

1 December 2017

17327

Ms Carolyn McNally
The Secretary
NSW Department of Planning and Environment
PO BOX 375
Sydney NSW 2001

Attention: Natasha Harras (Team Leader, Modification Assessments)

SECTION 96 (2) MODIFICATION APPLICATION – SSD 6376 BLOCK 11, CENTRAL PARK

This application has been prepared by Ethos Urban on behalf of Frasers Broadway Pty Ltd pursuant to section 96(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify to modify State Significant Development Application SSD 6376 relating to Block 11, Central Park.

This application relates to minor internal and external amendments as part of the design development progression of the project. The modifications include:

- Significant reduction of the plant room located on level 13 and replacement with 2 x one bedroom units;
- Modification to eight apartments on the northern elevation from loggias to balconies (in order to meet the requirements of BASIX);
- Removal of internal stair (stair 5) between ground and level 1;
- Retail signage, consisting of projecting wall signs located above the entry of each tenancy; and
- Minor internal and external modification for services, plant and structure.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 96(1A) and 79C(1) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement (EIS) prepared by JBA dated December 2014 (submitted with the original SSD) and is accompanied by the following:

- revised Architectural Plans prepared by FJMT (**Attachment A**)
- Services Statement – Level 13 Plant Room, prepared by Floth Pty Ltd (**Attachment B**);
- GFA Drawings, prepared by Linker Surveying (**Attachment C**)
- BASIX Statement, prepared by Cundall (**Attachment D**)
- BCA Compliance Capability Statement, prepared by City Plan Services (**Attachment E**).

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 255,500m² 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 Block 11 SSD – Approval proposed to be modified

State Significant Development (6376) was granted by the Department of Planning and Environment (DPE) on 2 March 2016 for the following:

Development of the Block 11 mixed use development including:

- construction of a 10 to 13 storey building (maximum height RL 64.17) over two basement levels;
- Total GFA of 25,220m² comprising:
 - 292 residential apartments;
 - 758m² GFA retail; and
 - 655m² childcare facility (90 child capacity).
- retention, refurbishment and alteration of the Castle Connell Hotel (external only);
- 174 on-site car parking spaces (including 10 car share spaces) and two service vehicle spaces
- six regular and three short term on-street car parking spaces;
- 448 bicycle parking spaces;
- 3,300m² of open space;
- public domain works and landscaping;
- subdivision and strata subdivision; and
- signage zones.

A modification (MOD 1) was submitted to the Department to amend wind conditions (Condition B7, B8, and B9). This modification was approved in November 2016. MOD 2 of this application was submitted in February 2017 and was approved by the DPE in October 2017.

2.0 Description of Proposed Modifications

2.1 Overview of Proposed Modifications

This application relates to minor internal and external amendments as part of the design development progression of the project. The modifications include:

- Significant reduction of the plant room located on level 13 and replacement with 2 x one bedroom units;
- Modification to eight apartments on the northern elevation from loggias to balconies (in order to meet the requirements of BASIX);
- Removal of internal stair (stair 5) between ground and level 1;
- Retail signage, consisting of projecting wall signs located above the entry of each tenancy; and
- Minor internal and external modification for services, plant and structure.

The modification seeks to increase the total number of units approved from 293 to 295, and will result in a total GFA of 25,194m² retained within the development. A breakdown of the modification and location within the development is provided in the table below.

Level	Proposed Modification
Basement 2	<ul style="list-style-type: none"> ▪ Reduction of the stormwater tank size (based on advice from services consultant – S4B, and the Central Park Water Authority – Flow Systems)
Basement 1	<ul style="list-style-type: none"> ▪ Additional storage included to cater for the additional apartments proposed (storage is capable of accommodating a bicycle) ▪ Minor structural amendments
Ground Floor	<ul style="list-style-type: none"> ▪ Modification of substation vents to be circular (approved by Ausgrid) ▪ Minor change to the finished floor level (FFL) at the central lift core ▪ Extension of services cupboard near driveway ▪ Incorporation of additional retail signage ▪ Deletion of Stair 5, replaced with communications room and increased retail plant room size ▪ Reconfiguration of residential gym entrance, and deletion of 1 x toilet (WC).
Level 01	<ul style="list-style-type: none"> ▪ Deletion of Stair 5 (at the northern end of the childcare centre floorplate) resulting in additional non-residential GFA - childcare
Level 02	<ul style="list-style-type: none"> ▪ Three apartments (C-206b, C-207 and C-208) modified to balconies from loggias, resulting in a small reduction in residential GFA

