

Town Planning Report

Modification of Major Project Approval
No.08_0112

7-9 Gibbons Street
REDFERN

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1.0 Introduction

Major Project Approval No.08_0112 was issued on 22 October 2010 for the construction of an eighteen (18) storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments as described in Condition A1, Part A of Schedule 2 of the approval.

Modifications to the project were approved on 28 February 2011.

Documentation associated with the preparation of a Construction Certificate for the project has revealed a number of minor modifications which need to be made to facilitate the approved development.

These modifications:

- are largely related to construction-related issues; and
- are largely internal and not readily discernible from areas surrounding the building.

The proposed modifications also include a stratum subdivision designed to comply with conditions of approval relating to the allocation of parking, particularly parking to be provided in relation to Lawson Square Towers at 1 Lawson Place.

The application proposes to modify Condition A2 in Schedule 2 of Major Project Approval No.08_0112, under the terms of Section 75W of the *Environmental Planning and Assessment Act 1979*, to facilitate the proposed modifications.

This report:

- examines the issues associated with the proposed modifications;
- analyses the impact of the proposed modifications in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

2.0 Site Details

2.1 The Site

The land known as 7-9 Gibbons Street, Redfern, is situated on the north-eastern corner of Gibbons and Marian Streets.

The site comprises the land contained in Lots 1 to 9, Section 9, DP 4209 and Lot B, DP 354297.

The site is generally rectangular in shape and has:

- a frontage of some 52.09m to Gibbons Street, 32.125m to Marian Street and 51.96m to William Lane; and
- an area of 1,618m².

The land contains a four (4) storey car park accommodating one hundred and fifty-six (156) car spaces which are used by the tenants of the Lawson Square Towers located at 1 Lawson Place.

The land experiences a fall of some 2.6m from its northern side boundary to its Marian Street boundary.

This represents a grade of 1 in 20, or 5%.

There is no vegetation on the land.

The land is largely isolated from surrounding properties by its three (3) road frontages.

Its only interface with an adjoining property is represented by land currently being redeveloped by DeiCorp Pty Limited, the proponent of this application, on 157 Redfern Street in accordance with Major Project Approval No.09_0039, issued on 22 December 2009, for the construction of an eighteen (18) storey mixed-use development comprising retail, RSL, commercial and residential uses.

The property benefits from two (2) vehicular footpath crossings from Gibbons Street and one (1) from Marian Street.

There are no easements or rights of carriageway affecting the land.

2.2 Development Consent Details

Major Project Approval No.08_0112 was issued on 22 October 2010 for the construction of an eighteen (18) storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments.

Modifications to the project were approved on 28 February 2011.

2.3 Site Context

The land is located in an area that exhibits a significant degree of diversity in terms of the use, nature and scale of buildings.

The land immediately to the north of the site comprises the property known as 157 Redfern Street.

This property is currently in the process of being redeveloped in accordance with Major Project Approval No.09_0039, issued on 22 December 2009, for the construction of an eighteen (18) storey mixed-use development comprising retail, RSL, commercial and residential uses.

The land to the east, on the opposite side of William Lane, comprises the properties known as 70-88 Regent Street.

These properties contain two (2)/part three (3) storey brick retail/commercial buildings occupied by various retail and commercial uses.

A number of these properties contain dwellings at their first floor level.

The land to the south of the site, on the opposite side of Marian Street, comprises the property known as 5-7 Marian Street and 90 Regent Street.

These properties contain:

- a one (1)/part two (2) storey brick building occupied as a works depot by Sydney City Council on 5-7 Marian Street; and
- a two (2) storey brick commercial building used for residential purposes on 90 Regent Street.

The land to the west, on the opposite side of Gibbons Street, accommodates the railway infrastructure and car parking and landscaping on an area known as Marian Street Park.

