

8 February 2018

17237

The Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001  
Attention: Jane Flanagan (Acting Team Leader, Modifications Assessments)

Dear Jane,

**RE: SECTION 96(1A) MODIFICATION  
BLOCK 4S CENTRAL PARK (SSD5700)**

This application has been prepared by Ethos Urban on behalf of Multiplex Constructions Pty Ltd pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 5700 relating to Block 4S Central Park (the site).

The modification relates to minor amendments to the public domain associated with the building, in the through-site link between Block 4S and Block 4N (note – no modifications to Block 4N SSD 6673). The modification includes the deletion of three planter boxes within the public domain in order to provide access and ventilation to High Voltage Cable Chamber room servicing Block 4N.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 96(1A) of the EP&A Act. This application is accompanied by:

- Ground Floor Architectural Plan, prepared by Fosters + Partners (**Attachment A**); and
- Ground Floor & Level 00 Plan, prepared by Jeppe Aagaard Anderson & Turf Design Studio (**Attachment B**).

## 1.0 Background

### 1.1 Central Park Concept Plan

MP 06\_0171, as modified in February 2009, is a Concept Plan approval applying to the Frasers Broadway (now Central Park) site which permits the construction of a mixed use precinct comprising:

- 11 development blocks;
- A maximum Gross Floor Area (GFA) of 255,500m<sup>2</sup> with minimum non-residential and maximum residential floor space mix.
- Combined basement car parks, providing car parking for Blocks 1, 4 and 8 and
- Blocks 2, 5, 9 and the Kensington Precinct;
- A new public park;
- Tri-generation and re-cycle water treatment plants;
- Retention of heritage items;
- Public domain works; and
- Contributions.

To date, a total of 12 modifications to the Concept Plan have been approved between 2007 and 2015. The modifications have primarily related to amendments of building envelopes and reallocation of floor space in response to the delivery of each block.

## 1.2 SSD5700 – Block 4S Central Park

State Significant Development Consent SSD 5700 was granted by the Planning Assessment Commission on 23 December 2013 for

*“Construction of a part 15/ part 16 storey building for student accommodation for up to 826 students within 688 rooms comprising:*

- resident facilities including communal recreation, dining, study facilities, administration facilities, theatre, gym, and laundry and lounge areas;*
- 11 retail tenancies at the lower and upper ground levels;*
- single storey basement level;*
- 197 bicycle spaces;*
- 4 motorcycle spaces;*
- 2 on street car parking bays at Irving Street;*
- provision of public domain works surrounding the development including; public pathways, paving, tree planting, seating, bicycle parking, pedestrian lift and public artwork; and*
- stratum subdivision.”*

The application has been modified once, in 2014 relating to the number and size of laundry machines. No other modifications have been submitted and the site is currently operating as the approved student accommodation development.

Whilst the through site link is located between Block 4N and 4S, the approval for landscape works was originally included in the Block 4S application, and therefore the Block 4S SSD is proposed to be amended.

As part of the original assessment of the Block 4S SSD the Department of Planning and Environment noted that the through link between Blocks 4N and 4S will be a main pedestrian thoroughfare for access. The proposal does not alter this, and in many respects, improves this, whilst providing greater opportunity for activation from the adjoining retail tenancies.

## 1.3 Pre-lodgement Consultation

The Project contractors and Proponent met with Council in August 2016 to discuss the scope and basis for the proposed modifications, who advised that an amendment to the relevant planning application would be required. Notwithstanding this, Council issued Public Domain Approval for the proposed landscaping solution in December 2017 for Block 4N.

## 2.0 Description of Proposed Modifications

### 2.1 Modifications to the development

The modifications relate to amendments to the public domain and landscaping to the north of Block 4S, within the through-site link between Block 4N and Block 4S (connecting Abercrombie Street/Central Park Avenue). The modifications include the deletion of five planter boxes within the public domain. A location plan is shown at **Figure 1** and a comparison of the approved development and proposed modifications are shown at **Figure 2**.

