



Cleveland Street Mixed Use Development

○ *State Significant
Development
Modification Assessment
(SSD 7064 MOD 1)*



November 2018

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Cover photo

North elevation viewed from Cleveland Street (Base source: Approved Plans)

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GFA	Gross Floor Area
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RtS	Response to Submissions
RWA	Redfern-Waterloo Authority
SEARs	Secretary's environmental assessment requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



Executive Summary

This report provides an assessment of a modification application seeking to amend the approved mixed-use development at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (SSD 7064 MOD 1).

The modification application seeks approval for internal and external changes to the approved development, comprising:

- an additional 280 square metres (m²) of retail / commercial gross floor area (GFA)
- layout changes to the approved retail / commercial tenancies
- provision of a hotel reception
- additional residential communal open space.

The modification application was lodged by Sutherland and Associates Pty Ltd (the Applicant) and the site is located within the City of Sydney (Council) local Government area (LGA).

The approved development has a capital investment value (CIV) of \$16,229,200 and would generate 160 construction jobs and 20 operational jobs.

Background

On 20 February 2017, the Planning Assessment Commission (the Commission) refused State significant development (SSD) application SSD 7064. The Commission determined the proposal failed to limit the extent of residential development and did not provide the proportionate 'mix' of commercial and residential development envisaged by the objectives of the Business Zone – Mixed Use, and therefore did not support the Applicant's requests to vary the building height and floor space ratio (FSR) development standards. Further, it determined the development would be out of character with the surrounding area, result in poor internal residential amenity and did not achieved design excellence.

The decision was challenged in the Land and Environment Court (LEC). As a result of successful mediation and substantial amendments, an agreement was reached and on 22 March 2018 the LEC granted development consent for the demolition of existing structures and the construction of a six storey mixed use building, comprising:

- 45 hotel rooms
- 20 residential dwellings
- two retail tenancies
- two levels of basement car parking.

The development consent included a condition (Condition B4), which requires the deletion of the openings between the ground floor central courtyard and the adjacent retail tenancy, in addition to prohibiting the use of the ground floor central courtyard by that retail tenancy.

Engagement

The Department publicly exhibited the modification application for 14 days between Thursday 13 September and Wednesday 26 September 2018. As a result, the Department received comments from five government agencies, an objection from Council dated 27 September 2018 and three public submissions objecting to the modification application.

Council objects to the proposed increase in GFA and argues the Applicant's justification for the additional FSR departure is 'a simplistic justification and lacking in expertise and imagination'. In addition, Council raises concerns in respect to not compromising residential amenity, planting or waste storage.

Assessment

The Department considers the key issues associated with the modification application are the increase in the GFA and residential amenity. The Department has considered these issues in its assessment and has considered the merits of the modification application in accordance with relevant matters under sections 4.15(1) and 4.56 of the EP&A Act, the objects of the EP&A Act, the principles of Ecologically Sustainable Development (ESD), as well as the Applicant's response to submissions.

The Department considers the impacts associated with the proposed amendments will be similar to those contemplated in the original approval. The modification application does not alter the external appearance of the building, nor result in any additional impacts on adjoining development. The Department notes the approval prohibits the use of the ground floor central courtyard by the retail tenancies to protect the amenity of the residential dwellings. The modification application is considered to achieve the same intent, while being an efficient use of the space.

Summary

Following its detailed assessment, the Department concludes the modification application is acceptable. It is consistent with the state's strategic planning objectives for the site, as set out in the Greater Sydney Metropolitan Plan and Eastern City District Plan, and will not impact on the residential amenity of the site, the surrounding area, or the overall design quality of the approved building.



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1. Introduction

1.1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent (SSD 7064) for mixed-use development at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern.

The modification application seeks approval to infill the central ground floor courtyard, enlarge and amend the internal layout of the retail tenancies, include the provision of a hotel reception and provide additional residential communal open space, resulting in an additional 280 square metres (m²) of gross floor area (GFA).

The application has been lodged by the Sutherland and Associates Pty Ltd (the Applicant), pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Background

The site is located at the south-western edge of the Sydney Central Business District (CBD) within the City of Sydney Local Government Area (LGA) (**Figure 1**). The site is approximately 350 metres north of Redfern Station and within close proximity to Prince Alfred Park, the University of Sydney, the University of Technology Sydney, Central Park and Broadway shopping centre.

