



***MODIFICATION REQUEST:***

***Sir Moses Montefiore Jewish Home, 100-120 King  
Street & 30-36 Dangar Street, Randwick***

***MP09\_0188 MOD 1 and MP10\_0044 MOD 1 -  
Modification to Approved Concept Plan and Project  
Application***



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

January 2012

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## 1. THE SITE

The subject site is commonly known as the Sir Moses Montefiore Jewish Home and is located at 100-120 King Street and 30-36 Dangar Street, Randwick. It is owned by Sir Moses Montefiore Jewish Home and comprises a single allotment identified as Lot 202 in DP 879576. The site has an area of 29,353m<sup>2</sup> and currently accommodates an aged care facility and a child care centre.

The site is located on the north-western corner of King and Dangar Streets, Randwick (in the Randwick Local Government Area) in an established urban area. It is situated approximately 1 kilometre from the Randwick Town Centre (to the southeast) and approximately 4 kilometres from the Sydney CBD (to the northwest).

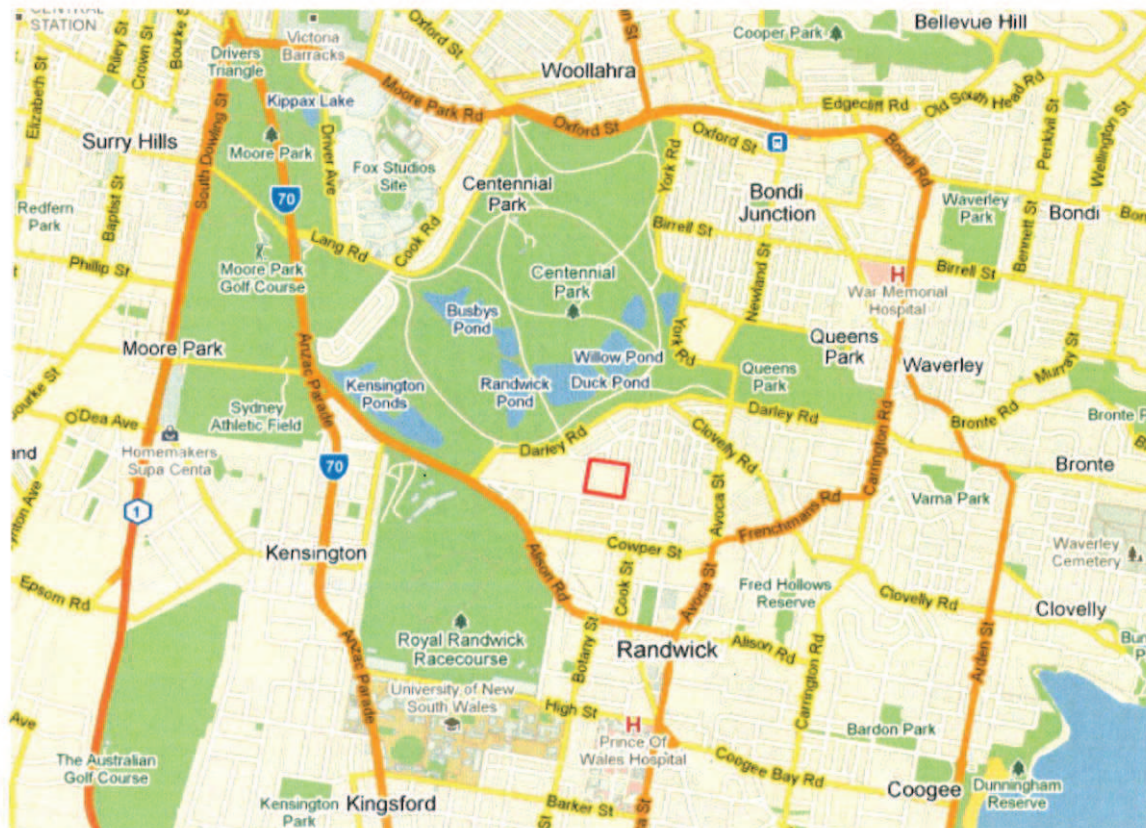


Figure 1: Site location (site is outlined in red).