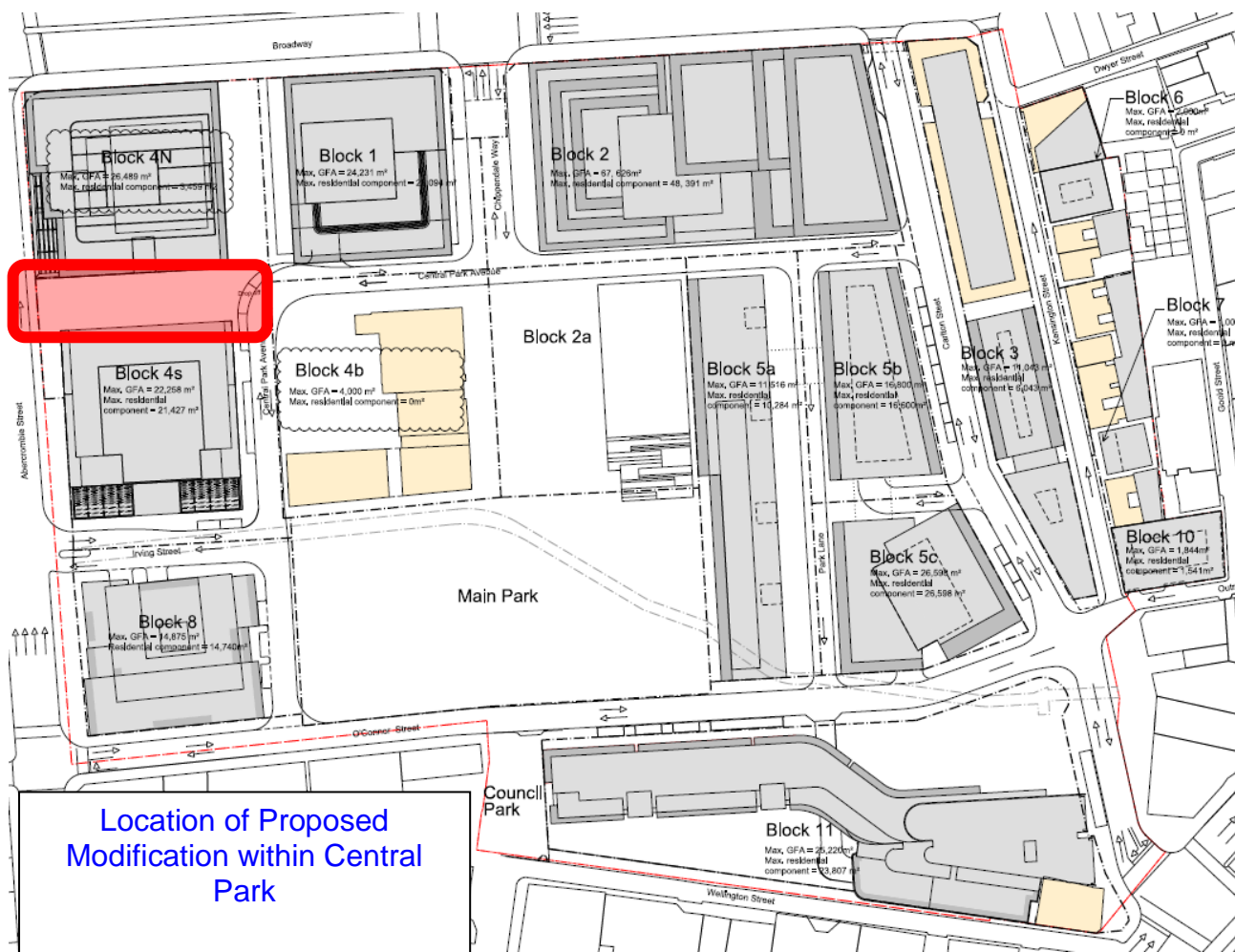


Figure 1 Location of proposed modifications in the context of Central Park

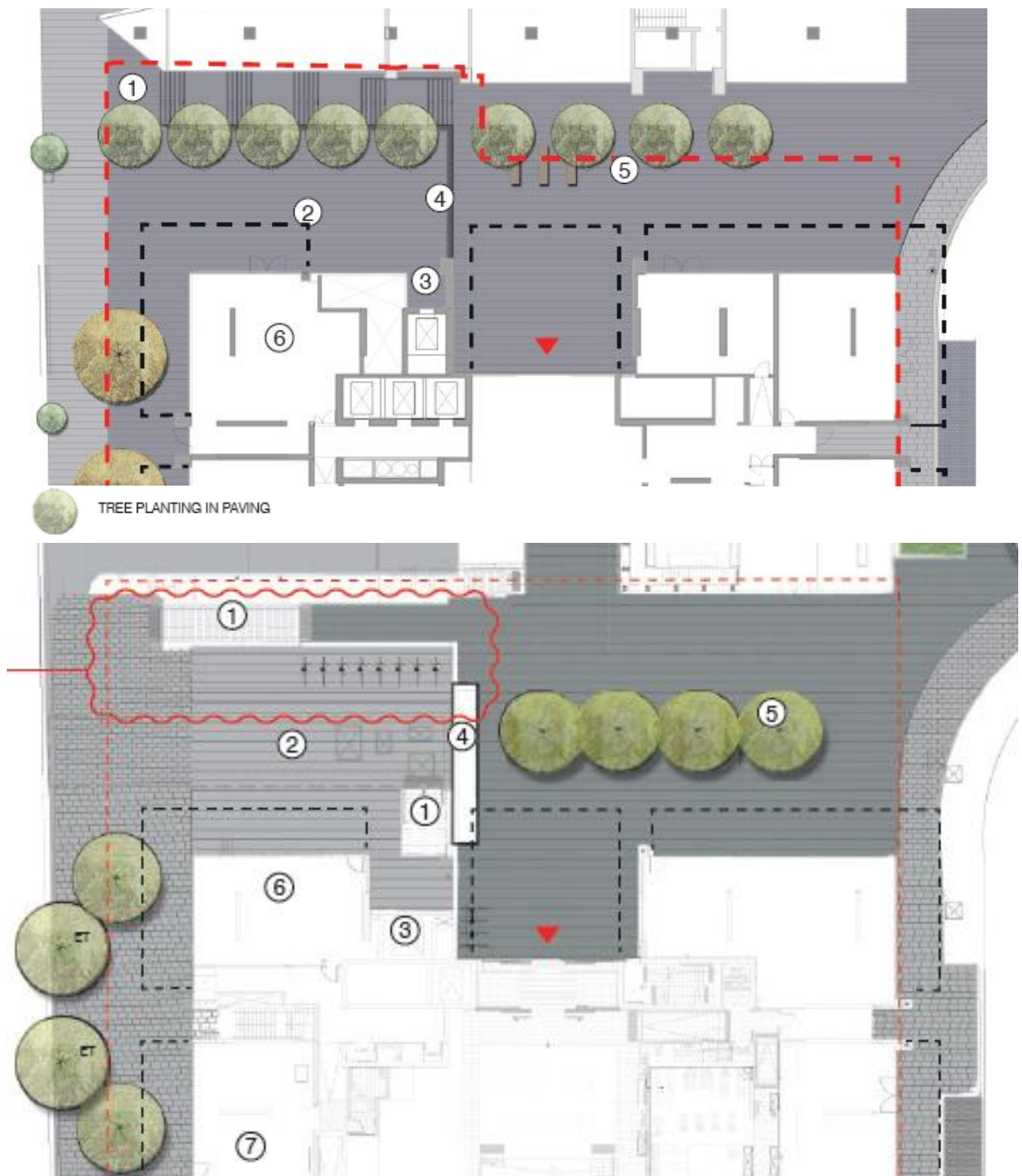


Figure 2 Comparison of approved (top) and proposed (bottom) public domain

## 2.2 Reasons for the Modification

The approval of Block 4N and its associated infrastructure has led to the need for access, ventilation and servicing requirements to the area. The High Voltage Cable (HVC) Chamber, located in the Block4N Basement required a path of egress and access hatch. Installation of planters as proposed in this area would fault this egress requirement to the Chamber (refer to **Figure 3**).