Level	Proposed Modification
Level 03	<ul style="list-style-type: none"> Five apartments (E-308, E-309, E-310, E-311, E-312) modified to balconies from loggias, resulting in a small reduction in residential GFA.
Level 04 - 08	<ul style="list-style-type: none"> No changes
Level 09	<ul style="list-style-type: none"> Minor mechanical ventilation shaft amendments Residential Terrace – Minor amendments to BBQ zone arrangement
Level 10	<ul style="list-style-type: none"> Minor amendments to lift overruns within previously approved envelope to facilitate constructability
Level 13	<ul style="list-style-type: none"> Significant reduction of plant room and replacement with 2 x one bedroom apartments.
Roof	<ul style="list-style-type: none"> No Changes

2.2 Removal of Level 13 Plant Room

During initial planning for the development, a significant plant room area was allocated on Level 13 of the building to accommodate future air conditioning heat rejection equipment, primarily for the retail, childcare and community spaces.

Design development for the building provided an opportunity for these areas to be connected to the precinct's central thermal plant for energy efficient heating and cooling, and this option has been pursued. Accordingly, a large portion of plant room on Level 13 (See **Figure 1**) is no longer required for mechanical plant, and is proposed to be replaced with dwellings. A small portion of the plant room is maintained for hydraulic plant.