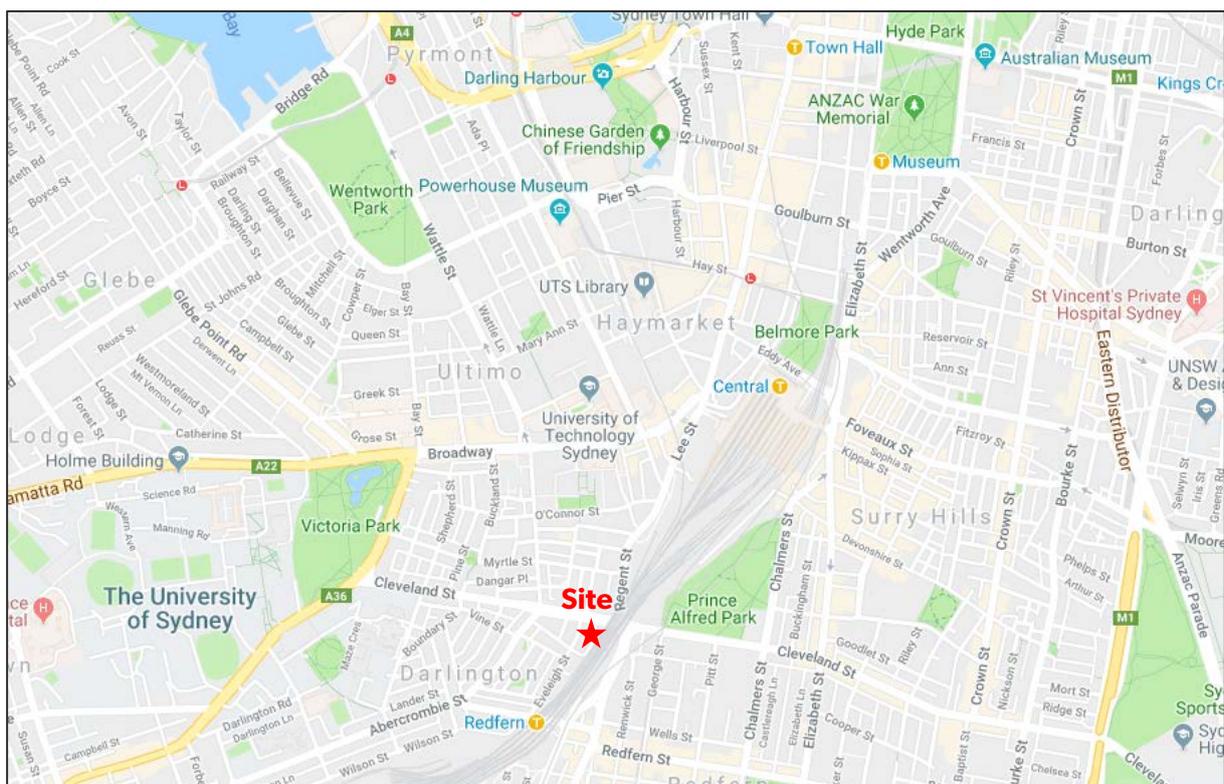


Figure 1 | Site context (Source: Nearmap, 2018)

The site has an area of 1,060 m² and is irregular in shape. It is bound by Cleveland Street to the north, Woodburn Street to the east and Eveleigh Street to the west (**Figure 2**). It has a 30 metre (m) frontage to Cleveland Street and a cross fall of approximately four metres from the northeast to southwest corners of the site.



Figure 2 | Site Location

The site is currently occupied by:

- a one / two storey industrial building at 175-177 Cleveland Street and external carpark
- a two storey warehouse building at 1-5 Woodburn Street.

1.3 Surrounding context

The surrounding area is characterised by a mix of buildings and uses, including:

- a three to five storey residential flat building immediately south of the site, with frontages to Woodburn and Eveleigh Streets (6-8 Woodburn Street)
- a three to five storey residential flat building to the west of the site (165-173 Cleveland Street)
- a four to five storey hotel to the east of the site (179-181 Cleveland Street)
- a mix of two storey terraces and industrial buildings further south of the site
- a mix of commercial and residential buildings on the northern side of Cleveland Street.

