



STATE SIGNIFICANT DEVELOPMENT:

Section 96(1A) Modification

**Reduction to the maximum number of students and
amendments to the internal layout and awning at
Cleveland and Abercrombie Street
157 – 163 Cleveland Street, Redfern
SSD-4949-2011 MOD 4**



Director General's
Environmental Assessment Report
Section 96(1A) of the
Environmental Planning and Assessment Act, 1979

August 2013

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Cover photo: photomontage of northwest elevation (Source: Applicant's EIS)

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1. INTRODUCTION

This application seeks to modify development consent SSD-4949-2011 under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) by reducing the maximum number of students to 448, modifications to the internal layout of the middle wing and increasing the coverage of the awning at Cleveland and Abercrombie Street.

1.1 Site and Locality

The site known as 157-163 Cleveland Street, Redfern, fronts Cleveland Street and is bounded by Abercrombie Street to the west, Hart Street to the east and Hudson Street to the south. The site is located south-west of the Sydney Central Business District, within short walking distance of both Redfern and Central Railway Stations. The site is within close proximity to several tertiary educational establishments including Sydney University, University of Technology Sydney and Notre Dame University. The site location is shown in **Figure 1** below.

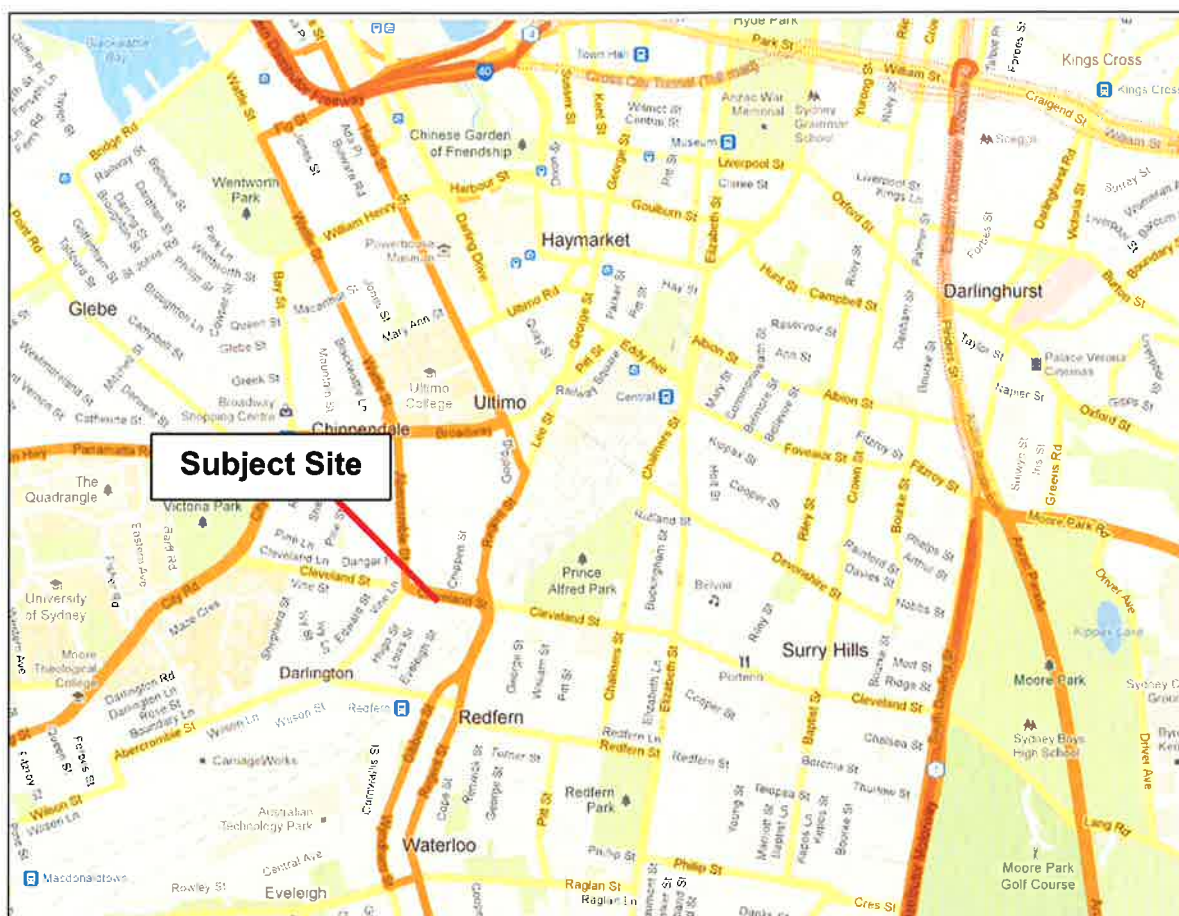


Figure 1: Site Location (Source: Google Maps)

The site has an area of 3,360m² and occupies the whole street block. It has a 77 metre frontage to Cleveland Street and a fall of approximately 2.4 metres from west to east. The whole of the site was previously occupied by buildings, consisting of a warehouse on the eastern part of the site. The majority of buildings associated with the site have now been demolished for construction of the development. However, the façade to the warehouse building (originally two factories) along Hart Street has been retained. The subject site is illustrated in **Figure 2**.