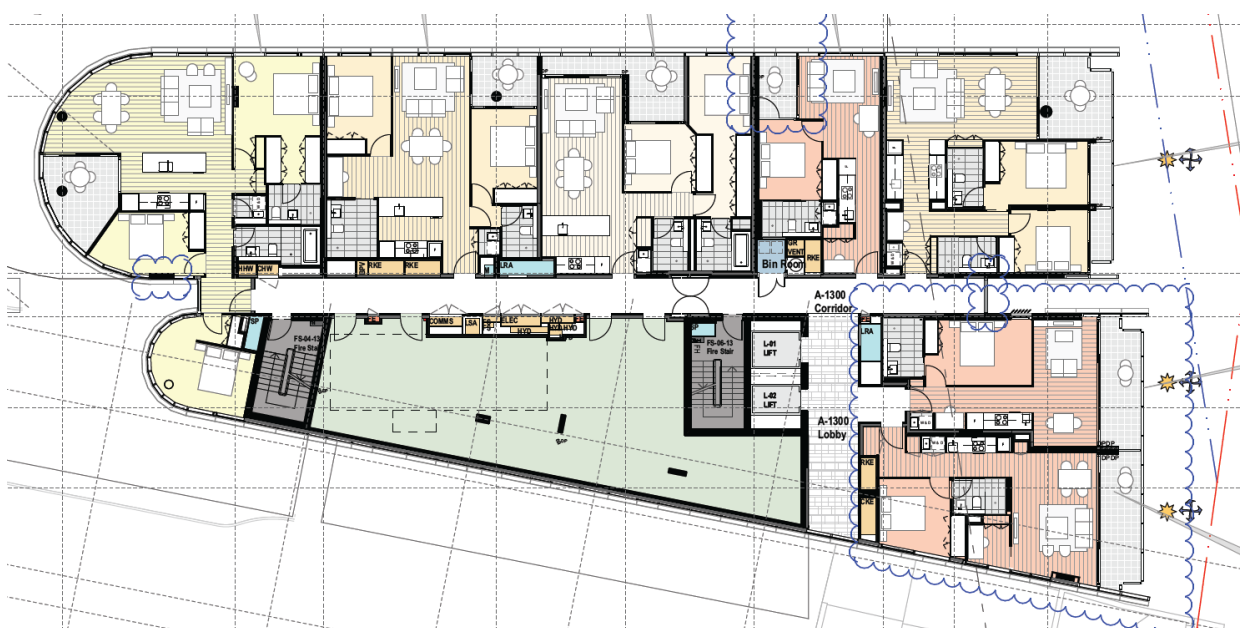


Figure 1-Location of previously approved plant room (shown in green) to Level 13

2.3 Additional Dwellings to Level 13

The proposal seeks approval for the inclusion of 2 x one bedroom units on the southern elevation of Level 13, in place of the plant room, no longer required to be maintained within the development. The dwellings are accessed via the double lift core on level 13.

Proposed apartment E-1308 is 53sqm internally with a 7sqm balcony. Apartment E-1308 is similar to the previously approved apartments directly below on L10-L12.

Proposed apartment E-1309 is 50sqm internally with a 6sqm balcony. Both apartments have been designed in accordance with the Apartment Design Guide and SEPP 65.

Car spaces are not proposed to be provided with the apartments. Therefore, there is no change to the SSDA approved number of car parking spaces.



Figure 2-Proposed dwellings located on level 13

2.4 Removal of Stair 5 (Ground and First Floor)

The proposal seeks approval to remove the internal stair 5 between ground and level 1, following further investigation and analysis with the BCA consultant, determining that it was no longer required. Stair 5 was one of four exit stairs provided between level 1 and ground, with three stairs and dedicated lift being retained. Refer to statement from the BCA Consultant, at **Attachment E**, confirming that the resultant arrangement is compliant with the relevant provisions of the BCA.

2.5 Retail Signage

The modification seeks to include a projecting wall sign above the ground level entry of each of the five retail tenancies. As shown in **Figure 3**, the signage will consist of a light box, fixed to retail façade. The signage will have a width of 1750mm and depth of approximately 450mm.

