



**Section 75W Modification  
Project Approval  
(MP07\_0158) Minor  
Design Alteration to  
Abercrombie Student  
Accommodation Building**

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Abercrombie Precinct

Redevelopment, University of  
Sydney

Prepared By McKenzie Group Consulting  
Planning for John Holland.

**August 2014**

**Document Control Table**

<b>Document Reference:</b>	63180_Abercrombie_75W_Final.doc		
<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Checked By</b>
18 June 2014	1	T. Cook	C. Wilson
27 June 2014	2	T. Cook	C. Wilson
1 July 2014	3	T. Cook	C. Wilson
7 August 2014	4	T. Cook	A. Cowan

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## **Executive Summary**

McKenzie Group Consulting Planning (NSW) Pty Ltd has been engaged by John Holland Group Pty Ltd on behalf of the University of Sydney to prepare this application pursuant to Section 75W of the *Environmental Planning & Assessment Act 1979* to modify Project Approval MP07\_0158 for the University of Sydney's Abercrombie precinct redevelopment.

Project Approval MP07\_0158 was issued by the Minister for Planning & Infrastructure on 16 November 2012 for a new Business School Faculty building (Stage 1) and Abercrombie Student Accommodation (ASA) (Stage 2).

MP07\_0158 has been modified three (3) times with the most recent approval for changes to the Abercrombie Student Accommodation building being approved by the Planning Assessment Commission on the 31 March 2014.

Unfortunately MOD 3 did not include solar panels on the approved student accommodation building. MOD 4 is currently under assessment with DoPE and seeks to amend the approved construction hours. This Modification Application, MOD 5, seeks to slightly modify the design of the Abercrombie Student Accommodation building in three ways.

The subject application seeks to modify the approved drawings with regard to:

- (i) The addition of photovoltaic panels and solar hot water heating cells on the roof of the ASA building;
- (ii) The rationalisation of the roof top plant rooms from three to a consolidated single plant room (Note: No change in height), and;
- (iii) The alteration of the pattern of the screens located on the southern side of the ASA building.

The proposed modifications are minor and impacts resulting are considered to be negligible.

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## **PART A. PRELIMINARY**

### **1.1 Introduction**

This Modification to Project Approval 07\_0158 under Section 75W of the *Environmental Planning and Assessment Act 1979* has been prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd for John Holland Group Pty Ltd on behalf of the University of Sydney.

The Project Approval covers two stages of development:

- Stage 1: New Business School
- Stage 2: Abercrombie Student Accommodation.

This proposal seeks to modify Condition No. A2 of Project Approval MP07\_0158 (**Appendix 1**) to include the amended Roof, Sections, Elevations and Facade Detail Plans (**Appendices 7-10**) which slightly modifies the design of the Abercrombie Student Accommodation building in the following three ways:

- (i) The addition of photovoltaic panels and solar hot water heating cells on the roof of the ASA building;
- (ii) The rationalisation of the roof top plant rooms from three to a consolidated single plant room, and;
- (iii) The alteration of the pattern of the screens located on the southern side of the ASA building.

The proposed modification is minor and impacts resulting from the alterations are considered to be negligible.

At the time of the Project Application, the aforementioned modifications were not envisaged, and as such, modification is required under Section 75W of the *Environmental Planning and Assessment Act 1979*.

The report is arranged as follows:

- Part A Preliminary
- Part B Site Analysis
- Part C Proposed Modifications
- Part D Legislative and Policy Framework
- Part E Environmental Assessment
- Part F Conclusion

### **1.2 Development Background**

On 5 November 2009, Director-General's Requirements (DGRs) were issued pursuant to Section 75F of the *Environmental Planning & Assessment Act 1979*. The key assessment requirements for the Project Application were:

- Relevant EPIs and guidelines
- Built Form/Design and Visual Impacts
- Environmental and Residential Amenity
- Transport and Accessibility
- Heritage
- Safety/Public Domain Landscaping
- Social Impacts
- Ecologically Sustainable Development
- Stormwater Flooding
- Public Services/Infrastructure and Utilities
- Staging
- Potential On-Site Contamination
- Dedication

## Section 75W Modification Application - Project Approval MP07\_0158

### University of Sydney's Abercrombie Precinct Redevelopment

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Based on the merits of the Project Application and the long term education benefits associated with the provision of a new Business Faculty and Student Accommodation, the NSW Planning Assessment Commission approval was granted for to Project Application MP07\_0158 on 16 November 2012 for:

- site remediation;
- lot consolidation and subdivision into two lots for the business school and student accommodation building;
- demolition of all existing structures, except part demolition only of the Faculty of Business and Economic building and reuse reinterpretation of the Joiners Workshop building facade;
- excavation and bulk earthworks across the site for basement and lower ground levels and services;
- construction of a new car park, comprising two basement levels for 82 car parking spaces and loading dock facilities;
- construction of a four to six storey business school building;
- construction of a new three to five storey student accommodation building providing 188 beds;
- landscaping and public domain works, including new public plaza/forecourt, through site link and retention of Sydney Blue Gum and retention and/or relocation of Crows Ash trees; and
- ancillary works, including utilities servicing and minor works to Darlington Public School.