Figure 2: Subject Site (source: Nearmap)

1.2 Background

On 16 May 2012, the Director General of the Department of Planning and Infrastructure, as delegate for the Minister for Planning and Infrastructure approved a State Significant Development Application (SSD-4949-2011) for the redevelopment of the site for student accommodation. The Development Application included:

- construction of part 2 and part 5 storey building and partial retention of existing facades to Cleveland and Hart Streets;
- total GFA of 10,080 m²;
- total of 404 bedrooms with capacity for up to 461 students;
- provision of communal facilities including reception/lobby, administration room, meeting room, internet/study area, TV/games room, laundry room and communal kitchen;
- landscaped central courtyard; and
- site identification signs to Cleveland Street and Hudson Street.

1.3 Previous Modifications

On 9 August 2012, the A/Director, Metropolitan and Regional Projects South approved a Modification Application (SSD-4949-2011 MOD 1) to amend Condition A4 to defer the requirement to pay the Section 94F Affordable Housing contributions prior to the Occupation Certificate being obtained.

On 19 October 2012, the Director, Metropolitan and Regional Projects South approved a Modification Application (SSD-4949-2011 MOD 2) to amend Conditions E4 and D9 relating to green star rating and hours of work; amendments to Conditions B3 related to additional details for external signage to Cleveland and Hudson Streets, materials and finishes and a new condition A7 relating to external signage.

On 31 January 2013, the Director, Metropolitan and Regional Projects South approved a Modification Application (SSD-4949-2011 MOD 3) to amend condition D2 (b) relating to Aboriginal and European Archaeology, and for demolition and reinstatement of the Hart Street elevation.

2. PROPOSED MODIFICATION

On 6 June 2012, Urbanest Pty Ltd lodged a modification application under Section 96 (1A) of the Act to modify SSD-4949-2011. The proposed modification seeks to:

- reduce the maximum number of student beds from 461 to 448 (reduction in 13 student beds);
- modify the internal layout of the middle wing to provide a mix of accommodation typologies (reduction in number of rooms from 404 to 389);
- fenestration changes in the central wing, primarily relating to the eastern and western elevations (which front internal courtyards) and minor relocation of approved openings on Levels 2 to 4 of the northern elevation of the central wing (fronting Cleveland Street).
- increase the size of the awning at Cleveland and Abercrombie Streets to allow for additional coverage.

The revised apartment mix is detailed in **Table 1** below

Table 1: Summary of approved and proposed student accommodation typology.

Approved		Proposed	
Apartment typology	No. of students	Apartment typology	No. of students
Studio apartment	118	Studio apartment	90
		Twin bedroom apartment	56
		3 bedroom apartment	3
4 bedroom apartment	4	4 bedroom apartment	4
5 bedroom apartment	45	5 bedroom apartment	43
6 bedroom apartment	294	6 bedroom apartment	252
Total: 461 students		Total: 448 students	

The gross floor area, building footprint and height remains unchanged.

Images of the proposal are shown in **Figures 3** and **4**.



Figure 3: Comparison of proposed typical floor layout (top) and approved typical floor layout (bottom)



Figure 4: Comparison of proposed internal western courtyard elevation (top) and approved internal western courtyard elevation (bottom)

3. STATUTORY CONTEXT

3.1 Modification of Approval

Section 96(1A) of the Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications which seek modifications to approvals:

That the proposed modification is of minimal environmental impact.

The Department is satisfied that the proposed modifications will have minimal environmental impacts. Relevant environmental impacts are considered in **Section 5** of this report.

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 amendment seeks to reduce the maximum number of students to 448, modify the internal layout of the middle wing and increase the coverage of the awning at Cleveland and Abercrombie Street. The proposed modification does not result in any additional adverse impacts on the surrounding locality. On this basis, should the proposed modification be approved it will result in a development that is substantially the same to that which was originally approved.

It has notified the application in accordance with the regulations.

The Development Application was notified in accordance with the Regulations. Details of the notification are provided in Section 4 of this report.

It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

City of Sydney Council and Urban Growth NSW have advised they do not object to the proposed modification. Council has provided comment on the proposed awning and recommended an additional condition which is discussed in **Section 5**.