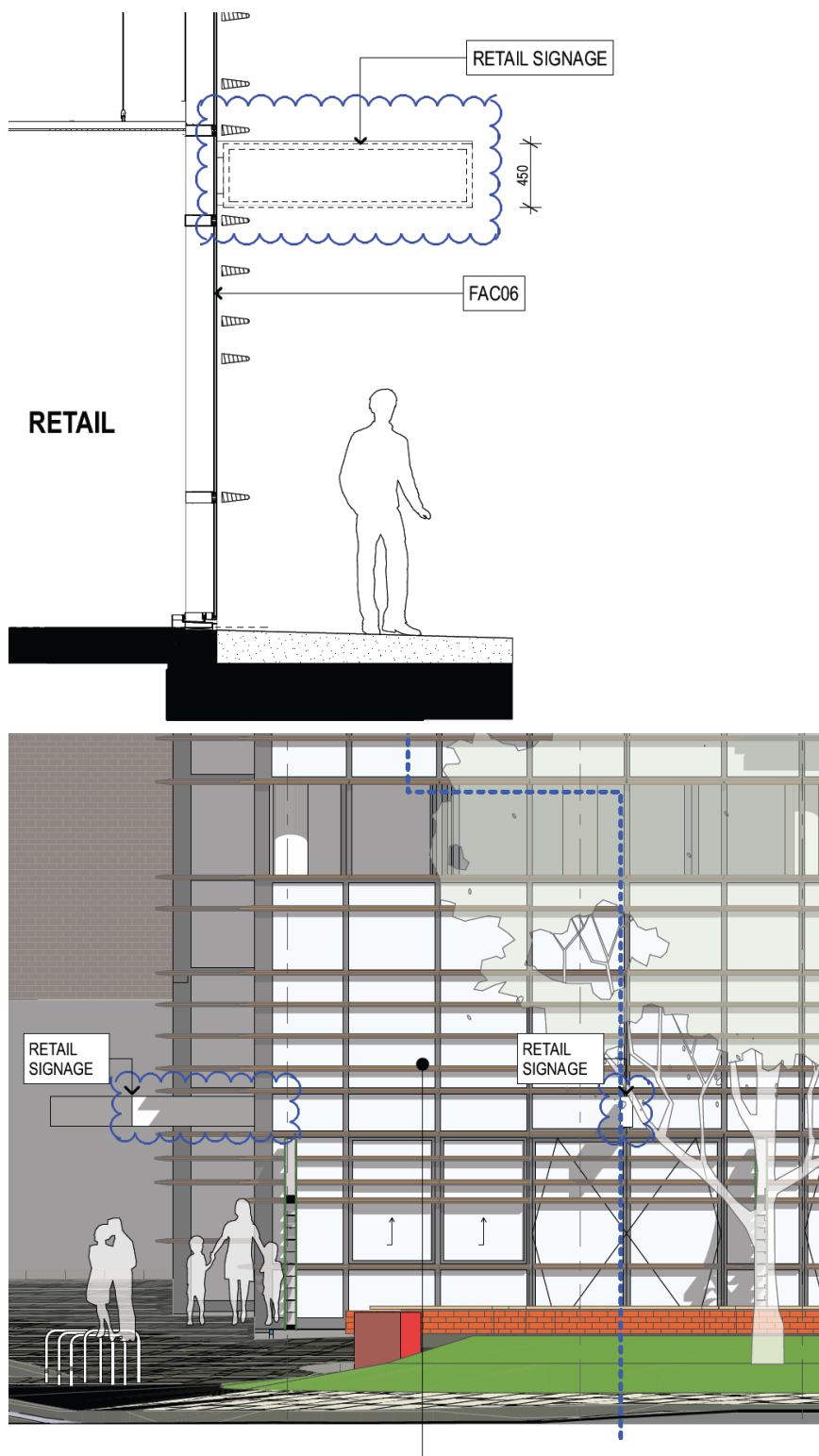


Figure 3- Proposed retail signage to ground floor – northern elevation looking south down Kensington Street

2.6 Modification to Conditions

The following conditions are proposed to be modified as part of this application (**Table 1**). The proposed modifications described above necessitate amendments to the consent conditions which are identified below. The proposed amendments to the conditions are also set out below.

Table 1 – Conditions proposed to be amended

Condition	Description of Modification
Schedule 1 – Description of Development	Revision of the development description to reflect the revised design in relation to GFA and unit numbers
A2 – Terms of Consent	Revision of plan references to reflect the revised plans provided at Attachment A .

3.0 Substantially the same development

Section 96(2)(a) 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 consent was originally granted and before that consent as originally granted was modified (if at all)”.

Pursuant to Section 96(2) of the EP&A Act, the Minister or his delegate may modify development consent if:

- a. *it is satisfied that development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- b. *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification will not alter the nature of the approved development. It does not seek to change the approved uses, substantial built form, or any other key aspects of the approved SSD

development including parking. As a result, the proposed development remains substantially the same as the approved development and is of minimal environmental impact. The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- the proposed development retains the approved mixed use (commercial, retail, childcare, hotel and residential), consistent with the Central Park Concept Plan and approved SSD.
- it fundamentally retains the same relationship to the public domain and surrounding development;
- the approved number of car parking spaces, loading and bicycle parking space is not proposed to change;
- the proposed changes are minor in nature and will not be readily noticeable, with regard to the architectural expression of the buildings design.
- the proposed modification retains key heritage relationships, views and setting;
- The height of building and building envelope are not proposed to be amended as part of the proposed modifications.
- the environmental impacts of the modified development are substantially the same as the approved development; and
- changes to the external appearance of the approved development are negligible, and have been made with the intention of maintaining and enhancing the architectural expression of the building design, continuing to deliver a building of a design quality commensurate with the approved development and design excellence.

