



12354
30 July 2014

Mark Brown
NSW Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mark Brown (Senior Planner)

Dear Mark

**SECTION 96(1A) MODIFICATION APPLICATION TO SSD 5700/2012
BLOCK 4S – CENTRAL PARK – STUDENT ACCOMMODATION**

On behalf of the Central Park JV No 2 (The proponent) we write to request that the Minister (or their delegate) modify State Significant Development Approval (SSD 5700/2012) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as described below.

This modification seeks a minor variation to the wording of condition E15 relating to the minimum number of washing and drying machines to the provided for Block 4S. The amendment is proposed to ensure the number of machines is congruent to the reduced building occupancy that comes from compliance with Condition B2(a) of the approval.

1.0 BACKGROUND

On 23 December 2014, approval was granted by the Planning Assessment Commission (PAC) for the construction of a part 15/part 16 storey building for student accommodation for up to 826 students with 688 rooms; including the provision of residents facilities and communal laundry at Block 4S, Central Park.

Condition B2(a) of this consent required the building footprint be reduced at the northern elevation to provide a minimum 14.5m separation between Block 4S and the proposed building directly to the north (Block 4N). The proposed scheme included a separation of 12.5m, so in accordance with Condition B2(a), approximately 2m was removed from the northern façade to satisfy the condition and create the 14.5m separation.

As a result of the reduced building footprint, the total number of accommodation places has reduced from 826 (as approved) to 770. However, in accordance with Condition E15 - Laundry Facilities – a minimum of 28 washers and 28 dryers are still required to be provided within the communal laundry. As part of the assessment of the SSDA, the proposed ratio of 1 washer and 1 dryer per 29 students was determined as being acceptable by the PAC.

In summary, the reduction in building footprint and therefore accommodation places (in accordance with Condition B2(a)) has not been reflected in the current wording and numeric requirements of Condition E15. This modification seeks to amend Condition E15, reducing the number of washers and dryers to total number of accommodation places (770), whilst maintaining the same 1:29 ratio considered acceptable by the PAC.

2.0 DESCRIPTION OF MODIFICATION

The proposed modification seeks to amend Condition E15 – Laundry Facilities. Specifically, the modification seeks to reduce the number of each machine required, to reflect the lower number of building occupants than original intended and approved. The number of each machine is proposed to reduce from 28 to 26 in response to a reduction in occupant numbers of 826 to 770 (as required by design amendments set out in Condition B2(a)). The specified size of the machines is proposed to be deleted, given commercial washer/dryers vary in size, typically 8-9kg.

The condition is proposed to be amended as set out below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

E15. Laundry Facilities

*A minimum of ~~twenty-eight (28)~~ ***twenty-six (26)*** ~~9kg~~ commercial washing machines and ~~twenty-eight (28)~~ ***twenty-six (26)*** ~~9kg~~ commercial dryers are to be provided within the communal laundry and are to be installed and operational prior to the issue of an Occupation Certificate.*

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Pursuant to Section 96(1A) of the EP&A Act, Council may modify development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Section 96(3) of the Act requires the consent authority to take into consideration such of the matters referred to in Section 79C (1) as are of relevance to the development the subject of the application.

The proposed modification will not alter the nature of the approved development. The proposed amendment seeks to provide consistency between the requirements of condition B2(a) and E15. It does not seek to change the use, built form, public domain or any other key aspects of the approved SSD development. As a result, the proposed development remains substantially the same as the approved development and is of minimal environmental impact.

The incorporation of the proposed modifications will result in a development which is substantially the same as the approved development. The modification of the SSD Approval can therefore lawfully be approved under Section 96 of the EP&A Act.

4.0 JUSTIFICATION AND ENVIRONMENTAL ASSESSMENT

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the proposed modification is of minimal environmental impact"*.

The following assessment demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

The proposed modification proposed a reduction in the minimum congruent to the reduced building population as a result of the required design amendment specified in Condition B2(a). The ratio of washing and drying machines will be 1:29 students, which is consistent with the ratio approved as part of the original determination (as approved by the PAC).

Importantly, the number and performance of the machines proposed as part of this amendment will sufficiently cater for the need of future building occupants. The proponent is proposed to install a market-leading laundry system with commercial grade machines, cashless payment, online live monitoring of laundry usage (complete with smartphone applications) that will enhance the user experience and convenience.

5.0 CONCLUSION

The modification proposed in this Section 96(1A) application relates to a minor change to the wording of Condition E15, to provide the appropriate number of washer/dryers to cater for the reduced building population (in response to Condition B2(a)). The proposed modification will not give rise to any additional environmental impacts, and the development as modified will be substantially the same as that which was approved under SSD 5700/2012.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or sgouge@jbaurban.com.au.

Yours faithfully,



Stephen Gouge
Senior Planner