



Planning &  
Infrastructure

**MAJOR PROJECT ASSESSMENT:  
7-9 Gibbons Street, Redfern  
(MP08\_0112 MOD3)**



Perspective - Gibbons / Marlon

Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

November 2012

© Crown copyright 2012  
Published November 2012  
NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

**Disclaimer:**

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

# TABLE OF CONTENTS

---

<b>TABLE OF CONTENTS</b>	<b>I</b>
<b>1. BACKGROUND, SITE AND SURROUNDINGS</b>	<b>1</b>
<b>2. PROPOSED PROJECT</b>	<b>1</b>
2.1. Project Description	1
2.2. Project Need and Justification	3
<b>3. STATUTORY CONTEXT</b>	<b>4</b>
3.1. Modification of the Minister's Approval	4
3.2. Delegated Authority	4
<b>4. CONSULTATION AND SUBMISSIONS</b>	<b>4</b>
4.1. Exhibition	4
4.2. Public Authority Submissions	4
<b>5. ASSESSMENT</b>	<b>4</b>
5.1. Roof Amendments	5
5.2. Noise Control – Plant and Machinery	5
5.3. Internal Reconfiguration	6
5.4. Urban Design	5
5.5. Parking and Loading	6
<b>6. RECOMMENDATION</b>	<b>6</b>
<b>APPENDIX A MODIFICATION REQUEST</b>	<b>8</b>
<b>APPENDIX B POLITICAL DONATIONS DECLARATION STATEMENT</b>	<b>9</b>
<b>APPENDIX C RECOMMENDED MODIFYING INSTRUMENT</b>	<b>1</b>

# 1. BACKGROUND, SITE AND SURROUNDINGS

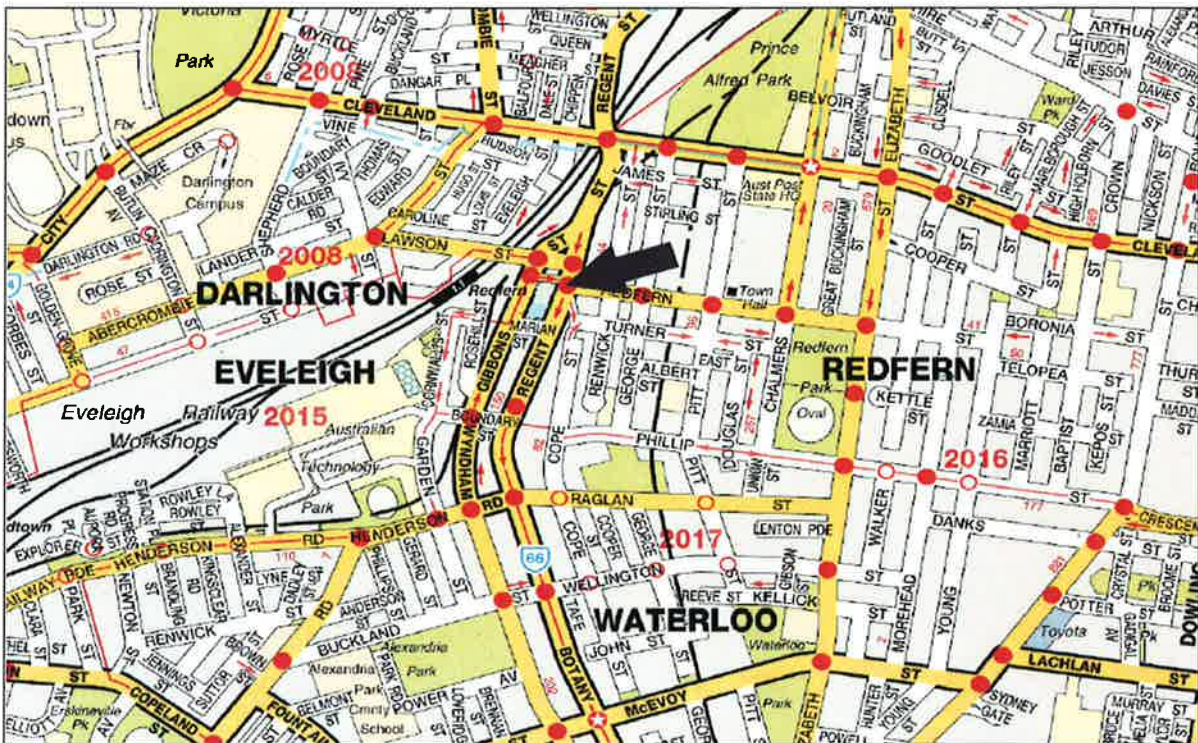
On 22 October 2010, the Deputy Director General, under delegation from the Minister for Planning granted Project Application approval for the construction of an 18 storey mixed use development comprising retail and commercial uses, a supermarket and residential apartments.

The project has undergone two previous modifications:

- Modification 1: Altered the apartment mix, reduced the height of the building, reduced the number of basemway levels, and made minor internal and external changes.
- Modification 2: Altered the conditions for loading and unloading vehicles onto the site to include the addition of a council permitted Work Zone in Marian Street to accommodate for demolition and construction vehicles.