As shown above, the DPE may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted and it is apparent from the nature and scale of modifications that there will be minimal environmental impact. The modification of development consent SSD 6376 can therefore lawfully be approved under Section 96(2) of the EP&A Act.

4.0 Planning Assessment

Section 96(3) of the EP&A Act requires a 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 planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. The following matters however warrant further assessment.

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4.1 S.79C(1)(a) Planning Instruments

The following legislation, strategies and planning instruments, which are relevant to the proposed development, need to be addressed:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy No 64 (Advertising and Signage);*
- *State Environmental Planning Policy No 65 (Design Quality of Residential Flat Development);*
- *Sydney Local Environmental Plan 2005; and*
- *Sydney Development Control Plan 2012.*

The proposed modifications involve internal and external changes that respond to the design development stage. The proposed modifications will therefore not alter the level of compliance of the development with the above relevant planning instruments. For completeness, **Table 2** provides a summary overview of the proposed modified development's continued level of compliance with relevant planning instruments.

Table 2- Compliance with relevant Environmental Planning Instruments

Instrument	Comments/Assessment
SEPP (State and Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	The provisions of the Infrastructure SEPP apply more during the consideration and assessment of the original SSDA in terms of requirements and referrals for development applications (i.e. not modification applications). Further referral of this modification application to relevant agencies and approval bodies is not required, given no change is proposed to the number of car parking spaces or expected traffic generation.
SEPP (BASIX)	The proposal has been modified so as to align with the requirements of the BASIX SEPP and certificate issued for the proposal. See Section 3.2 for further assessment
SEPP 55 (Remediation of Land)	The site remains suitable for the proposed development subject to the implementation of Remedial Works as originally approved. The proposed modifications do not alter the site's suitability.
SEPP 64 (Advertising and Signage)	See assessment below
SEPP 65 (Design Quality of Residential Flat Development)	The modification does not have any notable effect on the proposals' consistency with the principles of SEPP 65 and the proposals' compliance with the Residential Flat Design Code/Apartment Design Guide (as it applies to relevant uses only) – The proposed dwellings have been designed to comply with ADG,
Sydney LEP 2005	The modifications do not seek to amend the approved land uses within building, remaining consistent with the LEP 2005 City Edge zoning objectives and uses.
Sydney DCP 2012	The modification proposed to do not affect compliance with the guidelines within DCP 2012 - See below for further assessment.

SEPP 64 – Advertising and Signage

SEPP 64 applies to all signage that under an environmental planning instrument, can be displayed with or without development consent and is visible from any public place or reserve.

The signage strategy seeks permission for a range of signs, but none, which fall into the category of 'Advertising Signage.' Advertising signage is considered to be any sign, which does not fall into the following categories:

- a) Business identification signs;
- b) Building identification signs;
- c) Signage that, or the display of which, is exempt under an environmental planning instrument that applies to it; and
- d) Signage on vehicles.

As the proposed signage relates to business identification, Part 3 of the SEPP does not apply. As a result, the only objectives of SEPP and the criteria in Schedule 1 – Assessment Criteria of the SEPP is required to be considered.

The proposed signage is consistent with the objectives of SEPP 64 and satisfies the relevant criteria specified in Schedule 1 as outlined below.

Clause 3 states the aims and objectives of SEPP 64, which are:

- a) *To ensure that signage (including advertising):*
 - i. *Is compatible with the desired amenity and visual character of an area, and*
 - ii. *Provides effective communication in suitable locations, and*
 - iii. *Is of high quality design and finish, and*
- b) *To regulate signage (but not content) under Part 4 of the Act, and*
- c) *To provide time-limited consents for the display of certain advertisements, and*
- d) *To regulate the display of advertisements in transport corridors, and*
- e) *To ensure that public benefits may be derived from advertising in adjacent to transport corridors.*

The proposal is consistent with the above objectives in that it:

- complements the existing architectural character of the building design and surrounding streetscape;
- ensures that design amendments are of high quality and finish;
- is designed at a high standard of quality and finish; and
- remains consistent with other signs within the streetscape.