3.0 Proposed Modification of Consent

3.1 Proposed Modification of Consent

Condition A2 in Schedule 2 of Major Project Approval No.08_0112 is proposed to be modified to read:

“A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment report for Mixed Use Development prepared by Kass Hermes dated March 2010 including appendices and Preferred Project Report prepared by Kass Hermes dated July 2010 including appendices			
B. Statement of Commitments prepared by Kass Hermes contained in Schedule 3			
B1. <u>Draft Stratum Subdivision Plan prepared by Daw & Walton P/L with surveyor reference 1200-10DP - Sheets 1 to 11, dated 12 March 2012</u>			
C. Architectural Drawings prepared by Nordon Jago Architects itemised as follows:			
Drawing No	Revision	Name of Plan	Date
DA 005	<u>C</u>	GFA Plan	<u>09/03/12</u>
DA 006	<u>B</u>	Residential Net Area Plan	<u>10/02/11</u>
DA 090	<u>C</u>	Basement Level B1	<u>09/03/12</u>
DA 091	<u>C</u>	Basement Level B2	<u>09/03/12</u>
DA 092	<u>C</u>	Basement Level B3	<u>09/03/12</u>
DA 093	<u>C</u>	Basement Level B4	<u>09/03/12</u>
<u>DA 094</u>	<u>A</u>	<u>Basement Level B5</u>	<u>09/03/12</u>
DA 095	<u>C</u>	Basement Level B6	<u>09/03/12</u>
DA 100	<u>C</u>	<u>Level 01 (GF Retail)</u>	<u>09/03/12</u>
DA 101	<u>C</u>	<u>Level 02 (Retail)</u>	<u>09/03/12</u>
DA 102	<u>C</u>	<u>Level 03 (Office)</u>	<u>09/03/12</u>
<u>DA 105</u>	<u>A</u>	<u>Level 01 (High Level)</u>	<u>09/03/12</u>
DA 110	<u>D</u>	<u>Level 04 (Residential)</u>	<u>09/03/12</u>
DA 111	<u>D</u>	<u>Levels 05-17 Typical</u>	<u>09/03/12</u>
DA 112	<u>D</u>	Level 18	<u>09/03/12</u>
DA 120	<u>D</u>	Level 19 (Roof Terraces)	<u>09/03/12</u>
DA 121	<u>C</u>	Roof Plan	<u>09/03/12</u>
DA 140	<u>B</u>	Floor Plate Comparison	<u>10/02/11</u>
DA 200	<u>C</u>	Sections A & B	<u>09/03/12</u>
DA 300	<u>C</u>	Elevations	<u>09/03/12</u>
DA 301	<u>C</u>	Elevations	<u>09/03/12</u>

Drawing No	Revision	Name of Plan	Date
DA 050	B	Shadow Diagrams	<u>10/02/11</u>
DA 051	B	Shadow Diagrams	<u>10/02/11</u>
DA 052	B	Shadow Diagrams	<u>10/02/11</u>
DA 900	B	External Finishes	<u>10/02/11</u>

The modifications to the conditions are shown underlined.

3.2 Purpose of the Proposed Modifications

The purpose of the modifications is:

- to address a number of construction-related issues;
- to make minor design refinements to improve the building's functioning and economic viability; and
- to facilitate compliance with conditions of approval relating to the apportionment of car parking.

The modifications are minor in the overall context of the building's approved design and layout.

The development, as modified, represents substantially the same development as was approved by Major Project Approval No.08_0112, as modified on 28 February 2011.

3.3 Modifications Proposed in Amended Plans

3.3.1 Design Refinement/Plan Changes

A summary of the design refinements and changes made to the approved plans is as follows.

Drawing No.	Level	Modification to Approved Plan
DA 005		<ul style="list-style-type: none"> • Gross Floor Area calculations modified to reflect proposed modifications
DA 090	Basement B1	<ul style="list-style-type: none"> • Car Space 1.17, 4 bicycle parking spaces and a motor bike parking space reconfigured • Goods Lift Pit extended down to Basement B1 • Lift Lobby improved • Stairway Core SC03 amended to accommodate Exhaust Riser
DA 091	Basement B2	<ul style="list-style-type: none"> • Column added behind Car Space 2.26 • Lift Lobby improved • Stairway Core SC03 amended to accommodate Exhaust Riser
DA 092	Basement B3	<ul style="list-style-type: none"> • Column added behind Car Space 3.35 • Lift Lobby improved • Stairway Core SC03 amended to accommodate Exhaust Riser
DA 093	Basement B4	<ul style="list-style-type: none"> • Lift Pit extended to Basement Level B4 • Security Roller Shutter added to separate residential car park from retail/commercial car park • Car Space 4.26 added • Column added behind Car Space 4.26 • 7 bicycle spaces reconfigured • Stairway Core SC03 amended to accommodate Exhaust Riser
DA 094	Basement B5	<ul style="list-style-type: none"> • Column added behind Car Space 5.26 • Stairway Core SC03 amended to accommodate Exhaust Riser
DA 095	Basement B6	<ul style="list-style-type: none"> • Car Spaces 6.40 to 6.42 and Car Wash/Turning Bay reconfigured • Column added behind Car Space 6.26 • Stairway Core SC03 amended to accommodate Exhaust Riser
DA 100	Level 01	<ul style="list-style-type: none"> • Shop 01 modified and Garbage Room for Retail Tenancies added • Mains Gas/Water Meter Enclosure added • Fire Escape Exit Door to William Lane added • Garbage Room modified and Grease Arrestor added • Goods Lift relocated • Gantry Ladder to Level 01 (High Level) Plant Area added • Fire Control Room and Fire Hydrant Booster Valve Enclosure added • Fire Escape Passageway added between Shops 04 and 05 • Major Service Penetrations added • Shop 05 extended to the rear due to the Distribution Substation Chamber being smaller than originally designed