## 2. BACKGROUND

On 19 July 2011, the Planning Assessment Commission approved a Concept Plan (MP09\_0188) and Project Application (MP10\_0044) on the site which included:

**Concept Approval** for the expansion of an existing residential aged care facility including retail space and childcare centre comprising:

- Stage 1** A building envelope of 5 levels toward the south-eastern corner of the site providing residential aged care accommodation and support services, a retail unit, parking facilities and a public square.
- Stage 2** A building envelope of between 4-6 levels toward the south western corner of the site providing residential aged care accommodation and ancillary spaces, a new child care centre to replace the existing and associated car parking.



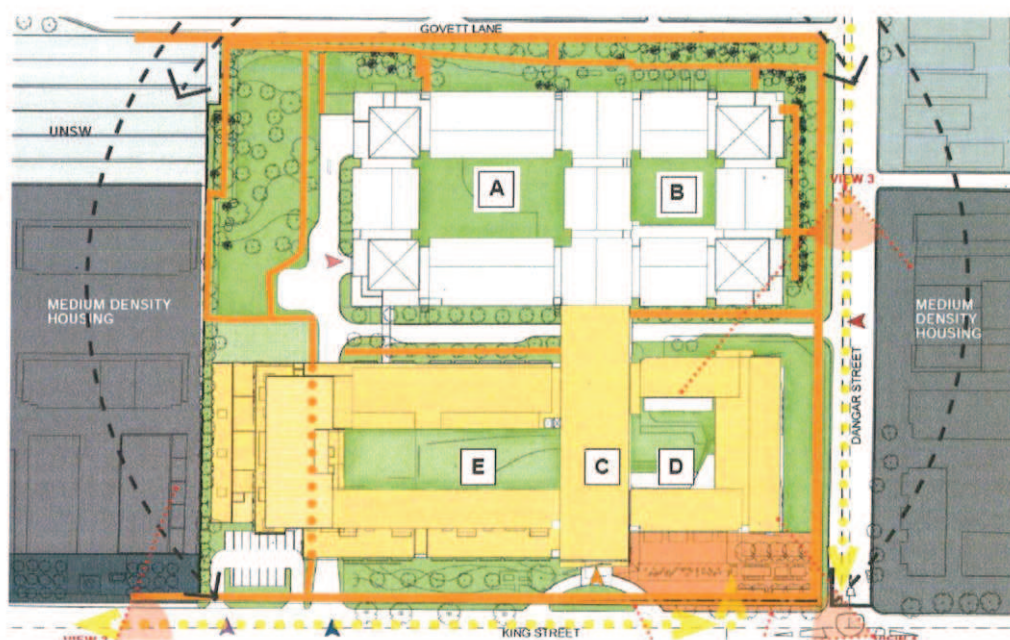
**Stage 1 Project Approval** for a building of 5 levels toward the south-eastern corner of the site providing:

- residential aged care accommodation and support services;
- a retail unit at the ground level;
- parking facilities; and
- a public square at the corner of King and Dangar Streets.

The project is at pre-construction stage.



**Figure 2:** Site location and surrounding development.



**Figure 3:** Site layout as approved.

### 3. PROPOSED MODIFICATION

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The proposed modification seeks to clarify and correct the Terms of Approval (A2) of the Concept Plan and Project Application in order to provide and correct reference to the approved Environmental Assessment and Preferred Project Report documents.

The modifications seek to clarify and correct erroneous references to the author and dates of Environmental Assessment and Preferred Project Report documents cited in the Terms of Approval (A2) of the Concept Plan (MP09\_0188) and the Project Application (MP10\_0044). The proposed modifications do not result in additional environmental impacts and the development remains consistent with that previously approved.

The relevant terms of approval sought to be amended are as follows:

#### Concept Plan (MP09\_0188)

Term of Approval A2 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

##### **"A2. Development in Accordance with Plans and Documentation**

The approval shall be generally in accordance with MP09\_0188 and with the Environmental Assessment **dated September 2010 prepared by JBA Planning**, except where amended by the Preferred Project Report **dated January 2011 prepared by JBA Planning** and additional information to the Preferred Project Report, and the following drawings prepared by Jackson Teece and Oculus.