Schedule 1 of SEPP 64 contains a range of assessment criteria which are matters for consideration by the consent authority in assessing application incorporating signage. The way in which the proposed development meets the assessment criteria is set out in **Table 3** below.

Table 3 – Assessment against SEPP 64 – Advertising and Signage

Assessment Criteria	Entry Signage	Complies
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signs are compatible with the existing built form and other signage located on the building façade. The use style of sign will remain consistent with the existing streetscape, surrounding signage and the building façade.</p> <p>It is considered that the proposed works are compatible with the existing character of the CBD, and is an appropriate level of signage for the Central Park Development.</p>	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the façade and sympathetic to the existing building design. signage will be located on above the entry of the tenancies, where proposed design amendments will assist in building identification and way finding as well as ensure the amenity is being maximised.	Y
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed works will not detract from the amenity of the existing building. The location of the signage is not within any environmentally sensitive, natural, conservation, open space, waterway, rural landscape areas nor in direct proximity to residential developments. As shown in Attachment A , the proposed signage will not impact any views of the Sydney CBD. The locations of the proposed signage will not adversely impact on residential amenity.	Y
Does the proposal obscure or compromise important views?	Signage will be located on the northern and eastern elevations at ground floor, and as such, will not obscure or compromise any views towards or from Kensington Street or across the open space to the north of the site.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	As the signage are located on the on the ground level of the existing façade, the quality of the vistas will not be impacted.	Y
Does the proposal respect the viewing rights of other advertisers?	N/A	Y
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is consistent with the setting and building above.	Y

Assessment Criteria	Entry Signage	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed design has been integrated into the approved development to ensure the colours and materials used will remain compatible with the existing streetscape., whilst providing practical way finding assistance at ground floor	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	Y
Does the proposal screen unsightliness?	N/A	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed amendments do not protrude above the approved building structure.	Y
Does the proposal require ongoing vegetation management?	N/A	N/A
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, proposed design amendments have been integrated into the existing built form and has been endorsed by the base building architects.	Y
Does the proposal respect important features of the site or building, or both?	The proposed signage will remain in alignment to the existing façade at ground level and around the entries. The proposed signage continues to respect other important features of the site.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Proposed design amendments have been made to ensure there is consistency with the existing built form.	Y
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	All lighting and cabling is concealed within or behind the signage.	Y

Assessment Criteria	Entry Signage	Complies
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	No, the proposed illumination of the signage will not result in an unacceptable glare as the illumination will be strictly internal.	Y
Would illumination affect safety for pedestrians, vehicles or aircraft?	No, The proposed illumination of signage will not result in an unacceptable glare or affect pedestrian, vehicle or aircraft safety.	Y
Would illumination detract from the amenity of any residence or other form of accommodation?	No, given the surrounding context and the location of the proposed signage at ground level, there will be no impact to residential uses.	N/A
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The signage is not proposed to incorporate dimming mechanisms given their size and location on the building façade.	N/A
Would the proposal reduce safety for any public road?	Due to the design, location, scale and intensity of the proposed signage, as well as the visibility from Kensington and O'Connor, the proposal will not reduce road safety.	Y
Would the proposal reduce safety for pedestrians/cyclists	The proposal will not reduce pedestrian or cyclist safety and will enhance way finding to the site for cyclists and pedestrians.	Y
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas.	Y

Sydney Development Control Plan 2012

The site is subject to the provisions Section 3.16 'Advertising and Signage' of the Sydney Development Control Plan 2012 (DCP 2012). Section 3.16 of the Sydney Development Control Plan (DCP) contains a number of guidelines for signage, which are intended '*to protect the significant characteristics of buildings, streetscapes, vistas and the city sky line, and encourage well-designed and well-positioned signs which contribute to the vitality and legibility of the City of Sydney and respect the amenity of residents and pedestrians and the safety of motorists.*' Assessment of the relevant controls within the DCP 2012 are demonstrated in **Table 3** below.

