

3 April 2019

Mr David McNamara
Director, Key Sites Assessments
NSW Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Attn: James Groundwater

Concept Approval Modification MP 09_0029 - 63-77 West Parade, West Ryde

Dear David,

On behalf of my client, the NSW Land and House Corporation (LAHC), I am writing to seek a modification to the Concept Plan approval for West Ryde, The Section 75W application form is enclosed.

Scope of modification

The modification seeks to amend Condition A5 which currently states:

Notwithstanding the details of Part A of Schedule 1, the approval will lapse on 18 June 2020 unless the development has physically commenced.

This application follows email advice from the Department of Planning (DPE) confirming that the condition is specific to physical commencement and would not be able to be satisfied by submission of a Development Application.

As advised previously, LAHC is significantly progressed in its procurement process for the development of this mixed tenure social housing project. However the timing of approval for a Development Application with the local government authority is largely beyond the control of LAHC and/or their project delivery partner and may not be completed in time for the project construction to occur. It is also unknown what conditions may be placed on any future consent and the time implications of their compliance.

To ensure that the concept plan approval does not lapse, it is requested that Condition 5A be modified as follows:

Notwithstanding the details of Part A of Schedule 1, the approval will lapse on 18 June 2020 unless the development has been commenced, by way of lodgment of a development application in accordance with the Concept Plan.

Scope for consideration of a Section 75W application

This letter addresses the new scope for a modification under the previous Section 75W of the *Environmental Planning and Assessment Act 1979* as outlined in clause 3BA (5) of Schedule 2 of the

Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, being:

A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that:

- a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- b) the proposed modification is of minimal environmental impact, or*
- c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The proposal is considered against these criteria in the table below.

Modification criteria	Consideration
The proposed modification is to correct a minor error, misdescription or miscalculation	Not applicable
The proposed modification is of minimal environmental impact	The modification is considered to be of minor environmental impact as it does not seek to amend the proposal and will only serve to ensure that the approval does not lapse prior to physical commencement occurring. All environmental impacts associated with the proposal have been considered and addressed in the previous assessment of the Concept Plan.
The project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W)	The proposal is considered to be substantially the same as the project to which the concept plan currently relates, as the modification does not seek to make changes to the development proposed under the Concept Plan and relates to a technicality with the timing of lapsing only.

Fee for consideration of a Section 75W application

Section 245K of the *Environmental Planning and Assessment Regulation 2000* sets out the fees payable for requests for modifications for approval to Part 3A Concept Plans.

Given that no environmental assessment (either minor or major) is required and the change is consistent with the approach usually taken for concept approvals we are of the view that the appropriate fee is as per S245K (2) being \$850.

The modification is considered to meet this requirement as it does not seek to amend the proposal and would not require any further environmental assessment or public notification to be carried out.

Conclusion

The proposed modification is considered to be minor and will enable LAHC to continue its procurement and development application process and ensure that the Concept Plan approval does not lapse where construction cannot commence prior to 18 June 2020. This is wholly consistent with the intent of the original concept approval and subsequent modifications.

Your support in progressing this modification would be greatly appreciated.

Regards,

A handwritten signature in dark ink, appearing to read 'Michael File', written in a cursive style.

Michael File

Director

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