In addition to the above, it is important to note that at the time of the determination of the Project Application, *South Sydney Local Environmental Plan 1998* applied to the site and development for which approval was sought. This instrument was subsequently repealed following gazettal of *Sydney Local Environmental Plan 2012* which currently governs zoning and land use on the site. The provisions of this new instrument have been considered in detail under Part D of this Report.

### 1.3 Abercrombie Precinct Re-development – Project Particulars

The particulars of Project Approval MP07\_0158 including subsequent approved Modifications are detailed as follows:

- site remediation;
- lot consolidation and subdivision into two lots for the business school and student accommodation building;
- demolition of all existing structures, except reuse reinterpretation of the Joiners Workshop building facade;
- excavation and bulk earthworks across the site for basement and lower ground levels and services;
- construction of a new car park, comprising two basement levels for 82 car parking spaces and loading dock facilities;
- construction of a four to six storey business school building;
- construction of a new three to five storey student accommodation building providing 200 beds;
- landscaping and public domain works, including new public plaza/forecourt, through site link and retention of Sydney Blue Gum and retention and/or relocation of Crows Ash trees; and
- ancillary works, including utilities servicing and minor works to Darlington Public School.



## **PART B SITE ANALYSIS**

### **2.1 Site Location and Description**

The subject site is rectangular in shape and has an area of approximately 1.92 hectares and is located within the southern end of the University of Sydney's Darlington Campus, which has a total area of approximately 16.7 hectares. Frontages of approximately 169m to Abercrombie Street and 110m to Codrington Street are achieved with mature vegetation interspersed. A total of 79 individual allotments make up the project site in addition to Rose Street and Boundary Lane. All 79 Allotments are owned by the University of Sydney.

The site is located in a less developed area of the Darlington Campus and comprises a number of buildings which vary in scale, architectural style and physical condition. Rose Street and Boundary Lane provide access to the existing buildings on the site along with vehicular access. Existing facilities sharing the block with the Abercrombie Precinct including:

- Faculty of Economics and Business building;
- Existing University maintenance facilities and services;

For the purpose of this Section 75W modification, the existing residential college (Mandelbaum House) is excluded from the development site (refer to the site location and existing development as illustrated in **Figure 1**).



**Figure 1: Site Location and Existing Development** (Department of Lands, 2014)

### **2.2 Ownership**

The land is owned by the University of Sydney. Owners consent is annexed at **Appendix 2** which provides authority to lodge the application.



## 2.3 Site Context

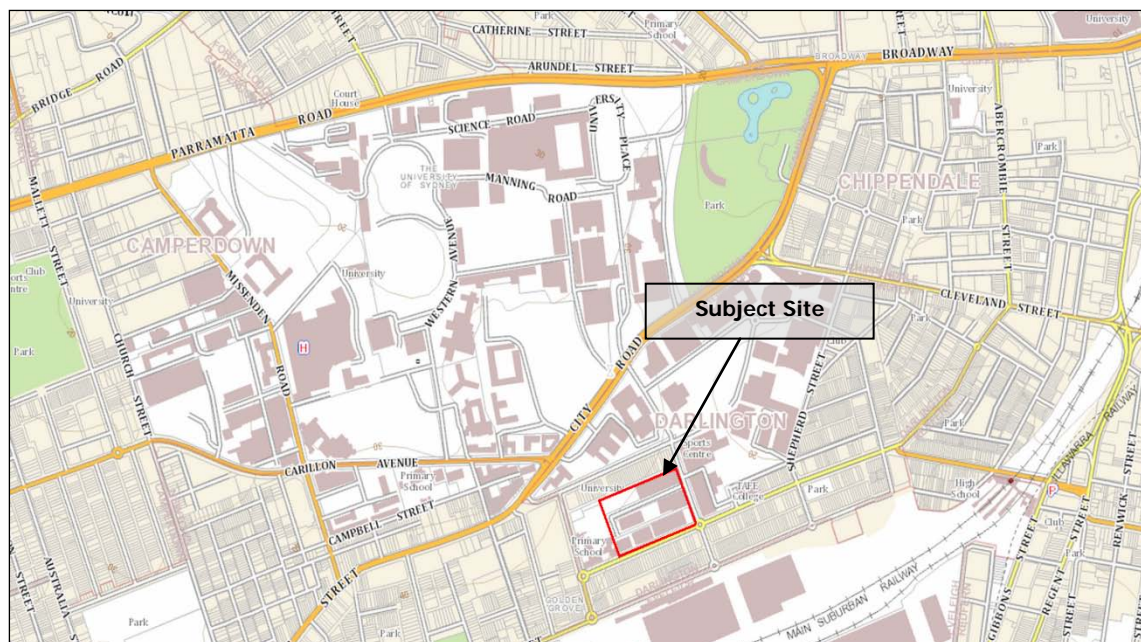
The subject site is located within an established urban area within the City of Sydney at the southern end of the University of Sydney's Darlington Campus (**Figure 2**). The locality is characterised by predominately low-medium scale residential development, along with education buildings which form part of the University of Sydney, interspersed with local retail shops and areas of public open space. To date, the University of Sydney maintains a strong presence within the locality by virtue of the scale of land ownership and education buildings which are easily identifiable from various points of the public domain.