No public submissions were received in relation to the modification request.

3.2 Environmental Planning Instruments

State Environmental Planning Policy (State & Regional Development) 2011

The original approval was State Significant Development under Clause 2 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 as the site falls within the area defined as the Redfern-Waterloo site and has a capital investment value in excess of \$10 million.

State Environmental Planning Policy (Major Development) 2005

The site is zoned Business Zone- Mixed Use by the State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP). The approved student accommodation use is permissible within the zone.

3.3 Delegation

The original application was determined by the Director General under the delegation of the Minister of Planning and Infrastructure; therefore, the Minister remains the consent authority for any subsequent applications to modify the consent. Under delegations dated 14 September 2011, the Minister delegated his functions under Section 96 (1A) of the Act to the Directors in the Major Projects Assessment Division where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

It is noted that:

- City of Sydney Council does not object to the proposal;
- no reportable political donation has been declared in relation to the original application or any subsequent modification request; and
- no public submissions were received.

In accordance with the Minister's delegation, the Director, Metropolitan & Regional Projects South may determine this project under delegated authority.

4. CONSULTATION

The application was notified in accordance with the Environmental Planning & Assessment Regulation 2000. The modification request was made available on the Department's website and referred to the City of Sydney Council and Urban Growth NSW for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means.

City of Sydney Council and Urban Growth NSW have advised they do not object to the proposed modification. Council has provided comment on the proposed awning and recommended an additional condition which is discussed in **Section 5**.

No public submissions were received in relation to the modification request.

5. CONSIDERATION OF PROPOSED MODIFICATIONS

5.1 Building Design

The proposed modification involves changes predominantly to the internal layout of the middle wing in order to accommodate the new mix of student accommodation typologies. The proposed internal layout (in terms of circulation space and access, including lifts and stairwells) is similar to the approved layout. The impact on internal amenity is addressed in **Section 5.2**.

The resultant fenestration changes in the central wing, primarily relate to its eastern and western elevations (which front internal courtyards) and the minor relocation of approved openings to levels 2 and 4 of the northern elevation of the Central wing (fronting Cleveland Street). A modified awning providing greater coverage is also proposed at Cleveland and Abercrombie Street.

Despite the minor external building changes, the proposed building maintains a similar façade and architectural building form and design to that approved. The additional awning coverage is generally unnoticeable at the streetscape. There will be no changes to the approved building footprint, the depth of the building, its height, setbacks to boundaries and the street or the roof design. In this regard, the proposed building design changes are considered acceptable.

It is noted that Council have commented that it is unable to assess the potential impacts of the proposed awning on street trees, power poles, traffic lights and have requested the Department give consideration to minimum setback requirements from the kerb for any new awning in accordance with Sydney Development Control Plan 2012.

The Proponent has subsequently submitted additional information demonstrating the proposed awning complies with the minimum setback of 1 metre from the face of the kerb to accommodate smart poles, utility poles and vehicles in accordance with Sydney Development Control Plan 2012 (**Figure 5**).



The Department has included the condition accordingly in the recommended instrument of approval.

The Department has considered the proposed modification against the, State Environmental Planning Policy (Affordable Rental Housing) 2009, City of Sydney Council Boarding Houses DCP 2004, State Environmental Planning Policy No. 65 (SEPP 65) and the Residential Flat Design Code (the Code).

The Department is generally satisfied that the proposed modification maintains similar levels of acceptable residential amenity to that originally approved.

6. CONCLUSION

The Department considers that the proposed modification is consistent with the originally approved development application (SSD-4949-2011). The proposed modification does not result in any additional adverse impacts on the surrounding locality. On this basis, should the proposed modification be approved it will result in a development that is substantially the same to that which was originally approved.

The modification application has been assessed in accordance with the matters for consideration under section 96(1A) and 79C of the EP&A Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items, subject to conditions.


It is recommended that the modification application be approved, subject to conditions, as recommended by the Department.

7. RECOMMENDATION

It is recommended that the Director, Industry, Social Infrastructure and Key Sites:

- (a) **Consider** the findings and recommendations of this report;
- (b) **Approve** the modification under delegated authority, subject to conditions; and
- (c) **Sign** the attached Instrument of Modification for SSD-4949-2011 MOD 4.

Prepared by: Simon Truong - Senior Planner



6.8.13.

Ben Lusher
Team Leader
Industry, Social Infrastructure and Key Sites



Heather Warton
Director
Industry, Social Infrastructure and Key Sites

14/11/13

APPENDIX A MODIFICATION REQUEST

See the Department's website at:
<http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

See the Department's website at:
<http://majorprojects.planning.nsw.gov.au>

