the potential environmental impacts associated with the proposed modification. This assessment has identified that the revised Concept Approval does not result in any new or additional environmental impacts, and any potential impacts are appropriately managed through the existing conditions of Approval. Potential impacts in relation to the proposed modification are as follows: -

- Consistency with Conditions of Approval;
- Consistency with Director General's Requirements;
- Consistency with relevant EPIs, Policies and Guidelines;
- Density;
- Urban Design;
- Transport and Access; and

Given the nature of the modification, the proposal will not have significant impact to the area and will not have any other environmental impacts as previously assessed under the original Concept Approval, as well as MOD 1 and MOD 2.

6.1 Consistency with Conditions of Approval

Part A – Terms of Approval

This application seeks to modify the administrative conditions of the Modified Concept Approval to increase the total GFA, as demonstrated in the attached revised Concept Approvals.

Part B – Modifications

The proposal does not seek to modify these conditions.

Schedule 3 – Future Environmental Assessment Requirements

This application addresses all of the Conditions of Consent in accordance with the Concept Approval MP10_0154 (as modified). The proposal includes minor changes to the development which will not have significant impact to site and surrounding area.

Detailed consideration of the consistency of the proposal with the Conditions of Consent in Schedule 3 – Future Environmental Assessment Requirements is provided at **Appendix 1**.

6.2 Consistency with Director General's Requirements

The Director General's requirements (DGRs) issued for the Concept Approval application required that the Environmental Assessment (EA) of the Concept Approval application addressing key issues. Given this proposal seeks to increase the total GFA these key issues have been reconsidered as identified in Table 1 below:

MP10_0154: Summary Director General's Requirements		Section Report	of
Relevant EPI's policies and Guidelines to be Addressed			
<p>Planning provisions applying to the site, including permissibility and the provisions of all plans and policies as provided at Appendix A of the DGR's:</p> <p>NSW State Plan 2010;</p> <p>Draft Inner-West Sub-regional Strategy;</p> <p>Metropolitan Transport Plan 2010;</p> <p>Canada Bay Local Environmental Plan 2008;</p> <p>Canada Bay Development Control Plans;</p> <p>SEPP (BASIX) 2004;</p> <p>SEPP 55 Remediation of Land;</p> <p>Contaminated Land Management Act;</p> <p>SEPP 65 Design Quality of Residential Flat Buildings and Residential Flat Code;</p> <p>SEPP (Infrastructure) 2007;</p> <p>NSW Draft Sea Level Rise Policy Statement (2009);</p> <p>Acid Sulphate Soils Guidelines (1998);</p> <p>Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any noncompliance.</p>		Section 6	
Built Form and Urban Design			
<p>Height, bulk, scale and visual impact;</p> <p>Desired future character with reference to Canada Bay Mortlake Point DCP;</p> <p>Envelope/height contextual studies;</p> <p>View analysis;</p>		No change	

Design quality – building mass, setbacks, articulation, public domain and landscaping; CPTED.	
Public Domain/Open Space and Accessibility	
Type, function and landscape character of the various open spaces and foreshore links, including proposed areas of public open space; Pedestrian circulation and linkages between various open areas should be demonstrated in a schematic form, with provision of details regarding access rights, accessibility for able and disabled persons, and legibility of the proposed public open space and foreshore links.	No change
Isolated Sites	
Amalgamation of the subject land with adjoining sites and steps taken to incorporate adjoining sites, either through purchase or joint venture. The impact on the development potential of isolated sites. The proposal must demonstrate that these sites can be developed independently in accordance with Canada Bay LEP 2008.	No change
Environmental and Residential Amenity	
Solar access; Acoustic privacy; Visual privacy; View loss; Microclimate issues, such as wind impacts Mitigation measures necessary to achieve a high level of environmental and residential amenity. Potential impacts on foreshore areas.	No change
Transport and Accessibility (Construction and Operational)	
Transport, shared parking, walking and cycling routes, Transport Map, Measures to promote public transport usage such as Travel Access Guides and STA consultation with regards to potential improvements to infrastructure (bus stop) Measures to mitigate potential impacts on pedestrians and cyclists during the construction stage of the project.	The proposal includes minor changes to the approved development. Refer to Section 4
ESD	
How the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.	No change. The proposed additional floor space will be

Demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.	contained within the approved building envelopes.
Drainage and Stormwater Management	
Drainage/flooding issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures and foreshore impacts.	No change
Contamination, Human Health Risk and Geotechnical Issues	
<p>Contamination and geotechnical issues associated with the proposal should be identified and addressed in accordance with SEPP55 and other relevant legislation and guidance, to include:</p> <p>any potential impact on human health; and</p> <p>risks/hazards associated urban salinity.</p>	No change
Climate Change and Sea Level Rise	
Matters related to climate change and sea level rise in accordance with the Draft Sea Level Rise Policy Statement (NSW Government, October 2009)	The matters considered in the Concept Plan (as modified) are not affected by this proposal.
Developer Contributions	
The provision of public benefit, services and infrastructure having regard to Council's Section 94 and 94A Contribution Plans, and provide details of any Planning Agreement or other legally binding instrument proposed to facilitate this development.	No change
Consultation	
Demonstrate that an appropriate level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007 is to be undertaken and a comprehensive Community Consultation Strategy shall be provided.	Completed.
Geotechnical and Hydrological Requirements	
Geotechnical and Hydrological assessment addressing the proposed excavation methods and support (particularly to Council roads and infrastructure and the adjoining properties and structures), construction, impact on groundwater, likely vibrations and any requirements for vibration monitoring, and any recommendations for a dilapidation survey.	No change. There is no additional excavation required.

Utilities	
Assessment of capacity of existing and proposed utility infrastructure and demand of proposal, staging of infrastructure works and Integrated Water Management Plan	No change
Statement of Commitments	
Draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.	4.5 The approved SoC are maintained.
Staging	
Staging of the proposed development, including construction and access to areas of private and public open space/ harbour foreshore.	No change

6.3 Consistency with Relevant EPIs, Policies and Guidelines

We consider that sufficient information has been provided with this application to enable assessment to be undertaken. The application remains consistent with the key assessment requirements addressed in the original DGRs for MP10_0154, as discussed above.

6.3.1 Relevant Strategies

This application have been prepared with due regard for relevant strategies including the Plan for Growing Sydney, the NSW State Plan, and Draft District Plan. This application maintains the approved residential neighbourhood area which supports the transitional intent of the area for residential development. This proposal is in keeping with the strategic intent of the locality in line with the *Canada Bay Local Environmental Plan 2013* and Canada Bay Development Control Plan which encourages residential land uses. The proposal will contribute positively to the transitioning character of Majors Bay which satisfies the objectives and directions of the relevant policies and strategies.

6.3.2 State Environmental Planning Policies

This application have been prepared with due regard for relevant State Environmental Planning Policies (SEPPs) as discussed below, including SEPP (Major Projects) 2005, SEPP 55 – Remediation of Land, SEPP (Sydney Harbour Catchment) 2005, SEPP 32 Urban Consolidation (Redevelopment of Urban Land), SEPP 65 Design Quality of Residential Flat Development and SEPP (BASIX) 2004. It is considered that this application continues to satisfy the objectives and requirements of the relevant SEPPs.

State Environmental Planning Policy (State Significant Precincts) 2005

Clause 6(1)(a) (now repealed) of the Major Development SEPP provided that development, which in the opinion of the Minister was development of a kind described in Schedule 1 of the Major Development SEPP is declared to be a project to which Part 3A (repealed) of the Act applied.

The Director-General, in a letter dated 7 October 2010, formed the opinion that the project could be considered under Part 3A (repealed) of the Act and that a Concept Plan could be prepared. When Part 3A was repealed, the Minister determined that the Concept application was to be retained as a transitional Part 3A project and a determination made as if the relevant parts of the Major Development SEPP had not been repealed.

