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Our Ref: PR107832
Date: 25 March 2014

Attn: Ben Lusher
Planning & Infrastructure
23-33 Bridge Street
Sydney NSW 2000

Via: email

Dear Ben

RE: SECTION 96(1A) MODIFICATION TO SSD 4949-2011: EXTEND TIMING FOR PAYMENT OF S94F CONTRIBUTIONS

In accordance with Section 96 of the Environmental Planning and Assessment Act 1979 and on behalf of our client, Urbanest, we hereby submit this Section 96(1A) application to modify the development consent, SSD-4949-2011. The modification is seeking an extension to the time period in which Section 94F (s94F) Affordable Housing contributions must be paid.

Consent was granted for SSD 4949-2011 on 16 May 2012 for 2 to 5 storey student accommodation development with 404 bedrooms and associated facilities. There have been six subsequent Section 96 modification applications submitted and approved for general minor design and condition amendments.

MOD 1 sought to amend the timing of the payment of s94F contributions from prior to Construction Certificate to prior to Occupation Certificate. This was approved on 9 August 2012.

MOD 6 was lodged on 4 November 2013 and sought the removal of references to s94F Affordable Housing contributions. This is currently being assessed by Planning and Infrastructure (P&I). Two requests for additional information were made on 12 December 2013 and on 29 January 2014. It is understood that P&I have now received all necessary information,

On 20 March 2014, P&I advised that their assessment is taking longer than anticipated and it was acknowledged that this would cause an unreasonable delay to obtaining the final Occupation Certificate for the development. Approximately 250 students are waiting occupy the building immediately upon receipt of the final Occupation Certificate. As the university semester began at the beginning of March, any further delay in opening the remainder of the building will have an unreasonable impact on students and on urbanest.

P&I has advised that the assessment report and determination are unlikely to be finalised for some weeks. This Section 96 modification is therefore seeking to amend the timing of payment of s94F contributions to 12 months after the issue of the final Occupation Certificate. This will ensure students can move in to the facility as planned and allow P&I sufficient time to finalise their assessment of MOD 6.

Proposed Modification

It is proposed to modify condition A4(b) to delay the requirement to pay s94F Affordable Housing contributions to no longer than 12 months after the receipt of the final Occupation Certificate as follows:

b) Timing and Method of payment:

- (i) The contribution shall be paid in the form of cash or bank cheque, made out to the Sydney Metropolitan Development Authority (SMDA).
- (ii) Evidence of the payment of the Section 94A development levy to the SMDA shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for above ground works.
- (iii) Evidence of the payment of the Section 94F Affordable Housing contributions to Planning & Infrastructure shall be submitted to the Certifying Authority prior to no longer than 12 months after the issue of the final Occupation Certificate.

Assessment

The proposal is minor, will result in substantially the same development to what was originally approved and will not have any significant adverse environmental impacts. The amendments relate only to the timing of payment of s94F contributions.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely
RPS

A handwritten signature in black ink, appearing to be 'Mia Fay'.

Mia Fay
Planner