



14395
14 July 2017

Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Attention: Natasha Harras (Team Leader, Assessment Modifications)

Dear Natasha,

**SECTION 96(1A) MODIFICATION APPLICATION SSD - 6724
60-78 REGENT STREET, REDFERN**

On behalf of Iglu Pty Ltd, we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD 6724 relating to the construction of an 18 storey student accommodation building with retail space at ground floor at 60-78 Regent Street, Redfern.

The proposed modification arises because on-site investigations have revealed that the existing brickwork to two of the original shopfronts have been rendered or bagged, preventing restoration of the face brick as shown on the currently approved plans. Accordingly, it is proposed that these two shopfronts will be repainted with neutral paint tones to be compatible with adjoining buildings and the broader streetscape.

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. This application should be read in conjunction with the Environmental Impact Statement (December 2014) and Response to Submissions (March 2015), accompanying documentation provided with the original application, and the following information:

- Letter and photographs regarding existing brickwork condition from Richard Crookes Constructions (**Attachment A**); and
- Amended East Elevation and indicative renderings prepared by Bates Smart (**Attachment B**).

1.0 CONSENT PROPOSED TO BE MODIFIED

State Significant Development Application SSD 6724 was approved by the Planning Assessment Commission on 25 August 2015 for '*partial demolition of existing buildings (substantial retention of the Regent Street facade) and construction of an 18 storey student accommodation building consisting of 134 units with a total of 370 beds with retail and community space at ground floor*'.

The consent has been previously modified once by the NSW Department of Planning and Environment, as delegate of the Minister for Planning, on 23 June 2016.

2.0 PROPOSED MODIFICATIONS TO CONSENT

2.1 Modifications to the Development

The existing approval provides for the retention of eight of the former shopfronts along the Regent Street frontage, including the restoration of these shopfronts to reveal the existing face brick.

It has become apparent during on-site construction investigations that the brickwork on two of these shopfronts has previously been rendered or bagged, and that the removal of these finishes to expose the face brick would not be possible without significantly damaging the bricks. As such, a face brick finish in accordance with the existing approved plan is not possible. A letter confirming this and providing photographic evidence has been provided by the appointed contractor, Richard Crookes Constructions (**Attachment A**).

Accordingly, it is proposed that the two affected shopfronts will instead be repainted with a neutral tone that is in keeping with the existing palette of adjoining buildings and the broader streetscape, as illustrated in **Figure 1**.



Figure 1 – Proposed amendment to eastern elevation (approved at top, amended below)

Source: Bates Smart



Figure 2 – Indicative rendering of proposed modifications

Source: Bates Smart

2.2 Modification 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***.

Condition A2. Development in Accordance with Plans

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
A02.000	F	Ground Floor Plan	24/03/2016
A02.M01	E	Mezzanine Plan	24/03/2016
A02.001	D	Podium Plan	1/4/2016
A02.002	B	Typical Plan (accessible) Levels 02-05	24/02/2015
A02.008	B	Typical Plan Levels 06-17	24/02/2015
A02.019	A	Roof Terrace Plan	26/11/2014
A02.B01	C	Basement Plan	24/03/2016
A07.001	D <i>E</i>	East Elevation	28/08/2015 <i>13/07/2017</i>
A07.002	D	West Elevation	1/4/2016
A07.003	E	North Elevation	1/4/2016
A07.004	E	South Elevation	1/4/2016
A07.005	C	Signage Details	20/03/2015
A08.003	D	Section CC	28/08/2015
A11.001	A	Cluster Bedroom – Plan and Section	7/6/16

Reason

Plan revision number and date for the east elevation needs to be changed to reflect the updated plan that accompanies this Section 96 application.

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 proposed modification will result in a development that is substantially the same as the development for which consent was originally granted and is of minimal environmental impact as:

- providing a face brick finish for the two façades in question is not possible or desirable in light of the historical application of render and bagging finishes to the original brick;
- the retained façades will continue to make a positive contribution to the streetscape with new paintwork finishes to suit the immediately surrounding context;
- no changes are sought to the approved use, scale or intensity of the approved development;
- the environmental impacts of the modified development are the same as that of the approved development.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

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"*. The following assessment demonstrates that the modification will be of minimal environmental impact.

Except as outlined below, the proposed modifications do not alter the planning assessment of the development from that set out in and approved as part of the original Development Application.

4.1 State Environmental Planning Policy (State Significant Precincts) 2005

The proposed modification does not give rise to any change to the assessment of the project against the State Significant Precincts SEPP. Neither the site nor the facades being retained are identified as having any environmental heritage significance under the SEPP. The project as it is proposed to be modified will continue to achieve design excellence, and the proposed paintwork finish to the two shopfronts will ensure a higher quality built form outcome than the currently approved development.

4.2 Built Form

Maintaining the current terms of approval which require the two shopfronts in question to be existing face brick would result in a poor architectural outcome due to the significant damage to the brickwork that would be caused by removal of the bagging and render from these façades. Accordingly, the proposed modification will result in a positive built form outcome by ensuring that the retained façades present in a manner which is appropriate for the streetscape.

5.0 CONCLUSION

The proposed modifications are minor in the context of the overall development, represent an appropriate response to new information regarding the existing building fabric being retained, will have no adverse environmental impacts, and will continue to facilitate a high quality development outcome.

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

- the consent, as proposed to be modified, is substantially the same development as that originally approved; and
- the proposed changes have a minimal environmental impact.

In light of the above, we therefore recommend that the proposed modification be supported by the Department of Planning and Environment. Resolution of this matter is critical in allowing the completion of the remaining construction works, and we accordingly request that this matter is dealt with in a timely manner in order to ensure that the required painting works can be completed prior to occupation. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or moliver@jbaurban.com.au.

Yours faithfully,



Michael Oliver
Principal Planner