The site is located on the northern corner of Gibbons and Marian Streets immediately east of Redfern Railway Station. Surrounding land uses include the Redfern town centre to the east, light industrial uses to the south, and another 18 storey mixed use development immediately to the north (Figure 1).

**Figure 1 – Site Location**



## 2. PROPOSED PROJECT

### 2.1. Project Description

The physical modifications to the project are detailed in Table 1.

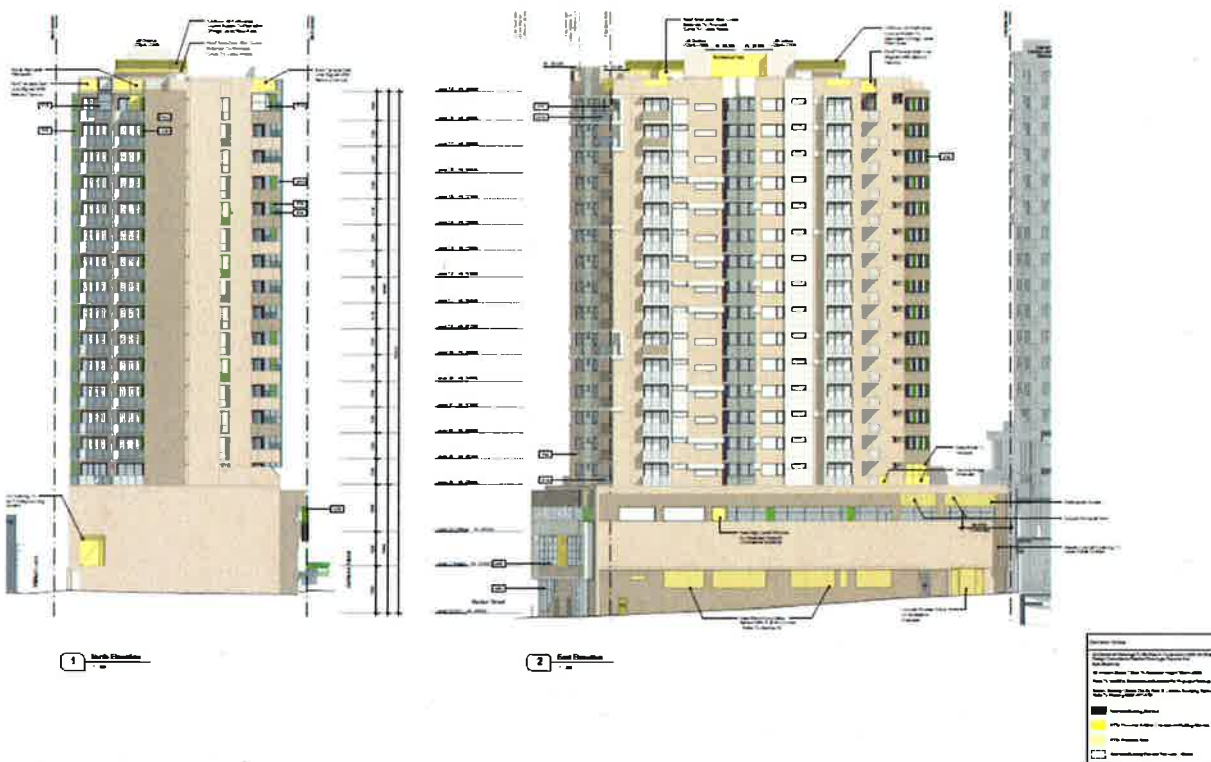
**Table 1 – Physical Modifications**

<b>Level</b>	<b>Modification</b>
Basement B1	<ul style="list-style-type: none"> <li>▪ car space 1.17, 4 bicycle parking spaces and a motor bike parking space reconfigured</li> <li>▪ goods lift pit extended down to basement B1</li> <li>▪ lift lobby improved</li> <li>▪ stairway core SC03 amended to accommodate exhaust riser</li> </ul>
Basement B2	<ul style="list-style-type: none"> <li>▪ column added behind car space 2.26</li> <li>▪ lift lobby improved</li> <li>▪ stairway core SC03 amended to accommodate exhaust riser</li> </ul>
Basement B3	<ul style="list-style-type: none"> <li>▪ column added behind car space 3.35</li> <li>▪ lift lobby improved</li> <li>▪ stairway core SC03 amended to accommodate exhaust riser</li> </ul>
Basement B4	<ul style="list-style-type: none"> <li>▪ lift pit extended to basement level B4</li> <li>▪ security roller shutter added to separate residential car park from retail/commercial car park</li> <li>▪ car space 4.26 added</li> <li>▪ column added behind car space 4.26</li> <li>▪ 7 bicycle spaces reconfigured</li> <li>▪ stairway core SC03 amended to accommodate exhaust riser</li> </ul>
Basement B5	<ul style="list-style-type: none"> <li>▪ column added behind car space 5.26</li> <li>▪ stairway core SC03 amended to accommodate exhaust riser</li> </ul>
Basement B6	<ul style="list-style-type: none"> <li>▪ car spaces 6.40 to 6.42 and car wash/turning bay reconfigured</li> <li>▪ column added behind car space 6.26</li> <li>▪ stairway core SC03 amended to accommodate exhaust riser</li> </ul>
Level 01	<ul style="list-style-type: none"> <li>▪ shop 01 modified and garbage room for retail tenancies added</li> <li>▪ mains gas/water meter enclosure added</li> <li>▪ fire escape exit door to William Lane added</li> <li>▪ garbage room modified and grease arrestor added</li> <li>▪ goods lift relocated</li> <li>▪ gantry ladder to level 01 (high level) plant area added</li> <li>▪ fire control room and fire hydrant booster valve enclosure added</li> <li>▪ fire escape passageway added between shops 04 and 05</li> <li>▪ major service penetrations added</li> <li>▪ shop 05 extended to rear due to the distribution substation chamber being smaller than originally designed</li> </ul>
Level 02	<ul style="list-style-type: none"> <li>▪ stairway to SC05 modified</li> <li>▪ goods lift relocated</li> <li>▪ major service penetrations added</li> <li>▪ structural columns updated</li> <li>▪ glazed wall to William Lane deleted</li> <li>▪ 3 hour fire rated sliding door added to facilitate approved link to Redfern Road through arcade on 157 Redfern Road</li> <li>▪ supermarket area re-partitioned to accommodate supermarket and supermarket/fruit and vegetable market</li> </ul>
Level 03	<ul style="list-style-type: none"> <li>▪ commercial suite 02 modified</li> <li>▪ major service penetrations added</li> <li>▪ structural columns updated</li> <li>▪ minor internal change to stair arrangement and male/female toilets</li> <li>▪ terrace area for use by commercial suite 09 delineated</li> </ul>
Level 01 (High Level)	<ul style="list-style-type: none"> <li>▪ plant rooms added</li> <li>▪ distribution substation chamber reduced in size</li> <li>▪ changes to level 01 reflected</li> <li>▪ upper level of shop 05 delineated</li> </ul>