Drawing No.	Level	Modification to Approved Plan
DA 101	Level 02	<ul style="list-style-type: none"> • Stairway SC05 modified • Goods Lift relocated • Major Service Penetrations added • Structural Columns updated • Glazed Wall to William Lane deleted • 3 hour fire rated Sliding Door added to facilitate approved link to Redfern Road through arcade on 157 Redfern Road • Supermarket area re-partitioned to accommodate supermarket and supermarket/fruit & vegetable market
DA 102	Level 03	<ul style="list-style-type: none"> • Commercial Suite 02 modified • Major Service Penetrations added • Structural Columns updated • Minor internal change to Stair Arrangement and Male/Female Toilets • Terrace area for use by Commercial Suite 09 delineated
DA 105	Level 01 (High Level)	<ul style="list-style-type: none"> • Plant Rooms added • Distribution Substation Chamber reduced in size • Changes to Level 01 reflected • Upper Level of Shop 05 delineated
DA 110	Level 04	<ul style="list-style-type: none"> • Layout of Apartments 3 and 6 adjusted • Plant Rooms added • Terraces to Apartments 8 and 9 enlarged • Structural Blades added • Service Risers added in Common Corridor
DA 111	Levels 05 to 17	<ul style="list-style-type: none"> • Layout of Apartments 12 and 15 adjusted • Flat Roof between the Lift Cores and Apartments 10 and 18 added • Service Risers added in Common Corridor • Roof of Plant Rooms at Level 04 shown
DA 112	Level 18	<ul style="list-style-type: none"> • Layout of Apartments 129 and 132 adjusted • Flat Roof between the Lift Cores and Apartments 127 and 135 added • Service Risers added in Common Corridor • Spiral Staircase to Rooftop Terrace in Apartment 134 relocated
DA 120	Level 19	<ul style="list-style-type: none"> • Rooftop Terraces increased to a minor extent
DA 121	Roof Plan	<ul style="list-style-type: none"> • Roof Slab over Stair Cores enlarged with Plant Screen added to the perimeter
DA 200	Sections A & B	<ul style="list-style-type: none"> • Consequential changes based on above modifications
DA 300	Elevations	<ul style="list-style-type: none"> • Consequential changes based on above modifications
DA 301	Elevations	<ul style="list-style-type: none"> • Consequential changes based on above modifications

The modifications will not be readily discernible in the overall context of the building's approved design and layout.

3.3.2 Stratum Subdivision

Condition A10 in Schedule 2 of Major Project Approval No.08_0122 requires a total of:

- 109 car parking spaces to be allocated to the residential component of the development;
- 68 spaces to be allocated to its retail/commercial component, with a maximum of 51 spaces provided for the supermarket; and
- 80 spaces to be provided for the commercial tenants of Lawson Square Towers at 1 Lawson Place.

To facilitate the requirements of this condition and to provide a basis for the further strata subdivision of the development under the terms of the *Strata Schemes (Freehold Development) Act 1973*, a stratum subdivision of the property is required.

The stratum subdivision involves the following four (4) stratum allotments:

- Lot 1, which contains the general retail and commercial components of the building, including the parking associated with them;
- Lot 2, which contains the residential apartments, including the parking associated with them;
- Lot 3, which contains the supermarket, including parking associated with it; and
- Lot 4, which contains the 80 car parking spaces to be transferred to the ownership of 1 Lawson Place.

A draft stratum subdivision plan has been prepared by Daw & Walton P/L, Surveyor's Reference 1200-10DP - Sheets 1 to 11, dated 12 March 2012.

A copy of the stratum subdivision plan is to be submitted with this application.