1.4 Approval History

SSD 5397 – Mixed use student and residential development

On 28 January 2015, the delegate of the Minister granted development consent for a mixed-use student accommodation and residential development at 175-177 Cleveland Street (SSD 5397), comprising:

- demolition of existing structures
- construction of a five storey building, comprising:
 - o student accommodation for 40 students
 - o a residential flat building containing 13 apartments
 - o a single storey basement.

SSD 7064 – Mixed use hotel, retail and residential development

On 20 February 2017, the Planning Assessment Commission (the Commission) refused a SSD application for a mixed-use hotel, retail and residential development on the site (SSD 7064). The decision was challenged in the Land and Environment Court (LEC).

On 22 March 2018 and following a comprehensive period of negotiation between the Commission and Applicant, the LEC granted development consent for the demolition of existing structures and the construction of a six storey mixed use building, comprising:

- 45 hotel rooms
- 20 residential dwellings
- two retail tenancies
- two levels of basement car parking.

Relevant to this modification, the development consent included Condition B4, requiring the deletion of openings between the ground floor central courtyard and adjacent retail tenancy, in addition to prohibiting the use of the ground floor central courtyard by that retail tenancy.



2. Proposed Modification

On 17 August 2018, the Applicant lodged a modification application (SSD 7064 MOD 1) seeking approval to amend the approved building as summarised in **Table 1** and shown in **Figures 3** and **4**. A link to the application is provided in **Appendix A**.

Table 1 | Main Components of the modification application

Aspect	Description
Ground / Level 1	<ul style="list-style-type: none">• Enclose the internal courtyard and infill void space to enlarge retail tenancies (increase GFA by 280 m² to 3,725 m²) (as shown as 'A' on Figure 3).• Internal layout changes to the approved retail tenancies, including to the provision of sanitary facilities (as shown as 'B' on Figure 3).• New internal stairs and access to waste storage area from retail tenancies (as shown as 'C' on Figure 3).
Level 2	<ul style="list-style-type: none">• Internal layout changes to include a hotel reception (as shown as 'D' on Figure 4).• Provision of a residential communal courtyard (as shown as 'E' on Figure 4).• Additional podium landscaping (as shown as 'F' on Figure 4).
Condition	<ul style="list-style-type: none">• Amend Condition B4 to no longer require the deletion of openings from the 'wine bar' to the central courtyard and prohibit the use of the central courtyard by the retail tenancies.