Additionally, any drainage to these planter boxes would encroach on agreed Ausgrid deed for servicing to the Block 4N HVC. Finally, relocating similar planters anywhere south of the current approved location will provide further complications, as no drainage would be able to be reticulated under the existing constructed slab, as there is another HVC (for 4S) in the location below.

Note – no modifications to development consent for Block 4N (SSD6673) are proposed.

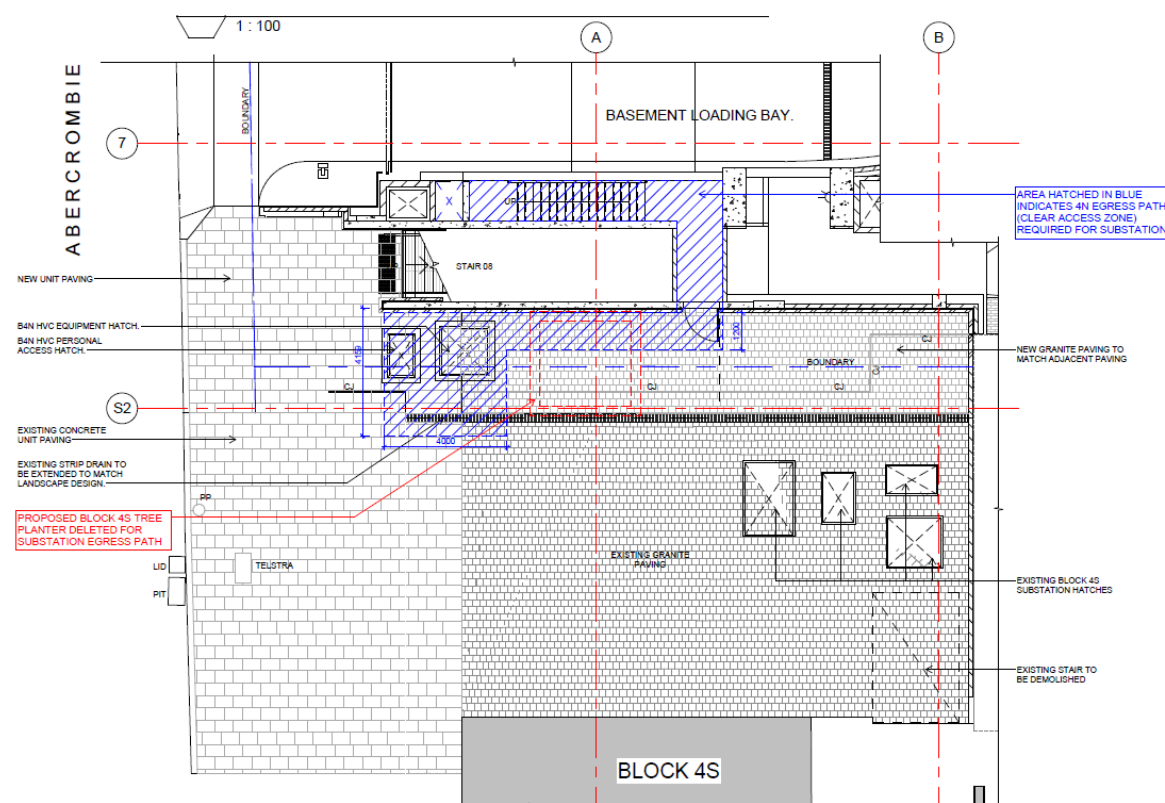


Figure 3 Illustrative diagram showing servicing and access requirements within through-site link

## 2.3 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

### Schedule 2

#### CONDITION A2 – DEVELOPMENT IN ACCORDANCE WITH PLANS

The Applicant shall carry out the project generally in accordance with the:

- Environmental Impact Statement* titled 'Environmental Impact Statement (SSD 5700-2012) prepared by JBA Planning, dated January 2013;
- Response to Submissions report* titled 'Response to Submissions (SSD 5700-2012), prepared by JBA Planning, dated May 2013;
- Additional Information* prepared by JBA Planning, dated 1 August 2013; and



d) Following drawings, except for:

- (i) any modifications which are Exempt' or Complying Development;
- (ii) otherwise provided by the conditions of this consent.