The Concept Plan was assessed and approved as a transitional Part 3A Project, and as discussed in **Section 4** of this Report, in light of the changes to the development assessment system, the current Concept Approval requires amendment to increase the total GFA and include new uses within Precinct 2, cohesive and consistent with the scope of this approval.

The proposed modification provides additional uses within the Majors Bay site that are compatible with the existing approved residential character of the area. The uses will be utilised by both the residents within Majors Bay as well as the public. Additionally, the proposal has limited environmental consequences beyond the Concept Approval's original environmental assessment and any potential impacts are appropriately mitigated and appropriately managed through the existing or modified conditions of consent. The proposal is therefore considered to be within the parameters of the Concept Approval.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This proposal maintains the benefits of the Concept Approval, in particular infrastructure upgrades including bio retention and Gross Pollutant Traps (GPTs) which will improve water quality of runoff and have positive impacts on the waterway and local environment. This

modification retains the approved landscaped area and open space on the Majors Bay site. Given the proposal includes minor changes to the approved development; the proposed modification will not have any negative impact to the site and surrounding area.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 requires that prior to the granting of consent to any development that consideration be given to whether or not the land is suited to the intended use of the land with respect to potential soil and groundwater contamination.

To address this, the Concept application was supported by an Environmental Site Assessment prepared by Aargus Pty Ltd in order to assess the likelihood and/or extent of potential soil and groundwater contamination, which may have resulted from past and present uses on or adjacent to the site. Thereby the proposal satisfies the provisions of SEPP 55.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 establishes 9 Design Principles for residential apartment.

SEPP 65 and the supporting Apartment Design Guide are considered to be the key guiding planning documents informing the assessment of this proposal.

The proposal is capable of being carried out in accordance with the relevant requirements of SEPP 65.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The Building Sustainability Index (BASIX) was introduced by the NSW Government to deliver equitable water and greenhouse gas reductions across the state. It sets water and energy reduction targets (as a percentage) for new houses and units, ensuring that dwellings are designed to use less potable water and emit less greenhouse gases.

Under the BASIX Energy Target Zone Map, proposed development in Major's Bay must achieve an energy target of:

- 35% for a 3 storey residential building,
- 30% for a 4-5 storey residential building, and
- 20% for buildings 6 stories or greater.

The proposal will not affect the relevant BASIX requirements.

7.3.3 Canada Bay Local Environmental Plan 2013

At the time of assessment, *Canada Bay Local Environmental Plan 2008* was the relevant EPI for this site. The proposal continues to satisfy the objectives of this zone.

The relevant EPI is now Canada Bay LEP 2013 which is addressed in this section. Consideration of the Canada Bay LEP 2013 is also provided below and demonstrates that the proposal satisfies the objectives and development standards and requirements of the LEP.

	CB LEP 2013	Compliance
<i>Zoning</i>	R1 General Residential	<p>Gymnasiums (recreational facility) and health consulting rooms are not specifically permissible within the zone. However, it is noted that Commercial premises (including business premises) and neighbourhood shops are permissible within the zone.</p> <p>Given the scale/floor space of the proposed future uses, it is considered that the proposal satisfies the objectives of the zoning. The modification does not affect the already approved residential floor space and buildings, and the new uses will be utilised by residents of Majors Bay that meet their day to day needs.</p>
<i>Minimum Lot Size</i> <i>Clause 4.1A</i>	Minimum lot size for RFB development in R1 General Residential Zoning: 800sqm	This is not applicable to the proposal.
<i>Height</i> <i>Clause 4.3</i>	12 metres	The Concept Plan site has approval for the maximum height of buildings which will remain same.
<i>FSR</i> <i>Clause 4.4</i>	0.75:1	<p>The Modified Concept Plan has approval for FSR 1.49:1 within the Concept Approval.</p> <p>As previously discussed, the proposal seeks a minor increase to the FSR to 1.51:1 as a result of an increase of 510m² of GFA. The increase of GFA is to be located within the basement of the existing building envelopes. The proposal does not increase the bulk and scale of the building, does not affect landscaping and will be compatible with the locality. The proposal is consistent with the objectives of this clause.</p>
<i>Heritage Conservation</i> <i>Clause 5.10</i>	The environmental heritage of Canada Bay is to be preserved.	This is not applicable to the proposal as it includes minor changes to the approved development.
<i>Acid Sulfate Soils</i> <i>Clause 6.1</i>	Development is not to disturb, expose or drain acid sulfate soils and cause environmental damage.	This is not applicable to the proposal as it includes minor changes to the approved development.
<i>Earthworks</i> <i>Clause 6.2</i>	Earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Not applicable.