The location of the site is such that it benefits from being in close proximity transport linkages and land uses which make it easily accessible and from a number of sub-regions within metropolitan Sydney, these include:

- Central Station - 2.7kms north-east
- Sydney Central Business - 3.9kms north-east
- Parramatta Road - 2.1kms north
- Redfern Station - 850m east of the subject site

The immediate surrounds of the site are made up of a variety of land uses, some which bear a relationship to the operation of the University of Sydney, including:

- North - Darlington Road terraces which are predominately student accommodation housing
- South - mixed use development and two storey residential development
- East - University buildings including the campus services and infrastructure building and the university sports aquatic centre
- West - Darlington public school



**Figure 2: Site Context** (Land and Property Information, 2014)



**Figure 3: Site Context** (Land and Property Information, 2014)



## PART C PROPOSED MODIFICATIONS

### 3.1 Proposed Development

The subject application seeks to undertake modifications to Project Approval MP07\_0158 as per the revised design drawings.

#### (i) Addition of Solar Panels & Photovoltaic Cells to Roof

The proposed roof plan has been provided in **Appendix 3**. The proposed modification requires the inclusion of the ASA roof Plan (NTA-ASA-ARC-PDF-117-K) under Condition A2, with the addition of hot water solar panels (SP) and photovoltaic (PV) cells.

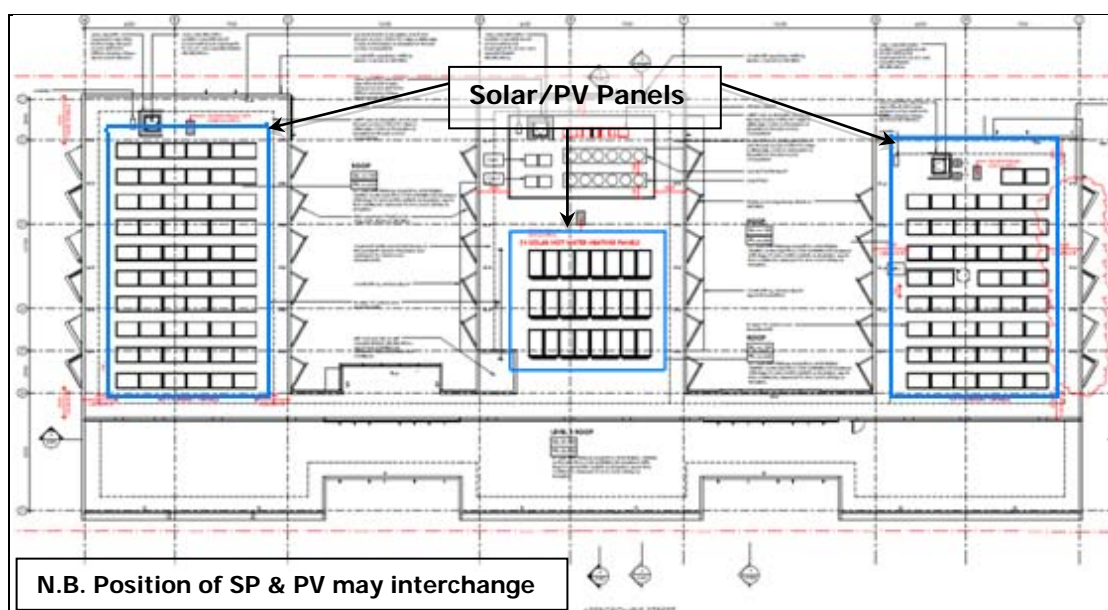
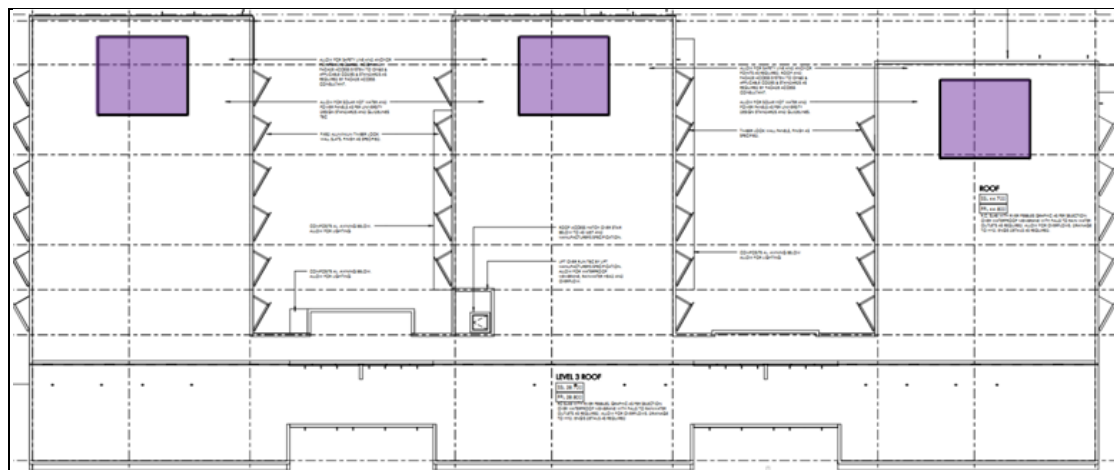