Drawing Number	Revision	Name of Plan	Date
<b>Architectural (or Design) Drawings prepared by Foster + Partners</b>			
...			
PA-A-5759	<del>08</del> 09	Level Ground Floor	<del>20/05/13</del> 02/02/18
...			
<b>Landscape and Public Domain Drawings prepared by Jeppe Aagaard Anderson &amp; Turf Design Studio</b>			
4	<del>B</del> C	Ground Floor & Level 00 Plans	<del>12/12</del> Feb 2018

### 3.0 Substantially the same development

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if “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)”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Maintains the key design features and permeability of the through site link;
- Does not alter the building, proportions of the hardstand area, or built form;
- Will not incorporate any additional amenity impacts to surrounding land uses or the exiting streetscapes;
- Will not give rise to any additional environmental impacts from what was approved from the original consent; and
- Will facilitate the required maintenance and servicing requirement of the high voltage cable chambers, without impacting of the day to day functionality and usability of the space by adjoining non-residential tenancies of Block 4S.

### 4.0 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”. Under Section 96(4) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 79C(1) of the EP&A Act.

The following assessment considers the relevant matters under Section 79C(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

#### 4.1 Compliance with Statutory Plans

The proposed modification does not seek to modify the approved use of Block 4S, which is permitted consent under the *Sydney Local Environmental Plan 2005*. In accordance with Clause 11 of the SRD SEPP and Planning Circular PS 11-019, DCPs do not apply to SSD and subsequent modifications.

Notwithstanding, the proposed modification will not alter the compliance of Block 4S with objectives of the Sydney DCP 2012. Specifically, the modifications are consistent with the intent of Section 3.1 Public Domain Elements, 3.1.1 Streets, lanes and footpaths as the space will be activated by the tenancy (likely outdoor seating) located on the north-western corner with frontage to Abercrombie Street, and maintains visual permeability into and out of Central Park (and building beyond) as recommended in the original assessment.

#### **4.2 Central Park Concept Plan**

The proposed modification does not alter the consistency of Block 4S as approved with the Concept Plan which indicates the link between Block 4N and 4S as a 'Publicly Accessible Throughway'.

#### **4.3 Design Excellence**

The proposed modifications are considered minor and do not fundamentally alter the form or design of Block 4S as approved. The deletion of the planter at ground level is a required change in order to facilitate the necessary servicing as discussed at Section 2.2 above. Notwithstanding the proposed modification, Block 4S continues to exhibit design excellence and the modification will not dramatically alter the visual appearance or activation of the development at ground level.

#### **4.4 Landscaping and Public Domain**

Although the proposed modifications seek to delete five planter boxes within the through-site link, the development remains consistent with the objective to provide pedestrian access from Abercrombie Street to Central Park Avenue between Block 4S and Block 4N. The provision of planter boxes within this area was not critical to the assessment and determination of SSD5700. The investigations and design development post-approval have found that the option to delete the planters will ensure that both public access and the servicing requirements can be achieved. As stated above, the removal of the planters will continue to facilitate activation of the through-site link, and will improve direct sight lines between Central Park Avenue and Abercrombie Street.

## **1.0 Conclusion**

The proposed modifications relate to a minor alteration to the approved public domain associated with Block 4S Central Park. The modifications are required in order to provide a practical and functional outcome to the courtyard space, to enable servicing and egress to the HVC substations, whilst maintaining the functionality and usability of the space.

In accordance with section 96(1A) of the EP&A Act, the Department may modify SSD5700 as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

In light of the above, we therefore recommend that the proposed modification is supported. We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you require any further information, please do not hesitate to contact Samantha Miller on 9409 4971 or [smiller@ethosurban.com.au](mailto:smiller@ethosurban.com.au).

Yours sincerely,



**Samantha Miller**  
Senior Planner