<i>Terrestrial Biodiversity</i> <i>Clause 6.3</i>	Terrestrial Biodiversity is to be maintained. The foreshore of the site is identified as "terrestrial biodiversity."	This is not applicable to the proposal as it includes minor changes to the approved development. The previous approval satisfies this requirement.
<i>Limited development on foreshore area</i> <i>Clause 6.4</i>	Development in the foreshore area is not to impact on natural foreshore processes or affect the significance and amenity of the area.	This is not applicable to the proposal as it includes minor changes to the approved development. The previous approval satisfies this requirement.

6.3.4 Canada Bay Development Control Plan

On 10 May 2013, the PAC approved a Concept Approval for the Majors Bay site. Further the Concept Approval was modified and Consented by PAC on 20 November 2014. This proposal seeks to maintain the relevant development controls as provided in the Concept Approval (as modified). The Concept Approval has been prepared with due regard for the relevant sections of the Canada Bay Mortlake Point DCP and is considered that the application is consistent with the DCP provisions and in particular satisfies the objectives of the applicable provisions.

The proposal includes minor changes to the Concept Plan and provides additional uses which will be compatible with the built form and surrounding land uses.

6.4 Density

The Department's assessment of the original Concept Approval identified density as a key issue. Their assessment considered the suitability of the site for medium density residential development, access to public transport, the opportunity for the Concept Approval to contribute to the regional strategies, built form and resulting amenity impacts. The Department also considered the traffic impacts on the surrounding road network and provision of adequate open space. The Department concluded that the development and resulting density was contextually appropriate and provides an excellent opportunity to secure additional housing.

The Modified Concept Approval currently has a maximum Gross Floor Area (GFA) across the site is 44,939m² which provides for a maximum FSR of 1.49:1. The maximum GFA for Site 1(includes Precinct 2 and 6) 15,542m² and an FSR of 1.92:1.

This proposal seeks to increase the total GFA as indicated under the Concept Approval by 510m² to 45,449m² and an FSR of 1.51:1. This will result in additional GFA for non-residential uses to be included in the existing constructed basement levels within Precinct 2. The proposed GFA does not represent any physical change to the building, rather it is the conversion of existing floor space that was excluded from the definition of GFA that were anticipated to be required for services. These future uses will be used by both the residents of Majors bay as well as being available to the public. The proposal will not result in any change to the perceived bulk and scale of the existing approved buildings on the site.

The only potential impact as a result of the minor increase to the density (i.e. GFA/FSR) is the increased traffic generation and parking requirements. As discussed in the Traffic Advice prepared by Stanbury Traffic Planning, the proposal will not result in any "*unreasonable impacts on the surrounding road network*" and parking can be accommodated within the approved building envelopes.

6.5 SEPP 65 ANALYSIS

The proposed modification will not affect the previous assessment of the SEPP 65 Principles under the approved Concept Approval.