Figure 4: Proposed Roof Plan (Nettleton Tribe Partnership, 2014)

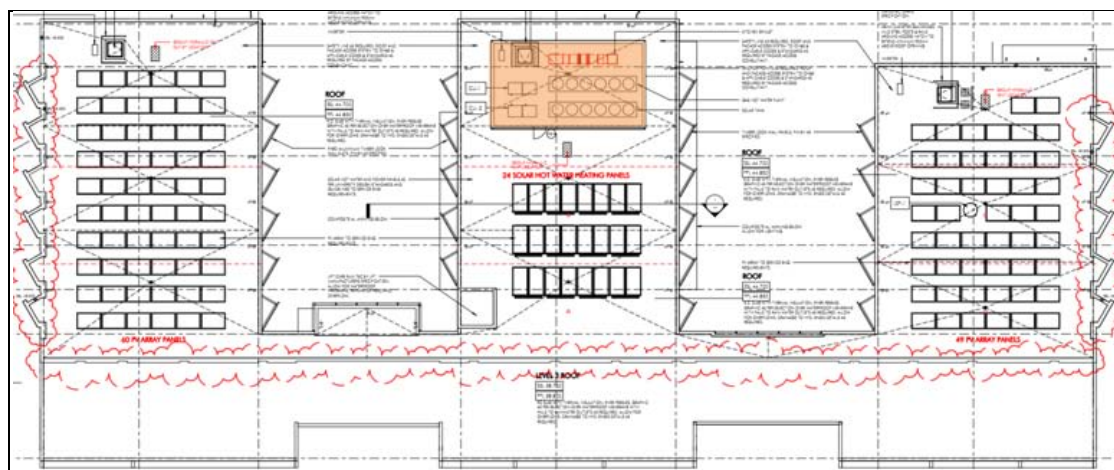
The above modification to the roof plan is minor and impacts resulting from the solar panels are considered to be negligible. The solar panels will not be viewable from any public spaces and will not result in an increased building height, overshadowing or acoustic impacts. Furthermore nuisance reflectivity is to be mitigated via angling of the panels to the north away from public spaces.

#### (ii) Roof top plant

The architect originally assumed there was need for three plant rooms as shown in Figure 5. However, design rationalisation since John Holland was appointed head contractor for the Abercrombie Student Accommodation has reduced roof top plant rooms to one, located in the middle wing as per Figure 6. This result also has the added benefit of creating more space for the SP and PV cells.

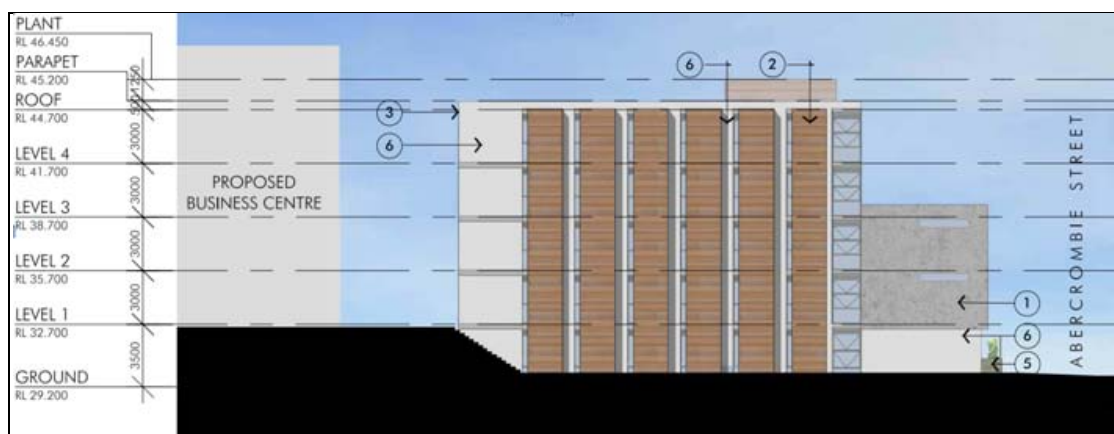


**Figure 5.** Extract from the approved Roof Plan (NTA-ASA-PDF-117-D) showing the three plant rooms (purple) as proposed in MOD 3.

