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Our Ref: PR107832

Date: 8 May 2013

Attn: Pilar Aberasturi
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Via: delivery

Dear Pilar

RE: SSD-4949-2011: 157-163 Cleveland St, Redfern – S96(1A) Application Reconfigure Accommodation Units and Overall Reduction in Number of Occupants

In accordance with Section 96 of the Environmental Planning and Assessment Act 1979 and on behalf of our client, Urbanest, we hereby submit this Section 96(1A) application to modify the development consent, SSD-4949-2011. The consent approves 2 to 5 storey student accommodation development with 461 students. The modification is to reduce bedroom numbers so that the overall number of students occupying the building will be 445. It involves a reconfiguration of the middle wing layouts.

1.0 Background

The original proposal was for a 2 to 5 storey student accommodation facility with 404 fully furnished rooms accommodating up to 461 students at 157-163 Cleveland Street, Redfern. This was deemed as State Significant Development as the subject site forms part of the 'Redfern-Waterloo Sites' State Significant Site and the proposal had an estimated capital investment value of more than \$10 million. The development application (DA) for the proposed development was submitted to the Department of Planning and Infrastructure (DP&I) on 25 November 2011 and approved on 16 May 2012. There have been several subsequent Section 96 applications to the consent approved by the DP&I since.

2.0 Site Details

The subject site is known as 157-163 Cleveland Street, Redfern and comprises land legally described as Lot 50 in DP 826153, Lot 11 in DP 531788 and Lot 1 in DP 449699.

The site occupies a whole block and is bounded by Hudson Street to the south, Cleveland Street to the north and Hart Street and Abercrombie Street to the east and west, respectively. It is located approximately 280m from Redfern Station and 900m from Central Station and adjoins suburb boundaries of Darlington and Chippendale. The site is within walking distance of several universities including Sydney University, UTS and Notre Dame.

The development is currently under construction. Prior to the commencement of works, the site was occupied by a two storey face brick and render warehouse (157-163 Cleveland St) and three storey rendered commercial and residential building (136-144 Cleveland St).

3.0 Proposed Modification

This application seeks reduce the overall number of students in the building to 445 and modify the internal layout of the accommodation in the middle wing.

The original approval included studios being able to accommodate twin share. It has since been decided that some of the studios will not accommodate twin share and will be single bed studios instead. This affected a total of 34 studios throughout the building only accommodating a single student.

The middle wing modifications result in an additional 14 occupants, which brings the total revised number of students to 445. The physical modifications are shown in the attached drawings and described in the table below

Central Wing Level	Original Proposal	Modification
1	11 single rooms 3 studios 2 common rooms	5 single rooms 4 twin rooms 3 studios 2 common rooms
2	12 single rooms 3 studios 2 common rooms	8 twin rooms 3 studios 2 common rooms
3	12 single rooms 3 studios 2 common rooms	8 twin rooms 3 studios 2 common rooms
4	12 single rooms 3 studios 2 common rooms	8 twin rooms 3 studios 2 common rooms

Window locations have changed however the majority are internal facing and will not impact the streetscape. Those that face the street conform the random rhythm of placement previously designed. The numbers of windows remain the same.

Some other modifications to access and removal of hallway doors are also proposed to increase the functionality of the accommodation layout.

4.0 Basis of Proposed Modification

The modification is proposed to enable the accommodation facility to offer shared rooms that will be at a more affordable price point than the single rooms. The total development which will now include a combination of apartments sizes including studios, twin rooms, singles and associated common rooms will provide choice and gives consideration to social needs and affordability.

5.0 Substantially the Same Development

Section 96(1A)(b) requires that the modifications result in substantially the same development as the development to which consent was originally granted. In this case the modifications are predominantly internal and any external change relates to placement of windows which are also largely internal facing. Where placement of windows effects the street frontage of the building the positioning of windows follows the general pattern and rhythm of the original design.

6.0 Assessment

Pursuant to Section 96(3) of the Act, matters referred to in section 79C(1) must be considered in determining an application for modification of a consent. This section provides a planning assessment of the proposal including its impacts, suitability and matters related to the public interest.

6.1 Planning Controls

The subject site falls within the Business - Mixed Use Zone under the SEPP (Major Development). Student accommodation is permissible. The modified proposal is fully consistent with the objectives of the zone, particularly objective (a) relating to education and objective (b) relating to employment opportunities.

The following table outlines the key features of the modified development against the approved development.

Feature	Approved	Proposed modification
Gross floor area	10,080sqm	unchanged
FSR	3:1	unchanged
Storeys	Part 2, Part 5	unchanged
No. of Students	461	445
No. of rooms	404	389
Apartment mix	118 students in studio-apartments 4 students in 4-bed apartment 45 students in 5-bed apartments 294 students in 6-bed apartments	90 students in twin and double studios 7 students in single bed 4- bed apartment 56 students in twin bed rooms 43 students in 5-bed apartments* 252 students in 6-bed apartments <i>*note that two of the beds in one of the 5 bed apartments have been converted to the managers flat as was required under the consent. This is now technically a 3 bed apartment.</i>
Car parking	Nil car parking proposed	unchanged

Bicycle storage	135 bicycle storage spaces	unchanged
Open space	830sqm communal courtyard + private open space	unchanged

6.2 Likely Impacts of Development

The modification will not have adverse environmental, social or economic impacts.

The changes will take place within the existing approved footprint of the building and they represent a re-arrangement of previously approved bedrooms.

Common spaces have not been compromised to achieve the design result and these spaces are sufficiently sized to accommodate the number of students now proposed. Other utility spaces such as kitchens and laundry facilities are also sufficient to cater for the marginal increase in occupants.

Windows and access to natural light is maintained to all rooms. The majority of windows to this central wing face internal to the inner courtyard areas and have no impact on the streetscape. Only two windows on each level face the Cleveland Street frontage. All windows and Juliet balconies proposed will maintain the design rhythm of the existing proposal.

Due to the minor nature of modification it will not impact the two locally listed heritage items identified in the original Environmental Impact Statement (60 Balfour Street Strickland Buildings and 117-131 Abercrombie Street – Dangar Terrace).

The amended design will ensure high amenity and functionality of apartments within. The impacts will be positive through ensuring that the development offers various accommodation options at various price points to satisfy all student requirements.

Overall the proposal will:

- provide more suitable accommodation for more students in a prime location proximate to a number of universities, recreation and transport opportunities.
- have a negligible positive economic impact on surrounding services and amenities in the locality.
- better reflect the existing market demand and provide more choice.

6.3 Suitability of Site for Development

The site is suitable for the modified development.

6.4 Public Interest

The proposal is in the public interest in that it will provide more choice for students and increased affordability without compromise to other student amenities within the building.

7.0 Conclusion

The proposed modification is minor and will result in substantially the same development as the consent originally granted. It will benefit the broader student community by increasing accommodation choice and providing another price point which recognises affordability and social needs of students.

The proposal is therefore acceptable pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 and worthy of approval.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely
RPS

A handwritten signature in black ink, appearing to read 'Mia Fay'.

Mia Fay
Planner