



13381
18 May 2016

Carolyn McNally
Secretary
NSW Department of Planning and Environment
22-33 Bridge Street
SYDNEY NSW 2000

Attention: Amy Watson

Dear Ms McNally,

**SECTION 96(1A)– CAR PARKING CLARIFICATION
BLOCK 8, CENTRAL PARK**

We write to you on behalf of the proponent Frasers Property Pty Ltd, seeking an amendment to Project Approval State Significant Development (SSD) 6092 pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) - Block 8, Central Park.

This modification seeks to amend the wording of condition '*B21 – Car Parking*' to correct inconsistencies between the approved plans and condition, and amend the number of accessible spaces. The net effect results in the same number of parking spaces as shown on the approved plans, but one less than stated in condition B21.

1.0 CENTRAL PARK BLOCK 8 APPROVAL SSD 6092

On 27 November 2014, the DPI approved an SSD application that sought consent for the development of a mixed use building currently under construction on Block 8 comprising:

- excavation to provide a three (3) level basement area with car parking, bicycle parking, end of trip journey facilities and service infrastructure; and
- construction of a 13 storey mixed use building containing 178 apartments and 135m² of non-residential uses on the ground floor.

A modification was recently submitted to amend the hour of construction, this has not yet been determined.

2.0 PROPOSED MODIFICATIONS TO CONSENT

This modification seeks to clarify and rationalise the car parking allocation as set out in the Block 8 SSD, reducing the number of accessible spaces by one to reflect the number of adaptable units approved in the development. No visitor car parking spaces were provided on site.

The modification also seeks to clarify the inconsistency between the SSD plans and Condition B21 in relation to the total number of car parking spaces.

The net change of the amendment is the same number of parking spaces as shown on the approved plans, but one less than stated in condition B21.

Proposed parking numbers are set out in the table below.

	Approved SSD Plans	SSD Condition B21	Proposed
Standard Car Parking	74	75	75
Accessible Parking	28*	28	27
Total	102	103	102

*Note: The SSDA architectural plans indicated 27 adaptable apartments however 28 accessible car spaces were proposed

2.1 Proposed amendments to condition

The proposed modifications described above necessitate amendments to the consent conditions which are identified below.

Words proposed to be inserted are shown in ***bold italics***.

Condition B21

B21 Car parking on site shall be provided as follows:

- a) ~~403~~ ***102*** residential car parking spaces (including ~~28~~ ***27*** accessible spaces); and...

4.0 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),*

The modification seeks to clarify inconsistencies between the approved plans and conditions, and rationalise the number of accessible car parking spaces, to correspond with the number of adaptable units approved in the development.

3.0 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". The following assessment demonstrates that the development, as proposed to be modified in respect to the extended hours of construction, will be of minimal environmental impact.

5.1 Section 79C(1)(a) Planning Instruments

The EIS submitted with the original SSD addressed the proposed development's level of compliance against relevant planning instruments, including City of Sydney Development Control Plan 2012.

The proposed number of accessible car parking spaces is consistent with the requirement for each adaptable unit (27) to be provided with an accessible car parking space (27 proposed).

5.2 S.79C(1)(b) Impact on the Environment

The proposal does not result in any additional impacts to the environment, and reduces the overall number of car parking space by 1 from 103 to 102.

5.5 S.79C(1)(c) Suitability of the site for the proposed development

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the original SSD.

5.6 S.79C(1)(e) The Public Interest

The modifications will have no material impact on the approved development

4.0 CONCLUSION

In accordance with section 96(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved development. The proposed modifications are demonstrated to result in a negligible environmental impact and clarify inconsistencies between the conditions and approved plans.

In light of the above, we recommend that the Department approve the proposed modifications as described above. We trust that this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact 9956 6962 or sgouge@jbaurban.com.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Stephen Gouge'.

Stephen Gouge
Principal Planner