

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson  
Executive Director  
Development Assessment Systems & Approvals

Sydney, 10 April 2013

### SCHEDULE 1

**Project Approval:** MP 11\_0090 granted by the Minister for Planning on 21 February 2012

**For the following:** Construction of three buildings (3B, 3C and 10) for student accommodation with ancillary retail uses comprising:

- 7,944.72m<sup>2</sup> of student accommodation floor space comprising 267 bedrooms;
- 680.05m<sup>2</sup> retail floor space;
- Construction of the surrounding public domain;
- Public Art; and
- Bicycle parking.

**Proposed Modification:**

MP 11\_0090 MOD 1: Modification includes:

- Reduction in total gross floor area of 330m<sup>2</sup> (from 8,625m<sup>2</sup> to 8,290.8m<sup>2</sup>);
- Increase in studios and a reduction in the number of cluster flats, resulting in an overall increase in student beds from 267 to 271 (4 beds);
- A reduction in approved building heights and footprint;
- Increased sizes and modified bedroom layouts;
- Changes to the approved floor layouts;
- Increased bicycle provision; and
- Modified facades and materials.

## SCHEDULE 2

### CONDITIONS

The above approval is modified as follows (deletions shown as strikethrough and additions shown as **bold & underlined**:

**Condition A1 is amended as follows:**

#### **A1. Development Description**

Development approval is granted only to carrying out the development described in detail below:

- Construction of three buildings (3B, 3C and 10) for student accommodation with ancillary retail uses comprising:
  - **7,584.13m<sup>2</sup>** ~~7,944.72m<sup>2</sup>~~ of student accommodation floor space comprising **271** ~~267~~ bedrooms;
  - **706.7m<sup>2</sup>** ~~680.05m<sup>2</sup>~~ retail floor space;
  - Construction of the surrounding public domain;
  - Public Art; and
  - Bicycle parking.

**Condition A2 is amended as follows:**

#### **A2. Terms of Approval**

The Applicant shall carry out the project in accordance with the following documentation:

- a) Environmental Assessment and supporting documents prepared by JBA Planning dated June 2012;
- b) Preferred Project Report and supporting documents prepared by JBA Planning dated October 2012;
- and

**c) As amended by the Section 75W prepared by JBA Planning, dated December 2012; and**

**d) e) following drawings, except for:**

- a) any modifications which are Exempt' or Complying Development;
- b) otherwise provided by the conditions of this approval.

<b>Architectural (or Design) Drawings prepared by Tonkin Zulkha Greer</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A-101		Site Plan	May-2012
A-102		Proposed Ground Plan	May-2012
A-201	A	Block 3B/C: Level B1 Substation	September-2012
A-202	A	Block 3B/C: Ground Level	September-2012
A-203	A	Block 3B/C: Level 1	September-2012
A-204	A	Block 3B/C: Level 2	September-2012
A-205	A	Block 3B/C: Level 3	September-2012
A-206	A	Block 3B/C: Level 4	September-2012
A-207	A	Block 3B/C: Level 5	September-2012
A-208	A	Block 3B/C: Level 6	September-2012
A-209	A	Block 3B/C: Level 7	September-2012
A-210		Reef	May-2012

