Modification of Development Consent

Section 4.56 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, we approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission **Member of the Commission**

Sydney 2018

SCHEDULE 1

Development consent:	**SSD 7064** granted by the Land and Environment Court on 22 March 2018
For the following:	Mixed use hotel, residential flat building and retail development: • demolition of existing structures; • construction of a 6 storey building comprising: o hotel accommodation for 45 rooms o a residential flat building containing 20 apartments; o two retail / commercial units; o Wine bar; and o a double storey basement.
Applicant:	Sutherland & Associates Planning Pty Ltd
Consent Authority:	Minister for Planning
The Land:	175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (Lot 10 DP 809537, Lot 1 DP 1093304, Lot 1 DP 724328, Lot 15 DP 57107, Lots 3 and 4 DP 977379, Lot 5 DP 68798)
Modification:	**SSD 7064 MOD 1**: the modification includes: • infill central courtyard increasing GFA by 280 m^2 to 3,725 m^2 • internal layout changes to the retail / commercial tenancies • provision of a hotel reception area • additional residential communal open space.

SCHEDULE 2

The consent (SSD 7064) is modified as follows:

(a) Schedule 2 Part A – Terms of Consent, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

A2. The applicant shall carry out the Development in accordance with the:

(a) State significant development application;

(b) Environmental Impact Statement, prepared by Sutherland and Associates Planning, dated August 2015 **as amended by the Section 4.56 Planning Statement, prepared by Sutherland and Associates Planning dated August 2018**;

(c) *Remediation Action Plan 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern* dated 14 March 2016 and prepared by EI Australia and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor JM Nash dated 21 July 2016 and referenced 85573.00;

(d) Response to Submissions prepared by Sutherland and Associates Planning, dated August 2016;

(e) Building Code of Australia Compliance Assessment Report for proposed mixed use development 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern prepared by AED Consulting ~~**revised 5 March 2018**~~ **dated June 2018**.

(f) Acoustic Report prepared by Acoustic Logic revised 28 February 2018.

(g) BASIX certificate no. 659199M_02 dated 16 March 2018.

(h) Following drawings as set out in the table below:

Architectural Drawings prepared by Cottee Parker Architects			
Drawing No.	**Revision**	**Name of Plan**	**Date**
DA1000	A	Site Plan	21/11/2017
DA2002	C	Lower Basement Floor Plan 02	22/02/18
DA2003	C	Lower Basement Floor Plan 01	22/02/18
DA2004	~~**C**~~ **D**	Ground – Level 1 Floor Plan	~~**22/02/18**~~ **Undated**
DA2005	~~**B**~~ **C**	Level 2 Floor Plan	~~**22/02/18**~~ **Undated**
DA2006	~~**B**~~ **C**	Level 3 Floor Plan	~~**22/02/18**~~ **Undated**
DA2007	B	Level 4 Floor Plan	22/02/18
DA2008	B	Level 5 Floor Plan	22/02/18
DA2009	B	Level 6 Floor Plan	22/02/18
DA2010	A	Level 7 Floor Plan	21/11/2017
DA2011	A	Roof Plan	21/11/2017
DA3000	B	North Elevation	22/02/18
DA3001	B	East Elevation	22/02/18
DA3002	B	West Elevation	22/02/18
DA3003	A	South Elevation	20/11/2017
DA3100	~~**B**~~ **C**	Section A	~~**22/02/18**~~ **Undated**