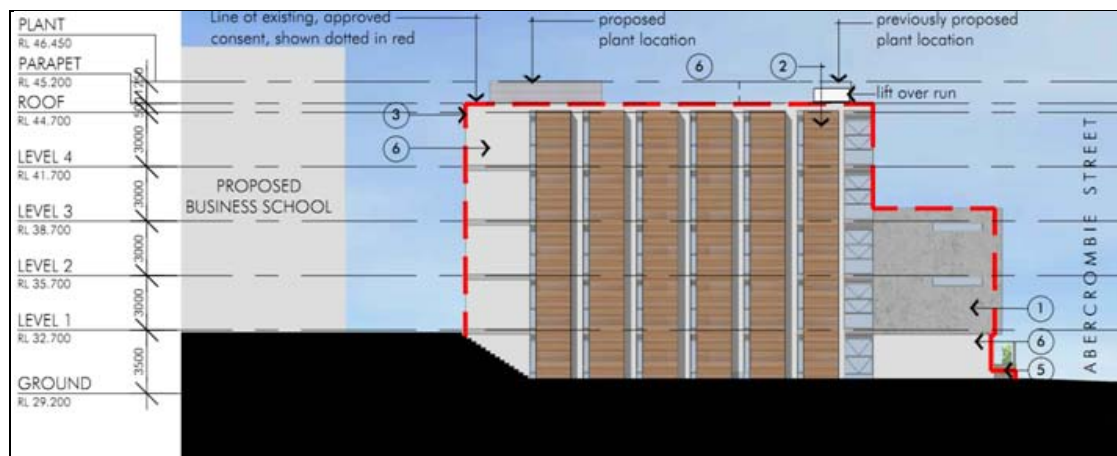


**Figure 6.** Extract from the proposed Roof Plan (NTA-ASA-PDF-117-K) for approval, showing the location of the consolidated plant room (orange).

A comparison of the western elevation (Figures 7 & 8) indicates that the top of the plant room, and also the highest point, on the ASA building, remains unchanged at RL 46.50. The location of the proposed consolidated plant room, as per Appendix 7 NTA-ASA-PDF-117-K, is at northern end of the building, facing towards the New Business School, thereby maximising the distance from Abercrombie Street residences.



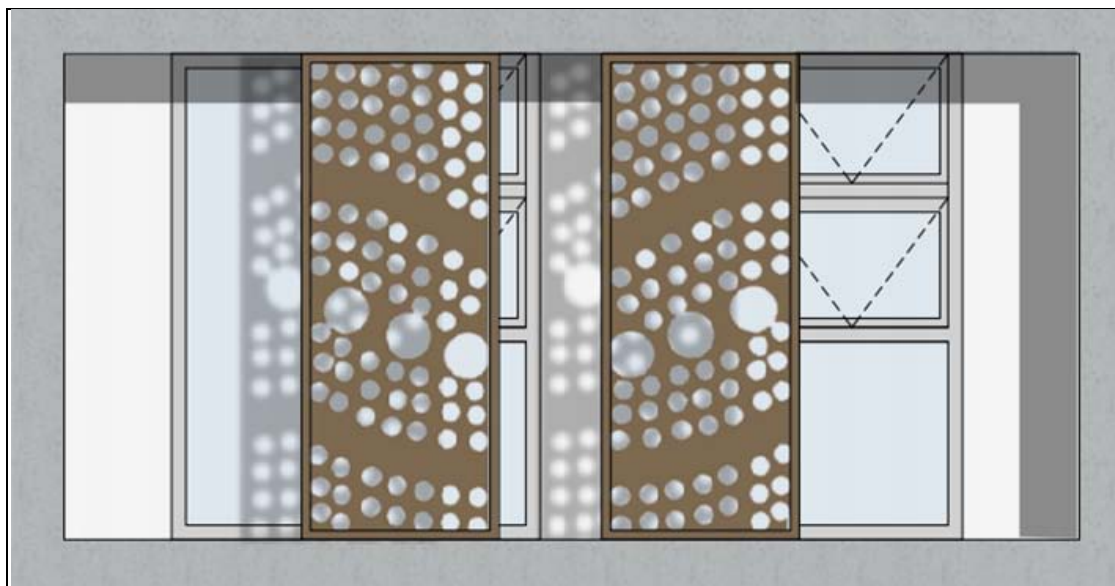
**Figure 7.** Extract from the approved Elevations (4001\_DA05-D) showing western side of the building.