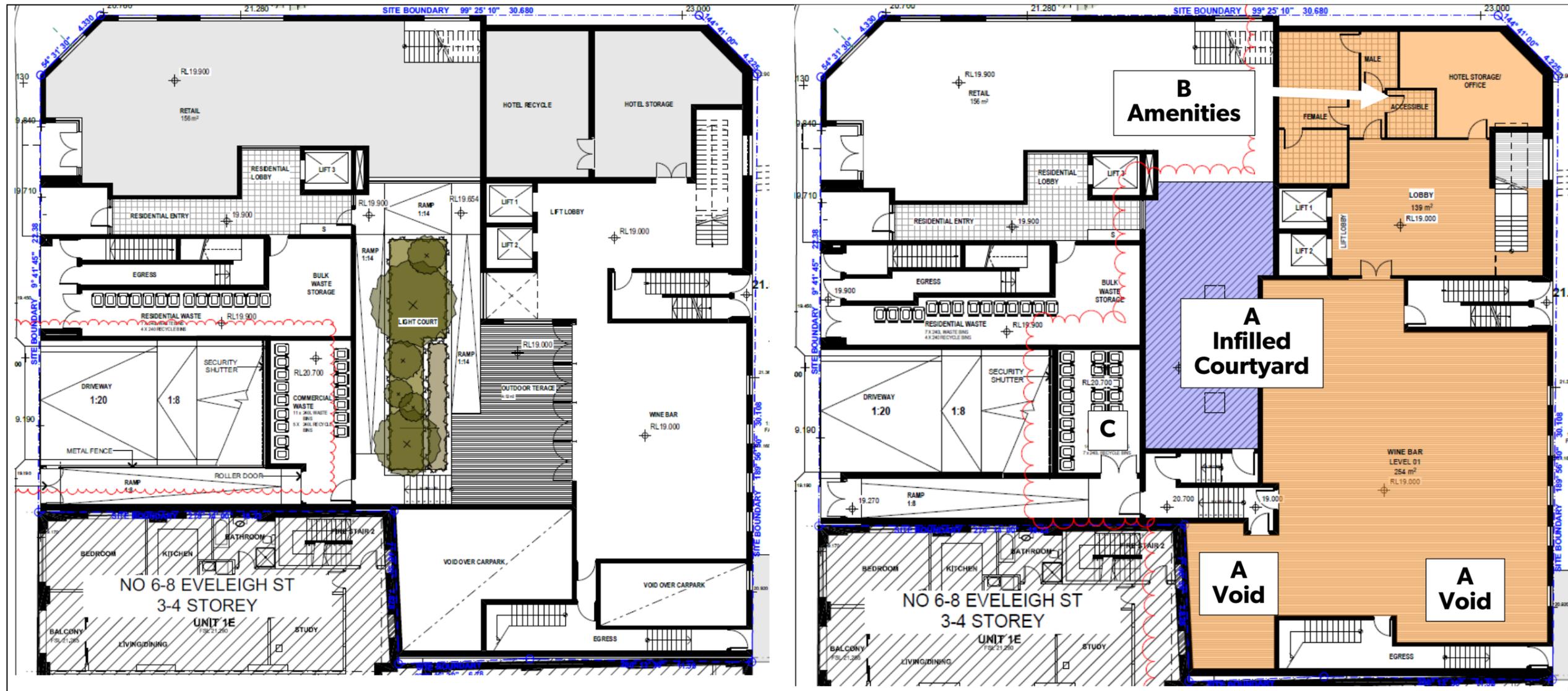


Figure 3 | Ground / level 1 floor plan comparison between approved (left) and proposed (right) (Source: Approved Plan and Applicant's EIS 2018)