..."

#### Project Application (MP10\_0044)

Condition A2 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

##### **"A2. Development in Accordance with Plans and Documentation**

The development will be undertaken in accordance with the Environmental Assessment dated **September 2010** ~~October 2007~~ prepared by **JBA Planning** ~~Urbanis~~ and all Appendices, except where varied by

- the Preferred Project Report submitted **in January 2011** ~~on 7 September 2010~~ and all Appendices;
- the Proponent's Statement of Commitments included in the PPR; and
- the following drawings:

..."

Further details of the proposed modification are provided in Appendix A – Modification Request.

### 4. STATUTORY CONTEXT

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#### 4.1 Continuing Operation of Part 3A to Modify Concepts / Approvals

In accordance with clause 3 of Schedule 6A to the EP&A Act, Part 3A of that Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. The concept plan and project application were approved on 19 July 2011. The project is, therefore, a transitional Part 3A project within the meaning of clause 2 of Schedule 6A.



Consequently, this report has been prepared in accordance with the requirements of Part 3A and any associated regulations, and the Minister (or his delegate) may determine the request to modify the concept plan approval and project approval under section 75W of the EP&A Act.

#### **4.2 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 of 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 terms of approval imposed on the Concept Plan Approval and Project Approval, and therefore, approval to modify the application if required.

#### **4.3 Environmental Assessment Requirements (DGRs)**

No additional environmental assessment requirements were issued with respect to the proposed modifications, 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.

#### **4.4 Delegated Authority**

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where the relevant local council has not made an objection, a political disclosure statement has not been made and there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in response of the modification request.

As council has not made an objection, no donations have been disclosed, and no public submissions were received, the A/Director, Metropolitan & Regional Projects South may determine the modification request under delegated authority.

### **5. CONSULTATION AND EXHIBITION**

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Under Section 75X of the Act, a request to modify an approval does not require public exhibition. However, under Section s75X (2) (f) of the Act, the Director General is 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.

No submissions were received from the public.

The proposed modifications are sought to provide clarification and to correct an administrative error which will not give rise to any additional environmental impacts, and the development as modified will be the same as that which was approved under MP09\_0188 and MP10\_0044 on 19 July 2011. Therefore, these modifications do not require exhibition.

### **6. CONSIDERATION OF PROPOSED MODIFICATIONS**

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The original terms of approval of the Concept Plan (MP09\_0188) and Project Application (MP10\_0044) required the development to be generally in accordance with the submitted Environmental Assessment and Preferred Project Report. However these documents were either

incorrectly or not specifically referenced. The modification seeks to clarify and correct these document references in order to maintain consistency between the approvals and as a matter of accuracy and to allow development to proceed.

The proposed modifications do not result in additional environmental impacts and the development remains identical to that previously approved. The proposed modification does not change the original assessment as to the site's suitability for this development.

## 7. CONCLUSION AND RECOMMENDATIONS

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The department has assessed the application on its merits and the proposed modification is considered reasonable and will not result in any significant changes to the development as approved.


The proposal seeks modifications regarding the references to the Environmental Assessment and Preferred Project Report for both the Concept Plan and Project Application approvals. The proposed modification does not change the original assessment as to the site's suitability for this development.

It is recommended that the A/Director, Metropolitan and Regional Projects South:

- (a) consider the findings and recommendations of this report;
- (b) approve the modifications under delegated authority, under Section 75W of the Environmental Planning and Assessment Act 1979;
- (c) sign the attached instrument of Modification for MP09\_0188 (MOD 1); and
- (d) sign the attached instrument of Modification for MP10\_0044 (MOD 1).

 10/11.

Holly Palmer  
**Planning Officer**  
**Metropolitan & Regional Projects South**

 10/11.

Ben Lusher  
**A/Team Leader**  
**Metropolitan & Regional Projects South**



## **APPENDIX A    MODIFICATION REQUEST**

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See the department's website at:

Concept Plan MP09\_0188 MOD 1

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5090](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5090)

Project Application MP10\_0044 MOD 1

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5091](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5091)

## **APPENDIX B    RECOMMENDED MODIFYING INSTRUMENTS**

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