

LF/MO
14395
25 January 2018

Carolyn McNally
Secretary
Department of Planning & Environment
320 Pitt Street, Sydney NSW 2000

Dear Ms McNally,

**Section 96(1A) Modification Application to SSD – 6724
60-78 Regent Street, Redfern**

This application has been prepared by Ethos Urban on behalf of Iglu Pty Ltd, pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD 6724, which relates to the development of a student accommodation building at 60-78 Regent Street, Redfern. The building is nearly completed and due to be occupied from February 2018.

This application seeks to permit the 85 studio rooms located within the approved student accommodation facility to be occupied by up to two students (couples) on an ongoing basis. These rooms will continue to be provided with only one double-bed.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 96(1A) of the EP&A Act. It should be read in conjunction with the original Environmental Impact Statement dated December 2014 and Response to Submissions Report dated March 2015, accompanying documents to those reports and the stamped architectural drawings by Bates Smart.

1.0 Consent proposed to be modified

Development consent SSD 6724 was granted by the NSW Planning Assessment Commission on 25 August 2015 for a mixed-use student accommodation and retail development including:

- Partial retention of Regent Street facades and demolition of existing buildings within the site;
- Construction of an 18-storey building including student accommodation for 370 students;
- Ground floor retail and commercial tenancies; and
- Associated signage, streetscape improvements and landscaping, and extension of services and infrastructure.

There have been two modifications since the original approval. SSD 6724 Mod 1 facilitates a number of minor internal and external alterations and SSD 6724 Mod 2 relates to façade upgrades to the ground floor retail frontage.

2.0 Proposed modifications to the consent

This modification application seeks to permit the occupation of the 'studio' student accommodation rooms by a couple on an ongoing basis, as opposed to the current conditions which only permit overnight stays by a second person in the case of studios "on occasion". This is intended to permit co-habiting couples to live together in the larger studio units with both students registered on the lease agreement. No changes are proposed to the approved room configuration (which includes one double bed per studio), which have been designed from the outset to be occupied by two co-habiting students and already include additional storage and seating to reflect this.

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be inserted are shown in ***bold italics***.

Schedule 1

Mixed Use Student Accommodation and Retail Development:

- *part retention of Regent Street facades and demolition of existing buildings within the site;*
- *construction of an 18 storey building including a student accommodation for 370 ~~students~~ beds;*
- *ground floor retail and commercial tenancies; and*
- *associated signage, streetscape improvements and landscaping, and extension of services and infrastructure*

E24. Plan of Management to be Submitted and Approved

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 but is not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; handling complaints; and be generally in accordance with the preliminary operational plan of management submitted with the EIS.

The plan must be submitted to and approved by Council prior to an Occupation Certificate being issued., The plan must include as a minimum:

- *Compliance with all other operational conditions of this consent.*
- *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 which are not to be occupied by more than two (2) people,** ~~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;*
- *.....*

F1. Capacity

The maximum number of students residing within the premises must not exceed ~~370~~ 455 persons, at any time.

F8. 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, **with the exception of studio units which shall not be occupied by more than two (2) people,** as shown on the approved plans, ~~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;*

.....

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 development, as proposed to be modified, is substantially the same development as that originally approved in that:

- No changes are sought to the approved use of the site for student accommodation with ground floor retail premises;
- No changes are sought to the approved building either externally or internally, including to the building mass, height, density, setbacks or internal facilities;
- No changes are proposed to the approved site access or facility management arrangements;
- The environmental impacts of the approved development remain substantially the same as the approved development as outlined at **Section 4.0** below.

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*”. Under Section 96(4) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 79C(1) of the EP&A Act.

The following assessment considers the relevant matters under Section 79C(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact. The Environmental Impact Statement (EIS) submitted with the original DA addressed the environmental impacts of the (ultimately) approved development. The planning assessment of the proposed modified development generally remains unchanged from the original EIS, except for the following matters discussed below.

4.1 Compliance with planning instruments and development controls

4.1.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Whilst the approved development did not rely upon the boarding house provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) during the original planning assessment and approval process, these controls were referenced as a guide to consideration of the project’s compliance with internal room and communal open space requirements.

Clause 29(2)(f) of the ARH SEPP states that a consent authority must not refuse consent to development on the grounds of accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of 16 metres where a single boarding room is intended to be occupied by two residents. The approved development contains 85 studio rooms designed to a minimum size of 19.5m² with accessible studio rooms designed to 25m². Non-accessible studios have a total area of at least 19.5m² of which 3.4m² is allocated to private kitchen and bathroom facilities and 16.1m² remains for general living purposes. Accessible studios have a total area of at least 25m² of which 7.6m² is allocated to private kitchen and bathroom facilities and 17.4m² remains for general living purposes. Accordingly, all studio apartment typologies achieve the minimal internal living area required to suitably accommodate two persons on an ongoing basis under the ARH SEPP.

4.1.2 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 stipulates that for student accommodation and boarding houses, the area of a room is to be a minimum of 16m² where a second occupant is intended, plus additional areas for private bathrooms and kitchenettes. As outlined in **Section 4.1.1** above, both the accessible and non-accessible approved studios have a minimum living area of 16m² and accordingly comply with this requirement.

We note that the proposed modification is consistent with a previous S96(1A) modification to D/2011/515 relating to the Iglu's Chippendale student accommodation facility at 109 Regent which was approved by Council on 2 February 2012 to permit the occupation of studio rooms in that facility by two students. The City of Sydney Council noted that:

"The amendment has merit and is supported as the studio room sizes comply with the [then] Boarding House DCP requirements for two persons in a room".

The studios in Iglu's new Redfern facility are the same size as those located within the Chippendale facility.

4.2 Other planning considerations

The amendment of the existing consent will allow for the orderly and efficient use of a facility which includes rooms that have been designed and constructed to allow occupation of larger studio rooms by up to two students. Allowing couples to occupy these rooms on a permanent basis, with both students registered on the lease, will reduce pressure that would otherwise be placed on the private rental market leading to increased competition and rental prices. The site is well-located in immediate proximity to services and public transport, as well as significant tertiary educational establishments including Sydney University and the University of Technology Sydney. Maximising efficient use of existing student accommodation in proximity to these institutions will ensure that suitable accommodation options are available to accommodate planned growth in education capacity. Accordingly, the proposed modification is considered to be a positive planning outcome as it will provide for efficient use of existing student accommodation, complies with the applicable amenity standards, reduce pressure on local private housing market affordability and will support the growth of major education providers within the locality.

5.0 Conclusion

The proposed modification to State Significant Development Consent SSD 6724 to allow up to two occupants to occupy studio rooms on an ongoing basis will offer an additional living option for future students residing within the Iglu building. In accordance with section 96(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,

Luke Feltis
Urbanist
02 9956 6962
lfeltis@ethosurban.com

Michael Oliver
Principal, Planning
02 9409 4961
moliver@ethosurban.com