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer			
A-211	A	Block 10: Ground and Level 1	September 2012
A-212	A	Block 10: Level 2 and 3	September 2012
A-213	A	Block 10: Level 4 and 5	September 2012
A-214		Roof	May 2012
A-301	A	Block 3B/C: Sections 1	September 2012
A-302	A	Block 3B/C: Sections 2	September 2012
A-303	A	Block 3B/C: Sections 3	September 2012
A-304		Block 10: Sections 1	May 2012
A-401	A	Context: East Elevation	September 2012
A-402	A	Context: South Elevation	September 2012
A-403	A	Context: West Elevation	September 2012
A-404	A	Context: North Elevation	September 2012
A-405	A	Block 3B/C: East Elevation	September 2012
A-406	A	Block 3B/C: North and South Elevation	September 2012
A-407	A	Block 3B/C: West Elevation	May 2012
A-408	A	Block 10: East and West Elevation	May 2012
A-409	A	Block 10: South Elevation	May 2012
A-410	A	Block 10: North Elevation	September 2012
A-501		Typical Studio	May 2012
A-502		Typical Accessible Studio	May 2012
A-503		Cluster Kitchen Sizes 1	May 2012
A-504		Cluster Kitchen Sizes 2	May 2012
A-601	A	Facade Study	September 2012
A-602		Facade Study Street Level	September 2012
Landscape Drawings prepared by Jeppe Aagaard Andersen + Turf Design Studio			
0721 – Page 2	A	3B & 3C Plan	May 2012
0721 – Page 3	A	3A South Wall	May 2012
0721 – Page 4	A	3A Wall Concepts	May 2012
0721 – Page 5	A	Furniture F-1	May 2012
0721 – Page 6	A	Furniture F-2	May 2012
0721 – Page 7	A	Paving	May 2012
Survey Drawings prepared by Degotardi, Smith and Partners			
31420A35	B	Sheet 1 & 2	21 March 2012
Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer			
Drawing No.	Revision	Name of Plan	Date
A-101	A	Site Plan	18.12.12
A-102	A	Proposed Ground Plan	18.12.12
A-201	A	Block 3B/C: Level B1 Substation	18.12.12

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
<u>A-202</u>	<u>B</u>	<u>Block 3B/C: Ground Level</u>	<u>18.12.12</u>
<u>A-203</u>	<u>B</u>	<u>Block 3B/C: Level 1</u>	<u>18.12.12</u>
<u>A-204</u>	<u>B</u>	<u>Block 3B/C: Level 2</u>	<u>18.12.12</u>
<u>A-205</u>	<u>B</u>	<u>Block 3B/C: Level 3</u>	<u>18.12.12</u>
<u>A-206</u>	<u>B</u>	<u>Block 3B/C: Level 4</u>	<u>18.12.12</u>
<u>A-207</u>	<u>B</u>	<u>Block 3B/C: Level 5</u>	<u>18.12.12</u>
<u>A-208</u>	<u>B</u>	<u>Block 3B/C: Level 6</u>	<u>18.12.12</u>
<u>A-209</u>	<u>B</u>	<u>Block 3B/C: Level 7</u>	<u>18.12.12</u>
<u>A-210</u>	<u>A</u>	<u>Block 3B/C Roof Level</u>	<u>18.12.12</u>
<u>A-211</u>	<u>C</u>	<u>Block 10 Level Ground &amp; 1</u>	<u>22.2.13</u>
<u>A-212</u>	<u>B</u>	<u>Block 10: Level 2 and 3</u>	<u>18.12.12</u>
<u>A-213</u>	<u>B</u>	<u>Block 10: Level 4 and 5</u>	<u>18.12.12</u>
<u>A-214</u>	<u>B</u>	<u>Block 10 Roof Level</u>	<u>18.12.12</u>
<u>A-301</u>	<u>B</u>	<u>Block 3B/C: Sections 1</u>	<u>18.12.12</u>
<u>A-302</u>	<u>B</u>	<u>Block 3B/C: Sections 2</u>	<u>18.12.12</u>
<u>A-303</u>	<u>B</u>	<u>Block 3B/C: Sections 3</u>	<u>18.12.12</u>
<u>A-304</u>	<u>C</u>	<u>Block 10: Sections 1</u>	<u>22.2.13</u>
<u>A-406</u>	<u>B</u>	<u>Block 3B/C: North and South Elevation</u>	<u>18.12.12</u>
<u>A-407</u>	<u>B</u>	<u>Block 3B/C: West Elevation</u>	<u>18.12.12</u>
<u>A-408</u>		<u>Block 10: East and West Elevation</u>	<u>18.12.12</u>
<u>A-409</u>		<u>Block 10: South Elevation</u>	<u>18.12.12</u>
<u>A-410</u>	<u>B</u>	<u>Block 10: North Elevation</u>	<u>18.12.12</u>
<u>A-501</u>		<u>Typical Studio</u>	<u>18.12.12</u>
<u>A-503</u>		<u>Cluster Kitchen Sizes 1</u>	<u>18.12.12</u>
<u>A-601</u>	<u>B</u>	<u>Façade Study</u>	<u>18.12.12</u>
<u>A-602</u>	<u>A</u>	<u>Façade Study Street Level</u>	<u>18.12.12</u>