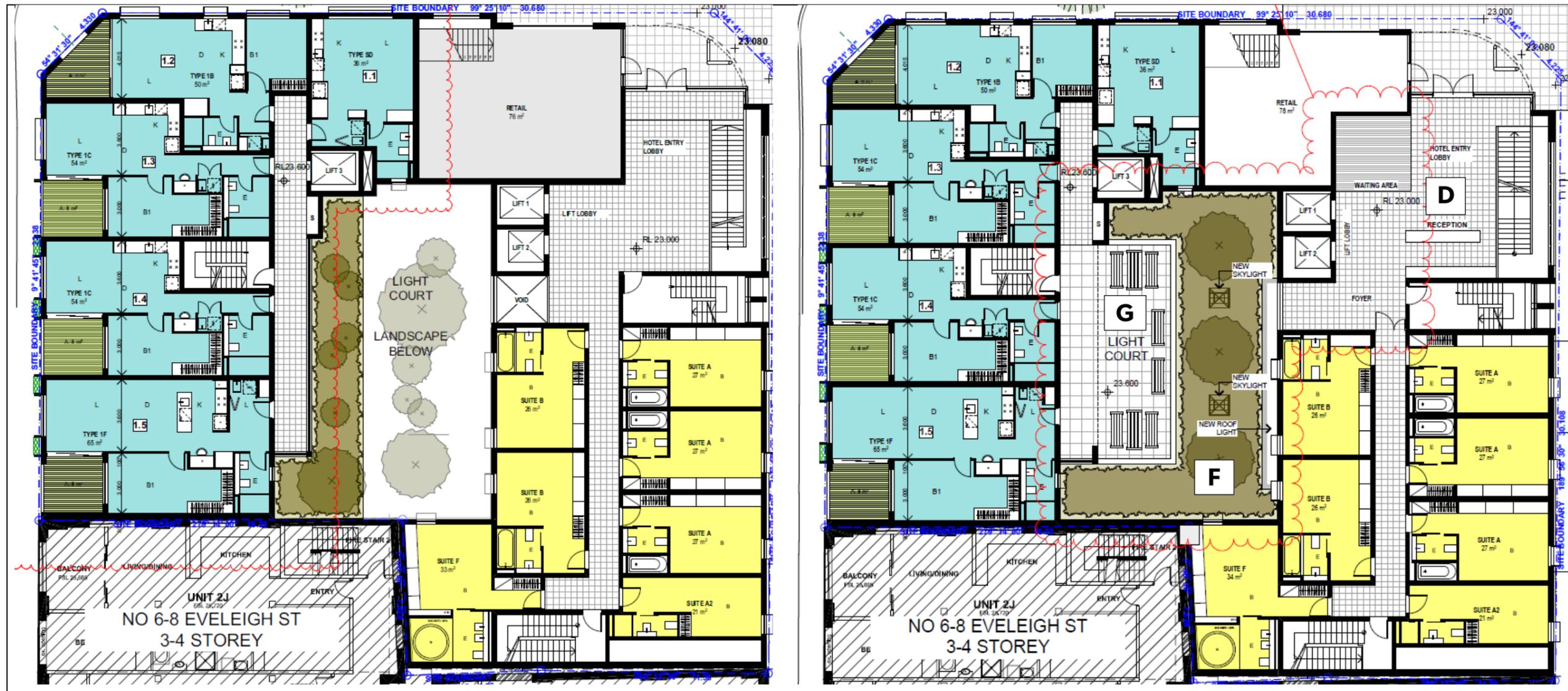


Figure 4 | Level 2 floor plan comparison between approved (left) and proposed (right) (Source: Approved Plan and Applicant's EIS 2018)



3. Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Commission (GSC) released A Metropolis of Three Cities - Greater Sydney Region Plan (Region Plan) and associated District Plans in March 2018.

The Region Plan sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Region Plan outlines how Greater Sydney will be transformed into a metropolis of three cities, being the Eastern Harbour City, the Western Parkland City and the Central River City (with Greater Parramatta at its heart). The site is located within the Eastern Harbour City

The Region Plan sets ten directions, including a city supported by infrastructure, a collaborative city, a city for people, housing the city, a city of great places, a well-connected city, job and skills for the city, a city in its landscape, an efficient city and a resilient city.

The modification application remains consistent with the Regional Plan, as it:

- delivers additional employment floorspace in proximity to existing centres, public transport, local services and amenities, which supports the realisation of the '30-minute city' (objectives 4 & 13)
- delivers a healthy, safe and inclusive space for people in a well-designed built environment that encourages opportunities to walk, cycle and use public transport (objective 7)
- contributes to growth of an internationally competitive economy (objective 15)
- assists in making the Harbour CBD stronger and more competitive (objective 18)

In addition, the modification application does not alter the number of approved new residential dwellings or hotel rooms approved under SSD 7064.

3.2 Eastern City District Plan

To support the delivery of the Region Plan, the GSC has prepared District Plans to inform local council planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District Plan area and the modification application remains consistent with the relevant planning priorities identified in that plan, as it will:

- maintain the approved residential accommodation, providing housing choice (planning priority E5)
- contribute towards a stronger and more competitive Harbour CBD by providing additional retail GFA (planning priority E7).

3.3 Central to Eveleigh Urban Transformation Strategy

The Central to Eveleigh Urban Transformation Strategy (CEUTS) guides the renewal of approximately 50 hectares of government-owned land in and around the rail corridor from Central to Erskineville stations. The Strategy was released by UGDC in November 2016.

The Strategy is not a statutory planning document nor a rezoning proposal. However, it is a useful reference document guiding district and local planning for five precincts, known as North Eveleigh, South Eveleigh, Redfern Station, Central Station and Waterloo Estate.

The Strategy's ambition is to connect Sydney's diverse and vibrant communities, strengthen the global city and create a great place to live. The Strategy contains a vision and 10 'key moves', which make up a framework for the future delivery of housing growth alongside better public transport, new parks and community facilities.

The Department considers the modification application remains consistent with the vision and 'key moves' of the CEUTS, as it maintains the approved external built form that appropriately integrates with the existing neighbourhood, while increasing the non-residential GFA to assist in providing additional employment opportunities.

3.4 Redfern-Waterloo Built Environment Plan (Stage One) August 2006

The Redfern-Waterloo Built Environment Plan (Stage One) August 2006 (BEP) was developed as a key driver for the former Redfern Waterloo Authority (RWA), now known as UrbanGrowth NSW Development Corporation (UGDC). It was prepared to assist in the social and economic revitalisation of the Redfern-Waterloo area. The BEP forecasts the Redfern Waterloo area to provide 2,000 new dwellings and 18,000 jobs.

The BEP identifies the site, and surrounding land, as a location for employment growth and the creation of a vibrant sustainable business and residential community.

The Department considers the modification application appropriately responds to the BEP, as it will provide additional non-residential GFA to encourage employment opportunities.

