

10040
1 December 2011

Ben Lusher
NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Ben

**MODIFICATION TO MAJOR DEVELOPMENT APPROVALS MP09_0188 AND MP10_0044
SIR MOSES MONTEFIORE JEWISH HOME**

On behalf of the Sir Moses Montefiore Jewish Home we write to request that the Minister (or his delegate) modify Concept Approval (MP09_0188) and Project Approval (MP10_0044) under section 75W of the *Environmental Planning and Assessment Act 1979* as described below.

This modification application seeks an administrative amendment to Condition A2 of both the Concept Plan approval and Project Application approval to ensure that they both accurately reflect the author of the Environmental Assessment Report (EAR) and Preferred Project Report (PPR) and the date on which they were submitted.

This submission identifies the existing approvals and describes the proposed modifications, and is accompanied by the Application Form. We have requested a waiver to the fee as a result of the original administrative error by others.

1.0 BACKGROUND

On 19 July 2011, the Planning Assessment Commission approved the Concept Plan and Project Application which will guide development on the site over the next ten years. Approval was granted for a total GFA of 37,968m², primarily within two new building envelopes. The new buildings will provide a range of residential aged care accommodation and ancillary facilities, including 94 dedicated dementia care beds. Approval was also granted for the provision of a new 80 childcare centre on the site, a public plaza and retail space as part of the Project Application, on-site parking for over 200 vehicles and a range of landscaping and public domain works.

Upon review of the final conditions, it became apparent that the Project Application approval referenced the incorrect author and date for the EAR and PPR. Similarly, the Concept Plan approval did not make any reference to the author of these documents, or the date on which they were submitted.

The need for this modification application is the result of an administrative error. On this basis, and consistent with discussions held with the Department, we request that the section 75W fee of \$850 be waived on this occasion.

2.0 DESCRIPTION OF MODIFICATION

In order to rectify this anomaly, it is proposed to modify condition A2 of both the Concept Plan and Project Application approvals. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted shown in ***bold italics***.

2.1 Project Application

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated ~~October 2007~~ ***September 2010*** prepared by ~~Urban~~ ***JBA Planning*** and all appendices, except where varied by

- The Preferred Project Report submitted ~~on 7 September 2010~~ ***in January 2011*** and all Appendices;
- The proponent's Statement of Commitments included in the PPR; and
- The following drawings:

.....

2.2 Concept Plan

A2 Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP09_0188 and with the Environmental Assessment ***dated September 2010 prepared by JBA Planning***, except where amended by the Preferred Project Report ***dated January 2011 prepared by JBA Planning*** and additional information to the Preferred Project Report, and the following drawings prepared by Jackson Teece and Oculus.

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3.0 JUSTIFICATION

The proposed modifications will not result in any changes to the development as approved. The modifications will simply rectify an anomaly in the Project Application approval to ensure that the correct author and date (and hence documentation) are cited. In order to maintain consistency and clarity between the two approvals, this modification also seeks to amend the Concept Plan conditions to reference JBA Planning as the author of the EAR and PPR, and to include the date on which these documents were submitted.

As detailed above, the proposed modification involves the changing of the wording of the consent, and does not result in any additional environmental impacts compared to that of the approved development.

Given the minor nature of the proposed amendments, it is considered that the proposal does not require any re-notification or re-exhibition to any party.

4.0 CONCLUSION

The modification proposed in this section 75W application relates to an administrative error in the conditions of consent. 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 MP09_0188 and MP10_0044 in July 2011.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'O Klein', with a stylized flourish at the end.

Oliver Klein
Associate