

CM/MO
14395
14 April 2016

Carolyn McNally
Secretary
Department of Planning and Environment
23-33 Bridge Street
Sydney, NSW 2001

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 and community space at ground floor at 60-78 Regent Street, Redfern.

The modifications proposed relate to a number of minor internal and external alterations to the approved development. 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. It is accompanied by amended Architectural Plans prepared by Bates Smart (**Attachment A**) and should be read in conjunction with the Environmental Impact Statement (December 2014) and Response to Submissions (March 2015) and accompanying documentation provided with the original application.

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'*.

2.0 PROPOSED MODIFICATIONS TO CONSENT

2.1 Modifications to the Development

The proposed modifications arise from further design development which has occurred subsequent to the approval of the development and generally comprise:

- Re-planning of the basement and ground level plant and service areas to reduce the extent of basement excavation, resulting in minor internal reconfiguration and relocation of Iglu's community space to level 1.
- Minor amendments to retail tenancy shopfronts glazing and framing systems.
- Minor internal changes for servicing throughout the building.

- Minor changes to exterior finishes.

The proposed modifications to the approved development are summarised in **Table 1** below and detailed in the Architectural Drawings provided at **Attachment A**.

Table 1 – Floor by floor summary of modifications

Floor	
Basement/ Ground Floor	Basement deleted (except lift overrun) and plant/service areas relocated to Ground and Mezzanine
	Ground level back-of-house areas re-planned – Iglu community room moved to Level 1
	Ground level security gate (near Regent St) moved back into laneway so that it is located under Level 1, enabling full height security
	Regent Street shopfronts changed to achieve consistent single-door shopfront design
	Rear laneway shopfronts have bi-fold doors instead of approved double swing doors
	Connection to William Lane is open to sky (roof removed) and restricted to staff access only
	Detailing of retail staff change rooms and shower facilities
Mezzanine	Required fire egress stair added
	Required stair pressurisation fan room added
Level 1	Iglu community space/gym relocated from Ground Floor
	Minor replanning of internal rooms
	Required stair pressurisation fan room added to rear of northern stairwell
	Reception/office connects to rear facade, windows added to facade
East Elevation	Shopfronts changed to single-door system
	Awning in front of lobby deleted
	Lobby height reduced
	FBPV/metres door cladding is aluminium louvers in lieu of solid cladding to allow required ventilation
West Elevation	William Laneway facade updated to include switch room louvered doors. Windows to former community room deleted.
	Gate added in lieu of glazed doors
	Windows at Level 1 changed configuration to become awning windows
	Windows/louvers added to reflect changes to Level 1 admin and Level 1 stair pressurisation fan room
	Building height amended in accordance with Condition B4.
North Elevation	Material changed to boundary wall (brick to precast concrete)
	Building height amended in accordance with Condition B4.
South Elevation	Material changed to boundary wall (brick to precast concrete)
	Louvre added to existing window at Levels 3, 5, 7, 9, 11, 13, 15, 17
	Building height amended in accordance with Condition B4.

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	DF	Ground Floor Plan	28/04/2015 <i>8/4/2016</i>
A02.M01	DE	Mezzanine Plan	28/04/2015 <i>8/4/2016</i>
A02.001	BD	Podium Plan	24/02/2015

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
			8/4/2016
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	AC	Basement Plan	26/11/2014 8/4/2016
A07.001	BD	East Elevation	26/02/2015 8/4/2016
A07.002	BD	West Elevation	26/02/2015 8/4/2016
A07.003	BD	North Elevation	26/02/2015 8/4/2016
A07.004	BD	South Elevation	26/02/2015 8/4/2016
A07.005	C	Signage Details	20/03/2015
A08.003	B	Section CC	26/02/2015

Reason

Plan numbers, revisions and details need to be changed to reflect the updated plans and drawings that accompany this Section 96 application.

Condition B4. Building height

~~Prior to the issue of a construction certificate, plans must be submitted to the certifying authority demonstrating an overall reduction in the building height by 3.2 metres (maximum RL 88.2m AHD). This overall reduction in building height shall be achieved via a reduction in the floor to floor heights to 2.9 metres without affecting the minimum floor to ceiling height of 2.7 metres on Levels 2 to 17.~~

Reason

Amended plans reflecting the requirements of this condition are provided with this modification 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:

- no changes are sought to the approved use, scale or intensity of the approved development;
- the proposed changes relate to minor detailing of exterior facades or internal reconfiguration of approved spaces;
- changes to the building facade are minor and do not result in any significant changes in the building's appearance or approved form; and
- 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 development, as proposed to be modified, 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 changes have resulted in an overall reduction in gross floor area (GFA) by 120m², resulting in a floor space ratio (FSR) of 6.9:1. Accordingly, the proposal remains below the permissible maximum FSR for the site of 7:1 set out in the State Significant Precincts SEPP.

4.2 Built Form

As outlined in **Section 2.0** the proposed modifications involve generally internal and external design alterations, and do not result in any changes to the overall height or extent of the approved building envelope. The proposed changes are minor and relate to the internal configuration of spaces and the detailing of specific façade elements. The proposed changes do not give rise to any changes to the level of compliance with the applicable planning instruments. Key changes are discussed below:

- Modifications to the retail shopfronts (comprising a change to the framing system) will not alter the overall connection with and presentation to Regent Street and will continue to make a positive contribution to the activation of this street.
- The replacement of two windows to William Lane with aluminium louvers is a result of the consolidation of plant rooms on the ground floor. Given that William Lane is predominately a service lane for vehicular access and servicing, this material treatment is considered to be consistent with the character and function of this street and is therefore an acceptable change.
- Restriction of access to staff only in the pedestrian corridor between William Lane and the internal laneway will provide for clearer and safer pedestrian movements within the ground plane and is consistent with the submission from NSW Police on the original DA.

In light of the above, it is considered that the proposed amendments will have negligible impacts on the approved built form outcome and should be supported.

5.0 CONCLUSION

The proposed modifications comprise minor internal and external alterations that arise from further development of the approved design, 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. 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,

A handwritten signature in blue ink, appearing to read 'M Oliver', with a stylized, cursive script.

Michael Oliver
Senior Planner