6.6 Urban Design

The proposal will not change the current approved built form. The proposed additional GFA and uses will be contained within the existing building envelope within Precinct 2. The only identifiable/visible changes from the public domain that may result from the proposal will be limited to design development to ensure appropriate access is provided to the development

6.7 Transport and Access

The Concept Approval (as modified) provides approval for improvements to the public domain including the adjoining streets, indicative vehicular ingress/egress points and basement parking layouts. This proposal seeks to maintain the existing traffic and parking conditions of the Concept Approval, as well as introduce an appropriate parking rates for the future non-residential uses.

Accompanying the application is Traffic Advice prepared by Stanbury Traffic Planning (**Appendix 3**). The advice has undertaken an assessment of the proposed additional 510m² of GFA against Council's DCP parking rates, as well as the existing approved parking rates against the requirements of the Concept Approval.

Overall, the future development will require the following parking spaces for each use:

- Gymnasium: 17 car spaces;
- Consulting Rooms: 4 spaces
- Total: 21 spaces

Given the constructed development includes seven (7) additional parking spaces above the requirements of the Concept Approval as approved under DA 2013/513, the future development will necessitate fourteen (14) new spaces within the building. As indicatively demonstrated on the detailed 'Preliminary' Architectural Plans prepared by Turner (**Appendix 4**), these additional spaces can be accommodated within the existing basement levels in close proximity to where the additional floor space will be allocated whilst maintaining the approved number of parking spaces under DA 2013/513.

In addition to the above, the Traffic Advice also provides an assessment of the proposal. The advice concludes the following:

"It is considered, based on the contents of this correspondence and the conclusions contained herein, there are no parking or traffic related issues that should prevent approval of the subject Section 75W

Modification Application. The proposal does not affect consistency with the terms of approval under the concept approval for MP 10_0154 (as modified)."



7. CONSULTATION

The proposed modifications are minor in nature, and do not significantly alter the overall Concept Approval (as modified). Accordingly, no formal consultation has been undertaken

8. Conclusion

The proposed modifications seek to technically increase the total GFA of the development by including uses in the existing building envelope in areas not previously calculated as GFA. Given the nature of modification, the proposal will result in a minor changes to the and will not have significant impact to the site and surrounding area.

This modification demonstrates that the requirements and conditions of Concept Approval MP10_0154 (as modified) are sufficient to encompass the proposed additional GFA and new uses, and manage any potential impacts on the environment and surrounding locality.

The proposal is appropriate as the proposed modification: -

- is an opportunity to utilise existing space in an approved building that would otherwise be un-used and wasted;
- provides an opportunity to include non-residential uses in the Concept Approval that will be utilised by and benefit both the residential occupants of Majors Bay, as well as other residents in the surrounding area.
- includes minor changes to the approved development and maintains the consistency with the Concept Approval (as modified);
- retains the approved public domain and streetscape presentation;
- retains the approved building form, typology, and building envelopes; and

Overall, the proposal maintains the commitments to improving the public domain, road upgrades and stormwater improvements for the benefit of the future occupants of the site and greater public. This redevelopment maintains its commitment to being a main driver in the redevelopment of the Majors Bay locality from an industrial employment area to a high quality residential precinct.

The modified proposal has been assessed against the relevant planning provisions under Section 75W and the issues raised in the Director General's Requirements have been readdressed where necessary. The proposal maintains the relevance of the residential development with regard to the transitional provisions of Part 3A of the EP&A Act, 1979. This report has addressed the potential impacts that may arise from the modification and it is concluded that no adverse environmental impact will result.

The proposed modifications are generally consistent with the terms of approval, do not change the site's suitability for the development and have been adequately justified in this report.

The proposal is consistent with all local regional and state planning objectives. In light of the above benefits of this project and in the absence of the any adverse environmental impacts, it is considered that the Concept Approval contemplates a form of development that will achieve the objects of the EP&A Act, 1979. In particular, the proposal represents "orderly and economic use and development of land" and provides the opportunity for employment generating uses on the site, in a location that would otherwise be unused and wasted. As such, approval is sought for the modified Concept Approval.