The design and sizing of the signage has been designed to be consistent to those already approved elsewhere at Central Park, to provide consistency in styling and legibility.

Table 1- Assessment against the key controls within the DCP

Assessment Criteria	Control	Proposed Signage	Complies
3.16.4 Illumination and animation of signs	(1) Illumination (including cabling) of signs is to be concealed, integral with the sign, or provided by means of carefully designed and located remote or spot lighting.	All cabling and illumination is concealed within or behind the proposed signage.	Y
	(2) External lighting of signs is to be down lighting and focused directly on the sign and is to minimise the escape of light beyond the sign. Up lighting of signs is not permitted.	All lighting used within entry signage is from within, using high density LED lighting.	Y
	(3) Animated signs are generally discouraged but may be appropriate on a temporary basis in association with special events of a community, religious or cultural nature.	No animation is being sought under this application.	Y
3.16.6 Location and design of building identification signs	The location of signage is generally discouraged on the upper levels of the building to ensure visual amenity is kept at a minimal.	The proposed entry signage is consistent with this provision, and provide as meaningful wayfinding assistance whilst minimising visual amenity impact.	Y

4.2 Section 79C(1)(b) Impact on the Environment

The EIS submitted with the original DA addressed the likely impacts of the development, including:

- Design Excellence
- Land Use
- Built Form and Urban Design
- Consistency with Concept Plan
- Built Form and Urban Design
- Environmental and Residential amenity
- Overshadowing and Solar Access
- Wind
- Reflectivity
- Heritage
- Childcare
- Building Code
- Accessibility

- Structural Certifications
- Crime and Public Safety
- Transport and Accessibility
- Ecologically Sustainable Development
- Acoustic Impacts
- Drainage and Flooding
- Waste Management
- Construction Management
- Contamination
- Staging
- Contributions

The proposed modification does not give rise to any material alteration to the assessment of the potential impacts considered as part of the original SSDA. The following matters however warrant further assessment and consideration.

Consistency with the Concept Plan

The modifications proposed in this application remain consistent with the provision of the Central Park Concept Plan as well as the relevant commitments. Specifically, the proposal does not alter consistency with the following:

- Land Uses;
- GFA;
- Building Envelope (height and massing); and
- Statement of Commitments - including design excellence, and Sustainability.

As shown on the revised GFA drawings (**Attachment C**), the proposal will result in the following GFA:

Component	Proposed GFA	Concept Plan
Residential	23,679sqm	23,807 (maximum)
Non Residential	1,515sqm	1,413 (minimum)
Total	25,194sqm	25,220sqm

As such, the proposed modification would not exceed the maximum site-wide (255,500 m²) or Block 11 (25,220 m²) GFA requirements, and is consistent with the maximum residential GFA permissible for Block 11.

Built Form and Urban Design

The proposal does not seek to amend the overall building form, height or setbacks. Minor modifications are proposed to the building façade, and ground floor signage in order to facilitate the amendments. These modification are negligible in the scope of the broader building, and as shown on the Architectural Plans (**Attachment A**), are consistent with the building design

Residential Amenity

The proposed modifications do not affect the residential amenity of apartments from that approved as part of the SSD.

The proposed apartment design is consistent with the design guidance of the ADG – Objective 4D-1 with the layout of rooms being functional, well organised and providing a high standard of amenity. In particular, the apartments regular shaped rooms allowing for flexible furniture arrangement, appropriate storage (internal and external), direct access to windows in the living room and bedroom with appropriate depths, as well as being afforded balcony space with expansive views to the south (given their location on level 13). As set out in the assessment report of the original SSD, the development as a whole provides high levels amenity to the residents and visitors.

Energy Efficiency - BASIX

Eight apartment loggias on the northern elevation of Central Park Block 11 require amendment to balconies in order to meet the relevant energy requirements under BASIX, as per the statement prepared by sustainability consultant, Cundall (**Attachment B**).