3.5 City of Sydney – Sustainable Sydney 2030

Sustainable Sydney 2030 sets out the City of Sydney's vision to make Sydney a more global, green and connected metropolis by 2030.

The modification application will continue to contribute to the strategic directions in Sustainable Sydney 2030, as it will

- provide employment opportunities through the provision of additional non-residential GFA, therefore supporting the City's global competitive and innovative city direction (strategic direction 1)
- maintain the approved visitor and residential accommodation within close proximity to public transport, services and facilities (strategic direction 8).



4. Statutory Context

4.1 Scope of Modification

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification as the modification application:

- would not significantly increase the environmental impacts of the development as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the projects approved disturbance area.

The Department is satisfied the proposed modification is within the scope of section 4.56 of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.56 of the EP&A Act rather than requiring a new development application to be lodged. The matters for consideration under section 4.56 of the EP&A Act that apply to the modification have been considered in **Table 2**.

Table 2 | Consideration of proposed modification against Section 4.56 of the EP&A Act

Section 4.56 Evaluation	Consideration
a) 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 seeks approval for internal building changes that would not result in additional adverse impacts on the surrounding area. The Department is therefore satisfied the modification application would result in development that is substantially the same as that originally approved. Section 6 of this report provides an assessment of the impacts associated with the modification application
b) it has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, and (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent 	The modification application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Details of the notification are provided in Section 5 of this report.
c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person	The Department notified each person who made a submission in respect of the original development application at the address provided with their submission.
d) 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	All submission made during the exhibition are considered in Sections 5 & 6 of this report

Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided below, in **Section 6** (key and other issues) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15 (1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of relevant EPIs is provided in Appendix B and summarised below.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The modification application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation and Schedule 2 of the EP&A Regulation relating to an EIS.
(a)(v) repealed	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned - refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the modification application, as discussed in Sections 5 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (see Sections 5 and 6).
(e) the public interest	The modification application is considered to be in the public interest. Refer to Section 6 of this report.

Environmental Planning Instruments (EPIs)

The following environmental planning instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State and Regional Significant) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- draft State Environmental Planning Policy (Remediation of Land)
- draft State Environmental Planning Policy (Environment).

The Department undertook a comprehensive assessment of the development against the abovementioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the relevant requirements for Notification and Fees have been complied with.

Ecologically Sustainable Development

The EP&A Act adopts the definition of ecological sustainable development (ESD) found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of social, economic and environmental considerations in decision-making processes.

The LEC approved development incorporated ecologically sustainable design initiatives and sustainability measures that will not be affected by the modification application. Appropriate conditions of consent exist to ensure the modification application exhibits ESD.

4.2 Consent Authority

The Minister is the consent authority for the modification application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 14 September 2011, the Independent Planning Commission (the Commission) may determine the application if:

- the relevant local council has made an objection; or
- a political disclosure statement has been made; or
- there are at least 25 public submissions by way of objection.

As Council has objected to the modification application (outside of the statutory exhibition period) it is being referred to the Commission for determination as the Minister's Delegate.



5. Engagement

5.1 Department's engagement

The Department exhibited the application in accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation. It was exhibited for 14 days between Thursday 13 September and Wednesday 26 September 2018.

The modification application was advertised in the Sydney Morning Herald, the Daily Telegraph and the Central Courier. The Department also wrote to surrounding landowners and occupants, previous submitters to the original development application, the Land and Environment Court, the City of Sydney Council (Council) and the following Government agencies:

- Office of Environment and Heritage (OEH)
- The Heritage Division of NSW
- Transport for NSW (TfNSW)
- Roads and Maritime Services (RMS)
- Sydney Water
- Sydney Trains
- Government Architect NSW
- UGDC.

5.2 Summary of submissions

The Department received submissions from five government agencies, an objection from Council dated 27 September 2018 and three submissions from the public. A summary of the submissions is provided in **Table 3**, and a link to the submissions is provided in **Appendix A**.