To affect this modification, the description of the development in Condition A2 has been modified to include a reference to the stratum subdivision plan in Paragraph B1.

Further strata subdivision of the component parts of the development under the terms of the *Strata Schemes (Freehold Development) Act 1973* is not required as a result of Clause 20(3) in Part 5 of Schedule 3 - State Significant Sites of *State Environmental Planning Policy (Major Development) 2005*.

The proposed subdivision framework for the development will not be perceptible in terms of the approved development and will not have any environmental effect.

3.3.3 General

The proposed modifications will not, in any way, alter the following elements of the building's design approved by Major Project Approval No.08_0112:

- the total gross floor area of the building;
- the number of storeys;
- the number and composition of apartments;
- the number of off-street car parking spaces
- the overall building form;
- the location of vehicular accesses;
- the detailing or finishes to be used in the construction of the building's façades;
- the landscaping proposed; or
- stormwater and water management measures.

The modifications will not be readily discernible in the overall context of the building's approved design and layout.

The modifications will not significantly alter the development's effect on surrounding properties.

4.0 Environmental Planning Instruments/Policies

A summary assessment of the proposed modifications under the terms of relevant environmental planning instruments and development policies applying to the land is as follows.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy (Major Projects) 2005, (Major Projects SEPP)</i>	The modifications are consistent with the aims of the <i>Policy</i> , the objectives of its zoning and its provisions and development standards	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The modifications will not have any relevant effects in terms of this <i>Policy</i> and will continue to be consistent with its aims, objectives and provisions	✓
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The modifications are to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	The modifications have no relevance in terms of the considerations of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development</i>	The modifications represent relatively minor alterations to the building approved by virtue of Major Project Approval No.08_0112 and will not affect its design quality.	✓
	The modifications will not have any discernible impact on the approved development's consistency with the design principles contained in Part 2 of the <i>Policy</i> relating to context, scale, built form, density, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics.	
	The modifications are to be consistent with the aims, objectives and provisions of this <i>Policy</i>	
<i>State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007</i>	The modifications have no relevance in terms of the considerations of this <i>Policy</i>	✓
<i>Sydney Metropolitan Strategy - City of Cities - A Plan for Sydney's Future</i>	The modifications will maintain the approved development's consistency with this <i>Strategy</i>	✓
<i>Redfern-Waterloo Built Environment Plan (Stage 1)</i>	The modifications will not have any significant effects in terms of this <i>Plan</i> and will continue to be consistent with its aims, objectives and provisions	✓
<i>Redfern-Waterloo Authority Contributions Plan 2006</i>	The modifications will not affect the required contributions	✓
<i>Redfern-Waterloo Authority Affordable Housing Contributions Plan 2</i>	The modifications will not affect the required contributions	✓

The proposed modifications are satisfactory in terms of relevant environmental planning instruments and development policies applying to it.

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed modifications under the heads of consideration contained in Section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

Section	Consideration	Proposed	Compliance
79C(1)(a)(i)	The provisions of any environmental planning instrument	No change to the approved development. See Section 4.0	✓
79C(1)(a)(ii)	The provisions of any proposed instrument that is or has been subject to public consultation	No change to the approved development	✓
79C(1)(a)(iii)	The provisions of any development control plans	No change to the approved development. See Section 4.0	✓
79C(1)(a)(iiia)	The provisions of any planning agreement under Section 93F	No change to the approved development	✓
79C(1)(a)(iv)	Matters prescribed by the Regulations	No change to the approved development	✓
79C(1)(b)	Likely impacts of the development	No discernible change to the approved development	✓
79C(1)(c)	Suitability of the site for the development	No change to the approved development	✓
79C(1)(d)	Submissions	No change to the approved development	✓
79C(1)(e)	Public interest	No change to the approved development	✓

6.0 Conclusion

The development, as modified, represents substantially the same development as the development approved by virtue of Major Project Approval No.08_0112 issued on 22 October 2010, as modified on 28 February 2011.

The proposed modifications will have no adverse environmental impact and do not raise any additional issues relating to the relevant provisions of *State Environmental Planning Policy (Major Projects) 2005* or the matters required to be considered under the terms of Section 79C of the *Environmental Planning and Assessment Act 1979* to those considered in the issuing of Major Project Approval No.08_0112.

The modifications will not have any significant effect on any surrounding or nearby residential or commercial property.

Accordingly, the application is suitable for approval.