As noted in the statement prepared by Cundall, the SSD consent was issued with the discrepancy between the BASIX Certificate and the architectural drawings. Revised architectural drawings are subsequently submitted for approval under SSDA MOD3 to resolve the discrepancy and compliance with BASIX with loggias revised to balconies remains valid under the existing BASIX Certificate approved in the SSDA.

Providing balconies to the 8 apartments is considered to be the preferred outcome from an energy usage perspective and decreases the need for overly stringent glazing requirements under BASIX. Both outcomes assist in enhancing occupant comfort and amenity.

BCA/Fire Safety/Access

The proposed modifications do not require the amendments of existing conditions of approval in relation to compliance with BCA and relevant Australian Standards. A review of the modification (BCA Compliance Capability Statement) has been undertaken by City Plan Services (**Attachment E**).

The deletion of one of the four exits from the Level 01 child care centre does not cause a non-compliance with the BCA. The child care centre, as amended contains three exit stairs, which is more than the two exit stairs required by the BCA.

Services, Waste and Utilities

Additional storage are have been included on Basement Level 1 for the additional units, capable of storing bicycles, as required by the Sydney DCP 2012. Waste management infrastructure (bin numbers, and storage rooms size) is sufficiently sized to cater for the additional units proposed.

4.3 Section 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. The proposal is considered suitable for the site as it:

- Is located within Central Park which is within the Sydney City sub-region which is nominated as a 'Global Centre';
- Will take place in a highly modified and disturbed urban environment and will not impact on biodiversity values;
- Will contribute to the enhancement of a key CBD location that is presently underutilised;
- Will accord with the principles of Ecologically Sustainable Development by contributing to the proper management, development and conservation of the artificial resources of the site;
- Is within walking distance of other services and amenities, including public transport, retail and employment opportunities offered by the CBD;
- Is in close proximity to the pedestrian and cycle facilities within Central Park; and
- Will support the provision of a high quality public domain, in particular Chippendale Green located to the east.

4.4 Section 79C(1)(d) Submissions made

Any submissions made on this subject modification application will be duly considered and addressed by Frasers Property and its experienced project team.

4.5 Section 79C(1)(e) The public interest

The proposed modifications to the approved development are considered to be in the public interest, especially given the changes remain consistent with the original concept plan and:

- Will promote the social and economic welfare of the community by providing an improved urban environment;
- Will provide a substantial quantum of residential accommodation within an existing urban area which has easy access to good public transport;
- Will provide residential accommodation in support of Sydney's growing economy and population;
- Will encourage patronage on public transport by being in close proximity to rail, light rail, bus and ferry services;
- Will encourage alternative modes of travel by providing bicycle parking for residents, visitors and retail patrons;
- Will provide community connections within the overall Central Park development;
- Will achieve a 5 star Green Star rating; - Pathways Approach
- Has adopted a Green Star 'Principles Led' approach has been followed, which demonstrates that the ESD initiatives implemented in this building's design are equivalent to a 5 Star Green Star development.
- Will contribute to the achievement of specific targets relating to new jobs and new dwellings;

- Will address the provision and maintenance of affordable housing by adhering to the agreement established between the Redfern Waterloo Authority and the landowner; and
- Has responded to extensive consultation undertaken with various levels of government, authorities and the community.

5.0 Conclusion

In accordance with section 96(2) of the Act, the proposed modifications will have no additional environmental impact and will result in a development that will be substantially the same as the originally approved development. The proposed modifications do not raise any additional environmental planning issues.

This Section 96 application seeks to facilitate amendments in order to respond to design development and ensure the co-ordination of the development during the construction process.

In accordance with section 96(2) of the EP&A Act, the Minister or their delegate may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the modifications result in an overall improvement to the building's urban design response; and
- the building's compliance with the Concept Plan and key statutory plans and controls remains consistent with the original approved SSD.

In light of the above, we therefore recommend that the proposed modification is supported by DPE.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or sgouge@ethosurban.com.

Yours sincerely,



Stephen Gouge
Principal Planner