**Figure 8.** Extract from the proposed Elevations (4001\_DA06-G) showing western side of the building.

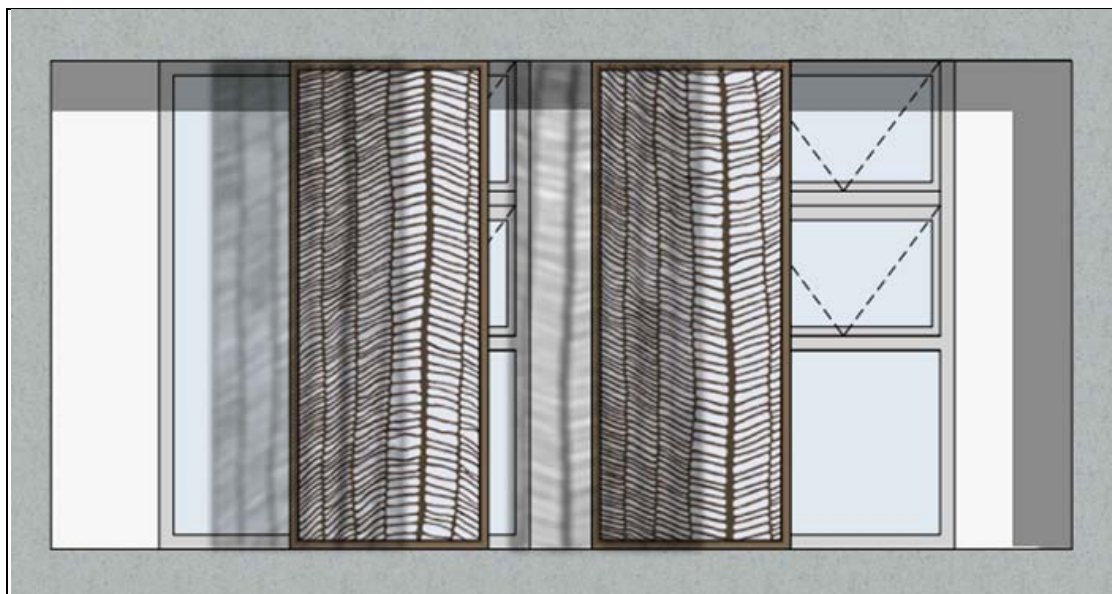
**(iii) Southern screen design pattern**

The proposed modification is limited to the alteration of the pattern on the copper coloured screens planned for the southern façade of the ASA building. The initial design is shown in Figure 9, while the new design is shown in Figure 10. The approved material, colour and finish will remain the same.



**Figure 9.** The design as it appears in 4001\_DA011-F: Façade Details, which was approved as part of MOD 3 on 31 March 2014.





**Figure 10.** The screen design as proposed by this modification. Extracted from 4001\_DA011-G: Façade Details.

The screens to be modified are not the only component of the façade, nor are the screens the most significant. The palette of materials consists of render, timber look cladding and fenestrated window treatments. The overall effect is to provide the building with a subdued yet highly textured and fine grained character that provides scale transition and blends in with its surroundings.

At the lower levels of the building the southern faced is divided using precast concrete with the divisions replicating the rhythm of the Abercrombie Street terraces. The screens are only to be installed on Levels 2 and 3 on the front (southern) face of the building, as shown in the Figure 11.



**Figure 11.** An artist's impression of the southern face of the Abercrombie Student Accommodation building. Some of the copper coloured screens are circled.



The intent of the screens is to add texture and depth and create shadows and patterns in the same way the terrace detailing does, whilst also providing shade and privacy to the units. The change in pattern does not deviate from this intent.

### **3.2 Project Need & Justification**

#### ***(i) Addition of Solar Panels & Photovoltaic Cells to Roof***

The inclusion of the solar panels and PV cells is desired by the University of Sydney, as the ultimate user of the facility, not only for the functional purposes of the units, but as part of its commitment to its own Sustainability Framework.

The objectives of the proposed modification are to ensure that a long term cost efficient method is used for water heating throughout the building. Furthermore the addition of solar hot water heating panels is proposed to ensure the effective use of a renewable energy resource and reduce the development's carbon footprint.

#### ***(ii) Roof top plant***

The proposed consolidation and location of the roof top plant has been as a result of design evolution post contract award. There is some environmental benefit in that the reduced plant space is located away from the Abercrombie Street residences and has created more space for the SP and PV cells.

#### ***(iii) Southern screen design pattern***

The initial motif depicted in drawing 4001\_DA011-F, submitted with MOD 3, included a note: "pattern TBC." It is desire of the asset owner, the University of Sydney, to use the pattern provided by a local artist.

### **3.3 Supporting Documentation**

The following supporting documentation is provided for this application includes:

#### ***(i) Addition of Solar Panels & Photovoltaic Cells to Roof***

Appendix 1 – Project Approval 07\_0158 (MOD 3)  
Appendix 3 – Approved Roof Plan (NTA-ASA-ARC-PDF-117-F)  
Appendix 7 – Proposed Roof Plan (NTA-ASA-ARC-PDF-117-K)  
Appendix 8 – Proposed Elevations (4001\_DA06-G)

#### ***(ii) Roof top plant***

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Appendix 3 – Approved Roof Plan (NTS-ASA-ARC-PDF-117-D)  
Appendix 4 – Approved Elevations (4001\_DA05-D)  
Appendix 5 – Approved Sections (4001\_DA06-D)  
Appendix 7 – Proposed Roof Plan (NTS-ASA-ARC-PDF-117-K)  
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Appendix 9 – Proposed Elevations (4001\_DA07-G)

*(iii) Southern screen design pattern*

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Appendix 8 – Proposed Sections (4001\_DA06-G)  
Appendix 9 – Proposed Elevations (4001\_DA07-G)  
Appendix 10 – Proposed Façade Details (4001\_DA011-G)

## **PART D      LEGISLATIVE AND POLICY FRAMEWORK**

### **4.1      Legislation**

The relevant legislation for consideration required is addressed as follows:

#### **4.1.1    Part 3A Transitional Regulation**

The project was declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies on 1 December 2008. Following the repeal of Part 3A of the Act on 1 October 2011, the project is saved by transitional provisions provided in Schedule 6A of the Act as follows:

##### ***Transitional arrangements—repeal of Part 3A***

- 1) *The following are, subject to this Schedule, transitional Part 3A projects:*
- (a) an approved project (whether approved before or after the repeal of Part 3A),*
  - (b) a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*
  - (c) a project for which environmental assessment requirements for approval to carry out the project, or for approval of a concept plan for the project, were last notified or adopted within 2 years before the relevant Part 3A repeal date (unless the environmental assessment is not duly submitted on or before 30 November 2012 or on or before such later day as the Director-General may allow by notice in writing to the proponent),*
  - (d) a project for which an environmental assessment (whether for approval to carry out the project or for approval of a concept plan for the project) was duly submitted before the relevant Part 3A repeal date.*

As the Environmental Assessment was lodged prior to 1 October 2011, and as the project is subject of an "approved project", the project remains one to which Part 3A of the Act applies.

#### **4.1.2    Section 75W of the Act**

Pursuant to the version of the Act in force prior to 30 September 2011, Section 75W provides that the proponent may request the Minister to modify the Minister's approval for a project, including the approval of a Concept Plan. Such modifications may include:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with an approved project. The requirements of Section 75W of the Environmental Planning & Assessment Act 1979 (EP&A Act) have been considered by the Courts on several occasions. The Land and Environment Court has observed that the language of Section 75W is not constrained by the qualification (contained in Section 96 of the EP&A Act) that the development as modified be "substantially the same" as the development already approved. (*Williams v Minister for Planning* (2009) 164 LGERA 204). In other words, the power under Section 75W to modify is broader than the test under Section 96.

We submit that the proposed modifications are appropriate for assessment under Section 75W of the Act because:

- The modifications result in no change to the GFA/FSR of the Project Approval.
- The modifications do not result in a change to the landscaping or open space of the site.
- There is no change to the building height.
- The resultant impact on surrounding properties will maintain the existing level of amenity afforded.

#### **4.1.3 Sydney Local Environmental Plan 2012**

At the time of determination of Project Application MP07\_0158, *South Sydney Local Environmental Plan 1998* applied to the land and the subject development, thus the proposal was considered under this instrument. Draft Sydney Local Environmental 2011 was also a statutory consideration for the proposal - this plan has subsequently been gazetted and is now known as *Sydney Local Environmental Plan 2012* (SLEP).

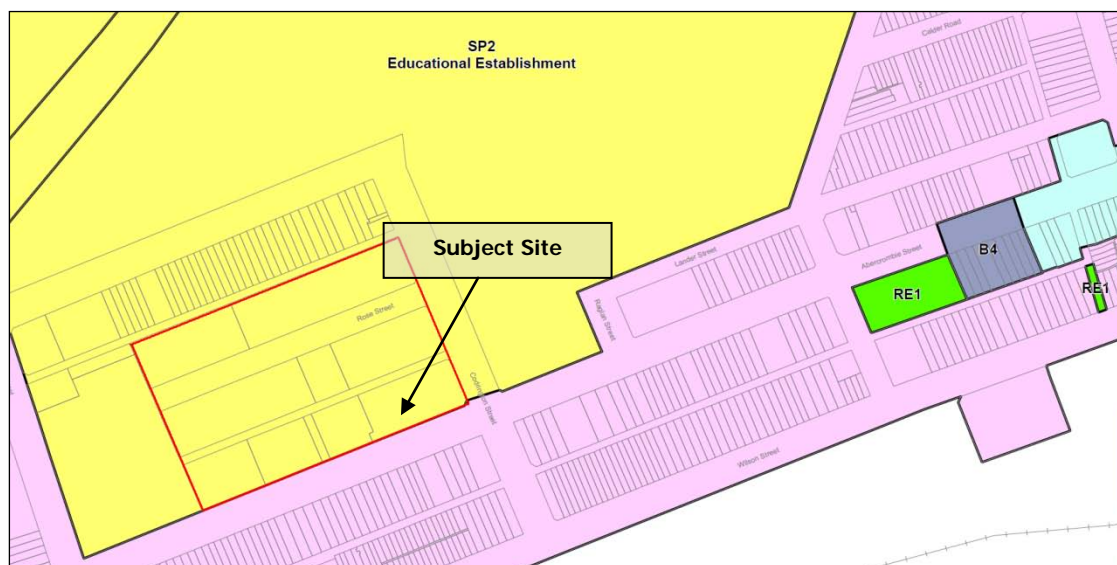
The provisions SLEP 2012 apply to the subject site and the proposed development as discussed below.

#### ***Zoning and Permissibility***

The site is "SP2 Infrastructure" under SLEP 2012. The objectives of the zone are:

##### ***Objectives of zone***

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*



**Figure 12:** Zoning Map – SLEP 2012 (Sydney City Council, 2014)

The proposal entails modifications to the approved roof plan to include solar panels with no change to the approved land use.