Table 3 | Summary of Submissions

Submitters	Number	Position
Government Agencies	5	
• Sydney Water		
• RMS		
• Heritage Division of NSW		Comment
• OEH		
• TfNSW		
Council	1	Object
Community	3	Object
TOTAL	9	

5.3 Key Issues – Government agencies

The key issues raised by Government agencies are summarised below:

Table 4 | Summary of Government agency submissions

Agency	Comments
Sydney Water	Does not object to the application, but recommended additional conditions requiring: <ul style="list-style-type: none">Sydney Water confirmation (section 73 certificate) that adequate water, wastewater and stormwater services have been provided and submission of approved plans via Sydney Water Tap In online service.
RMS	<ul style="list-style-type: none">Does not object.
Heritage Division of NSW	<ul style="list-style-type: none">No further comments, subject to all previous recommended conditions remaining.
OEH	<ul style="list-style-type: none">No further comments, subject to the existing conditions in respect to Aboriginal heritage remaining.
TfNSW	<ul style="list-style-type: none">No comments

5.4 Key Issues – Council

In its submission dated 27 September 2018, Council advised that it objected to any increase in floor space above that approved and raised comments in relation to:

- any additional commercial floor space must not impact on the amenity of the hotel or residential development
- the residential communal open space on the podium may result in noise impacts
- landscaping and waste storage areas must not be compromised.

5.5 Key Issues – Community

The concerns raised in the public objections are summarised below:

- demolition and construction impacts on adjoining residential amenity
- building height
- overshadowing
- traffic generation
- waste collection.

5.6 Response to submissions

Following the exhibition of the modification application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in submissions.

On 15 October 2018, the Applicant provided a response to submissions (RtS) (**Appendix A**), which noted the comments provided by the various Government agencies, provided further justification for the proposed FSR departure and clarified a number of issues raised by the public submissions.

The RtS was made publicly available on the Department website and referred to relevant Government agencies. Additional submissions were received from Council and two Government agencies. No further public submissions were received.

Council confirmed it maintains its objection to the modification application for the reasons summarised above.

RMS and **OEH** advised it had no further comments to the RtS.



6. Assessment

The Department considers the key assessment issues associated with the modification application are:

- floor space ratio (FSR) departure
- impacts on surrounding amenity.

6.1 Floor space ratio (FSR) departure

The modification application seeks to infill a central courtyard to enlarge the approved ground floor retail tenancy by 280 m². The additional floor space is contained within the building and will not increase the approved built form when viewed from the public domain or adjoining development.

Division 3, clause 21 of Schedule 3 of the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) permits a maximum FSR of 3:1, which includes a maximum residential component of 1:1. The original LEC approval (SSD 7064) permitted a maximum GFA of 3,445 m², which equated to a FSR of 3.25:1. The modification application seeks to increase the approved GFA by 280 m² to 3,725 m², which equates to a FSR of 3.51:1 (**Table 5**).

Table 5 | Summary of GFA / FSR

Component	Permissible GFA (FSR)	Approved GFA (FSR)	Proposed GFA (FSR)
Residential	1,060 m ² (1:1)	1,268 m ² (1.2:1)	1,268 m ² (1.2:1)
Non-Residential	2,120 m ² (2:1)	2,177 m ² (2.1:1)	2,457 m ² (2.32:1)
TOTAL	3,180 m ² (3:1)	3,445 m ² (3.25:1)	3,725 m ² (3.51:1)

The Applicant advised it seeks the additional GFA as condition B4(b) prevents the use of the central courtyard, resulting in an unresolved, inactive and unattractive space, partly undercover and no longer relates to any use within the building. The Applicant contends the modification application:

- results in a land use ratio that is now entirely consistent with the 33%/66% split desired under the FSR control
- remains consistent with the objectives of the zone notwithstanding the increased variation to the FSR standard
- achieves an improved configuration for the retail premises which serves to support the viability and vitality of the commercial uses within the development, and serves to encourage employment generation
- results in no external change to the approved development as viewed from the public domain and does not increase impacts to the surrounding area.

Council objected to the proposed increase in the approved GFA.

FSR was a key issue in the consideration of the original application and the Department notes the Commission initially refused the application on this basis. The Department notes the reasons behind the original refusal related to:

- the extent of residential development sought under the original proposal
- the bulk and scale of the building in context with the surrounding character
- amenity impacts from the adjoining railway corridor

- design excellence.

In its consideration of the original application, the Commission referred to the BEP to understand the intention of the FSR development standard in the absence of any objectives for this in SSP SEPP. The Commission determined the intention of the FSR development standard was to limit residential development and provide a built form that was of a similar size and scale to the existing development.