Condition B2 is amended as follows:

## B2. Design Modifications

In order to provide acceptable management of the proposed student accommodation, the design of the buildings shall be amended as follows:

- (a) provision shall be made for one 24 hour on-site caretaker/manager for both Blocks 3B & 3C and one 24 hour on-site caretaker/manager for Block 10 (a total of 2 caretakers/managers), including the designated of a room/area of at least 8m<sup>2</sup> with a minimum dimension of 2.5 metres.
- ~~(a)~~ (b) provision of secure, on-site bicycle parking for a minimum of 89 bicycles proportionally shared between Blocks 3B, 3C and 10. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 1993 Parking Facilities Part 3: Bicycle Parking Facilities **shall be provided at a rate consistent with the specification of the JOSTA system or equivalent;** and

- (b)(e) a physical barrier, such as a timber or masonry wall return, must be provided between the kitchenette areas within the studio rooms and the immediately adjoining study desk. The barrier must be provided up to ceiling height.

Details of the above shall be submitted to and approved by the Director General or his nominee prior to the issue of a Construction Certificate.

*NOTE: As per letter 9/7/13 typo error corrected + condition should refer to 'E15' not 'E5' MW*

Condition E5 is amended as follows:

E15\*

#### **E5. Waste and Recycling Management – Student Accommodation**

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council. that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that domestic waste collection is to occur within the site and that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.

Condition E7 is amended as follows:

#### **E7. Accommodation – Registration and Caretaker**

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the on-site manager, and the number of occupants approved for the premises. An on-site caretaker/manager must be contactable available 24 hours a day for each separate student accommodation use based at the reception within Block 3B, to ensure the orderly management of the student accommodation on Blocks 3B, 3C and Block 10.

Condition E8 is amended as follows:

#### **E8. Plan of Management to be Submitted and Approved**

The Plan of Management accompanying this Development Application has not been approved by this consent.

A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations including Security Management. The plan must include as a minimum:-

- i) compliance with all other operational conditions of this consent;
- ii) the occupancy rate per bedroom must be capped at 1 person per room except in the case of studios where an additional visitor/guest will be permitted to stay overnight on occasion; evidence of identity and of student enrolment in a tertiary educational facility in Australia must be provided;
- iii) hours of operation of outdoor areas (the use of external communal open space or common areas should be restricted), use of alcohol and/or drugs, curfews, noise management plan;
- iv) security management should be expanded to include relationships with surrounding hotels/motels/ businesses;
- v) students should be issued with information on how to contact Police, Ambulance and Fire Department (in translated formats, if requested), personal safety awareness sessions should be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command;
- vi) safety and security measures for residents, handling complaints;

- vii) provisions of communal areas and facilities, and access and facilities for people with disabilities;
- viii) a copy of the fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area, a floor plan showing emergency exits must be fixed to the inside of each sleeping room.

ix) The plan must be submitted to and approved by Council prior to a Construction Certificate being issued for above ground works.

**Condition E9 is amended as follows:**

**E9. Laundry facilities**

a. A minimum of **eleven (11) 7kg** ~~(10) 7-10kg~~ commercial washing machines and **eleven (11) 7kg** ~~(10) 7-10kg~~ commercial dryers are to be provided for the occupants of Blocks 3B/3C and **Block 10, in the identified laundry in Block 3B, and are to be installed and operational**, prior to the issue of an Occupation Certificate.