The proposal as modified is considered to be consistent with the objectives of the zone in that it will facilitate development that is in keeping with the existing special use that will result in minimal impact on the adjoining land uses.

#### **4.2 Strategic Planning Context**

The Project Approval as modified has been considered having regard to the plans and strategies shown below. It is considered the modifications sought contribute to the attainment of the objectives of these plans and policies as the provision of a modern day education facility is achieved by virtue of the development outcomes.

- *Draft Metropolitan Strategy for Sydney*
- *Draft Central sub-regional Strategy 2031*
- *The University of Sydney 2011-2015 Strategic Plan*
- *The University of Sydney Sustainability Framework*

#### **4.3 Draft Environmental Planning Instruments**

No draft environmental planning instruments currently apply to the proposal.

#### **4.4 Development Contributions**

Development contributions shall be levied based on negotiations with the relevant authorities as per the Project Approval. The modification to the approved roof plan will have no impact on contributions applicable.

## **PART E ENVIRONMENTAL ASSESSMENT**

### **5.1 Relevant EPI's and Guidelines**

All relevant EPIs and guidelines have been considered as detailed in Part F of this report. It is concluded from the assessment carried out that the modified Project Approval is consistent with the provisions of applicable EPIs and guidelines, in particular *Sydney Local Environmental Plan 2012* which now applies to the land.

Consistency with the relevant EPIs demonstrates the acceptable nature of the development and the merit of the design. As previously discussed, there is no further increase to the approved building height proposed, nor does the proposal seek to increase the GFA of the development.

On balance, the strategic intentions of the EPIs and guidelines which apply to the site are achieved while providing a modern day education facility which enhances the education experience of students of the University of Sydney.

### **5.2 Built Form/Design and Visual Impacts**

The proposed alterations will not result in a significant change to the built form of the building and will not be visible from any public spaces. As such the changes proposed will not sacrifice the architectural integrity of the building.

### **5.3 Environmental and Residential Amenity.**

The photovoltaic panels and solar hot water heating cells will not be visible from any public spaces and will not result in any overshadowing or acoustic impacts. The consolidation of the proposed roof top plant rooms from three to one has resulted in the plant room being located at the northern end of the building, facing towards the New Business School, thereby maximising the distance from Abercrombie Street residences. The alteration of the pattern of the screens located on the southern side of the ASA building is minor and does not result in any changes to the material, colour and finish of the screens previously approved. As a result the proposal will not result in any impacts upon the surrounding local and residential amenity.

### **5.4 Heritage**

Not applicable to the subject modification.

### **5.5 Transport and Accessibility**

Transport and access will remain unaltered.

### **5.6 Safety/Public Domain**

Implications in terms of safety and the public domain are not considered to change under the subject Section 75W. For the purpose of this report, the assessment provided as part of the EA Report for the Project Application are maintained with as the site layout will be substantially the same as that approved.

### **5.7 Social Impacts**

The modifications sought under this application are considered to remain unchanged from the Project Approval.



## **5.8 Ecologically Sustainable Development (ESD)**

The modification will ensure the effective use of a renewable energy resource and reduce the development's carbon footprint.

## **5.9 Stormwater/Flooding**

Stormwater and flooding issues are to remain unchanged from the Project Approval.

## **5.10 Public Services/ Infrastructure and Utilities**

All essential services and utilities are available to the site and are capable of accommodating the development.

## **5.11 Staging**

Staging is to remain as per Project Approval MP07\_0158. This is considered appropriate to deal with the site constraints and manage the construction process to ensure there is no unacceptable impact on the surrounding environment.

## **5.12 Potential On Site Contamination**

On-site contamination was previously dealt with under Project Approval MP07\_0158. Due to the extent of changes proposed, further consideration in regard to contamination is not warranted under this application.

## **5.13 Dedication**

Dedication of land was dealt with under the Project Application, as such no change is proposed under this Section 75W.

## **5.14 Consultation**

The University of Sydney has directed John Holland Pty Ltd to carry out the proposed modifications of the Abercrombie Student Accommodation through a contractual arrangement. The design proposal has been discussed with the University and considers neighbouring properties in the positioning of the panels.

## **PART F CONCLUSION**

The Abercrombie Precinct Redevelopment is considered to make a positive contribution to ensuring the provision of modern education facilities and services on a local, regional and national level while enhancing the existing precinct with the City of Sydney LGA.

All modifications sought under this application ensure that the development can be accommodated within the site, resulting in no adverse impacts on neighboring residential and commercial development. As such changes to the approved design under this application are considered negligible.

The proposal meets the aims and objectives of all relevant policies and is consistent with the locality and will have no adverse environmental impact.

Based on the above, it is recommended that the modification application be approved.

**Appendix 1**  
Project Approval 07\_0158

**Appendix 2**  
Owners Consent

**Appendix 3**  
Approved Roof Plan (4001\_A-117 Rev. T2)

**Appendix 4**  
Approved Elevations (4001\_DA05-D)



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