DA3101	~~B~~ **C**	Section B	~~22/02/18~~ **Undated**
DA3102	~~B~~ **C**	Section C - Courtyard	~~22/02/18~~ **Undated**
DA3103	~~B~~ **C**	Section C - Courtyard	~~22/02/18~~ **Undated**
DA4000	~~B~~ **C**	Regulatory Requirements	~~22/02/18~~ **Undated**
DA4001	~~B~~ **C**	GFA Diagram	~~22/02/18~~ **Undated**
DA4002	B	Cross Ventilation Plan	22/02/18
DA4003	B	SEPP 65 Compliance Matrix	22/02/18
DA4100	A	Plan Shadow Diagrams	21/11/2017
DA4200	A	Solar Access Plan	21/11/2017
DA4201	A	Solar Access Sheet 01	21/11/2017
DA4202	A	Solar Access Sheet 02	21/11/2017
DA4203	A	Solar Access Sheet 03	21/11/2017
DA7000	A	North Elevation Finishes	21/11/2017
DA7001	A	East Elevation Finishes	21/11/2017
Engineering Drawings prepared by S&G Consultants Pty Limited			
Drawing No.	**Revision**	**Name of Plan**	**Date**
SW02	A	Stormwater Drainage Plan – Basement	05/09/2015
SW03	A	Stormwater Drainage Plan – Ground Floor / Level 1	10/09/2015
SW04	A	Stormwater Drainage Plan – Roof Plan	10/09/2015
SW05	A	Erosion & Sediment Control – Plan & Details	10/09/2015
SW06	B	Details Sheet	10/09/2015

(b) Schedule 2 Part B – Amended Plans, Condition B4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

B4. Prior to the issue of the first Construction Certificate, amended architectural plans and supporting documentation shall be submitted to the Certifying Authority including:

a) That the non-compliances identified in the Building Code of Australia Compliance Assessment Report for proposed mixed use development 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern dated 5 March 2018 and prepared by AED Consulting have been addressed either by design amendments, additional information or by way of an alternative solution. This must be supported by an updated Building Code of Australia assessment report and a report by a suitably qualified fire engineer if a performance solution is proposed.

~~**b) The Ground/Level 1 Floor Plan Drawing 2004C prepared by Cotteeparker dated 22 February 2018 is to be amended by the deletion of the door openings between the wine bar and the central courtyard. This amendment is required to ensure the acoustic amenity of future residents of the development. The terrace adjoining the wine bar is not to be used at any time by patrons of the wine bar. The use of this area is not approved by this consent and would require separate approval prior to its use.**~~

d) Design / specification to be compliant with the recommendation of the Acoustic Report prepared by Acoustic Logic revised 28 February 2018, as updated to consider noise and vibration from the future underground rail tunnel alignment (CBD Rail Link) as specified under Condition B77, B79 and B81. The Proponent must incorporate in the construction certificate and development all the measures recommended in the updated report. A letter is to be provided by the author of this report (or an alternative qualified acoustical expert) confirming that the Construction Certificate drawings demonstrate compliance.

e) Drawings and specifications to satisfy the requirements of Sydney Trains in respect of the Existing Rail corridor and TfNSW in respect of the future CBD Rail Link as set out in conditions B77, B79, B81 and B84.

f) The roller shutter door on the Eveleigh Street frontage is to be relocated to be no further than 6 metres from the property boundary and Drawing No DA2004C prepared by Cottee Parker Architects amended accordingly.

g) Updated Engineering Drawings including any amendments as a result of the approved architectural plans referred to in condition A2 and this condition of this development consent.

h) The northern window opening to apartment 1.1 is to be designed with the lower portion of the window fixed to the minimum height of 1 metre above FFL (or as may be otherwise required in accordance with the BCA) and the upper part of the window able to be slid or folded back so as to maintain an opening over 90% of the width of the window frame.

(c) Schedule 2 Part B – Amended Plans, Condition B8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

B8. Prior to the issue of the first Construction Certificate, the gross floor area of the amended plans (as specified in Drawing DA4001 ~~**B**~~ **C**) must be confirmed in writing by a registered surveyor to be consistent with the figures provided on Drawing DA4001 ~~**B**~~ **C**. This must be provided to UGDC in order to calculate the affordable housing contribution payable in accordance with Condition A12.

End of modification

(SSD 7064 MOD 1)