Currently the development consent prohibits the use of the central courtyard to protect the amenity of the hotel and residential development above. The modification application seeks to infill the approved central courtyard to enlarge the ground floor retail tenancies. Despite the additional GFA, the Department notes the modification application does not alter the bulk and scale of the approved development or the orientation, layout or amount of the approved residential development. Further, the Department considers the modification application would not affect the overall design excellence achieved by the approval.

The Department considers the internal reconfiguration of the building results in an effective use of space, without impacting on the bulk and scale of the approved development or the amenity of the hotel or residential component. The Department considers the changes will have no additional impacts on the surrounding area than contemplated under the approval. Further, the proposed ratio of residential to non-residential development now aligns with the intent of the FSR development standard (being a 2:1 ratio).

The Department concludes the modification application is consistent with the objectives of the Business Zone – Mixed Use and the underlining objectives of the FSR development standard. The additional GFA does not result in any external impacts on the character or amenity of the surrounding area. Further, the Department considers the additional non-residential floor space assists in generating additional employment opportunities with the Redfern-Waterloo Authority precinct.

6.2 Impacts on surrounding amenity

The proposed infill of the approved central courtyard provides a new communal open space on Level 2, associated with the approved residential development.

Council noted it's submission the proposed elevated open space may result in amenity impacts on the approved hotel and residential component.

The Applicant contended the modification application provides an opportunity to achieve an improved design resolution for the residential component by creating an additional open space area that accommodates a garden and seating, which considerably improves amenity and outlook for the apartments when compared to the approved design.

The Department notes the proposed communal open space would be secondary to the main rooftop communal area. Further, an existing condition of consent (Condition F22) would restrict the use of the space to residents and their guests between 7am and 10pm. In terms of impact on the hotel development, the Department notes the submitted plan (**Figure 4**) includes a 5.3 m landscaping buffer between the useable open space and the hotel development.

Having regard to the above, the Department concludes the proposed podium communal open space results in improved amenity for the residential development, without impacting on the adjoining hotel development. The Department therefore considers the proposed changes to be acceptable.

6.3 Other Issues

The Department's assessment of other issues is provided in **Table 6** below:

Table 6 | Summary of other issues raised

Issue	Findings	Recommended Condition
Waste management	<ul style="list-style-type: none"> • The Applicant contended the hotel waste and storage rooms illustrated on the approved plans are surplus to the needs of the hotel and have been converted into amenities and an office for the ground floor retail tenancy. • The Department notes the approved waste storage room is required to comply with the City of Sydney’s policy for <i>Waste Minimization in New Development</i>. The waste rooms are required to provide sufficient space to accommodate the needs of the development. • Finally, the Department notes that condition E18 prohibits bins being left outside the building or on the footpath at any time. All waste will be collected from within the site. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions are necessary.
Government agency comments	<ul style="list-style-type: none"> • The Department notes Sydney Water and OEH make reference to particular conditions. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions are necessary.



7. Evaluation

The Department has assessed the merits of the modification application taking into consideration the issues raised in all submissions, the Applicant's response to those submissions, and is satisfied the modification application will not result in any unreasonable impacts on the surrounding amenity or character of the area.

The Department considers the modification application has strategic merit as it maintains its approved contribution towards meeting housing targets and housing diversity, while continuing to contribute to employment opportunities within the Redfern-Waterloo Authority precinct.

The key issues considered in the assessment of the modification application are the additional GFA and amenity impacts. The Department notes that despite the increased GFA the modification application does not result in any visible change in the bulk and scale of the approved development. The additional GFA results in the efficient use of non-residential space, in addition to providing for improved communal open space provisions for the residential component.

The Department has reviewed a number of other issues, including waste management and conditions of consent, and is satisfied the modification application is appropriate and conditions exist to address and/or mitigate these issues.

The Department concludes the impacts of the modification application are acceptable. Consequently, the Department considers the modification application is in the public interest and is approvable. This assessment report is hereby presented to the Commission for determination.

Endorsed by:

David McNamara

Director

Key Sites Assessments

Endorsed by:

Anthea Sargeant 22/11/18

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and information to this assessment report can be found on the Department's website at:

1. Modification Application
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9468
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9468
3. Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9468
4. Supplementary information and amendments
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9468

Appendix B – Recommended Notice of Modification

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9468

Appendix C – Consolidated Consent

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9468