~~b. A minimum of (7) 7-10kg commercial washing machines and (7) 7-10kg commercial dryers are to be provided for the occupants of Block 10 and installed prior to the issue of an Occupation Certificate.~~

**Condition E11 is amended as follows:**

**E11. Public Art**

High quality art work must be provided within the development in publicly accessible locations, ~~including near main entrances, in lobbies and on street frontages,~~ in accordance with the Central Sydney DCP 1996 and the Public Art Policy, **as approved by Council**. Details of the art work must be submitted to and approved by Council prior to an Occupation Certificate for above ground works being issued. All public art work is to be provided, installed and completed prior to issue of an Occupation Certificate.

**Condition F1 is amended as follows:**

**F1. Restrictions on Student Accommodation**

The following restrictions apply to the building hereby approved for student accommodation:

- a) The accommodation portion of the building may only be used for residential accommodation for students as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like;
- b) Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans **except in the case of studios where an additional visitor/guest will be permitted to stay overnight on occasion**. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds;
- c) An owner, Owners Corporation, tenant or licensee of the premises or any part thereof shall not advertise or permit advertisement of any accommodation in the building over which they have control other than for student residential accommodation;
- d) Any tenant or licensee of any part of the residential accommodation must produce to the owner or licensor or landlord prior to taking occupation evidence of identity and of a tertiary educational facility in Australia. The owner or licensor or landlord is to maintain an up-to-date register of all details which must be produced for inspection on request by Council;

- e) Any tenant or licensee of any part of the residential accommodation must produce to Council upon request at any time written evidence of identity and of current enrolment in such tertiary educational facility;
- f) Upon ceasing to be enrolled to attend a full time tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 12 weeks of the expiration of their tertiary course;
- g) Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms to the satisfaction of Council. The Applicant shall pay Council all costs for the preparation and registration of the restrictive covenant;
- h) For the purpose of this condition, "student" means a person over 16 years of age enrolled with a tertiary institution in Australia and attending a full time or part time course of tertiary education in Australia; and
- i) All student occupants of the site are to be provided with a package notifying them of these requirements when they commence residency at the premises as part of the lease/ tenancy agreement. This, and other information required to be provided to the student occupants is to be provided in the native language of the proposed student occupant, if requested, so that it can be easily understood.

New Condition E20 is added as follows:

**E20. Positive Covenant**

Prior to the issue of an Occupation Certificate and in accordance with Section 88D of the Conveyancing Act 1919, a covenant shall be placed on the title of the land upon which Block 10 is located, requiring:

- a) the ongoing unrestricted access to and use of the bicycle storage area on level 1 of Block 10, to the residents of the student accommodation on Blocks 3B and 3C;
- b) the ongoing unrestricted access to and use of the laundry facilities within Block 3B, to the residents of the student accommodation on Blocks 3C and 10;
- c) the provision of and facilities for the accommodation of a 24 hour on-site caretaker/manager for Block 10, including a designated room/area of at least 8m<sup>2</sup> with a minimum dimension of 2.5 metres, in a suitable location within Block 10, if the operation of the student accommodation on Block 10 is ever made independent from the management of the student accommodation on Blocks 3B and 3C; and
- d) the provision of laundry facilities in Block 10, accordance with the requirements of the City of Sydney Boarding House DCP, if the operation of student accommodation in Block 10 is ever made independent from the management of the student accommodation on Blocks 3B and 3C.

New Condition F12 is added as follows:

**F12. Entry Stair off Carlton Street**

The pedestrian entry stair on Carlton Street providing access to Block 3C (Stair 2) shall be utilised for emergency access and maintenance purposes only and shall not be used as a regular entry/exit point for residents.

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END OF MODIFICATION TO MP 11\_0090 MOD 1