Level 04	<ul style="list-style-type: none"> <li>▪ layout of apartments 3 and 6 adjusted</li> <li>▪ terraces to apartments 8 and 9 enlarged</li> <li>▪ structural blades added</li> </ul>

	<ul style="list-style-type: none"> <li>▪ service risers added in common corridor</li> </ul>
Levels 05 to 17	<ul style="list-style-type: none"> <li>▪ layout of apartments 12 and 15 adjusted</li> <li>▪ flat roof between the lift cores and apartments 10 and 18 added</li> <li>▪ service risers added in common corridor</li> </ul>
Level 18	<ul style="list-style-type: none"> <li>▪ layout of apartments 129 and 132 adjusted</li> <li>▪ flat roof between the lift cores and apartments 127 and 135 added</li> <li>▪ service risers added in common corridor</li> <li>▪ spiral staircase to rooftop terrace in apartment 134 relocated</li> </ul>
Level 19	<ul style="list-style-type: none"> <li>▪ rooftop terraces increased to a minor extent</li> </ul>
Roof Plan	<ul style="list-style-type: none"> <li>▪ roof slab over stair cores enlarged with plant screen added to perimeter</li> </ul>
Sections	<ul style="list-style-type: none"> <li>▪ consequential changes based on above modifications</li> </ul>
Elevations	<ul style="list-style-type: none"> <li>▪ consequential changes based on above modifications</li> </ul>

The extent of external works is shown in Figure 2 below.

**Figure 2 – Proposed External Works (highlighted in yellow)**



In addition to the physical modifications, the modification request also includes a stratum subdivision as follows:

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

**2.2. Project Need and Justification**

The proponent advises that the modifications are largely functional amendments to the development and address construction issues, design refinements and compliance with conditions of approval relating to the apportionment of car parking.

It is noted that the modification originally proposed an external plant area on level 04. The Department raised concerns with this on urban design and acoustic privacy grounds. Subsequently, the proponent relocated the plant internally to level 01.

### 3. STATUTORY CONTEXT

---

#### 3.1 Modification of the Minister's Approval

The modification request was lodged with the Director-General pursuant to Section 75W of the EP&A Act, which provides for the modification of a Minister's approval including 'revoking or varying a condition of the approval or imposing an additional condition of the approval'.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

#### 3.2 Delegated Authority

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to the Deputy Director-General, in cases where a political donation was made at the time of the original project application (but not with the current modification), where less than 10 objections were made, and where Council has not objected.

No public submissions have been received and Council did not object to the proposal. A political donation accompanied the original application therefore the Deputy Director-General may determine the application.

### 4. CONSULTATION AND SUBMISSIONS

---

#### 4.1. Exhibition

Section 75W of the EP&A Act does not require a modification to be publicly exhibited. The application was placed on the Department's website and comment sought from the City of Sydney Council and the Sydney Metropolitan Development Authority.

#### 4.2. Public Authority Submissions

##### *City of Sydney Council*

Council's submission raised some concerns with the proposed modification. In particular further consideration of the bicycle parking provisions, access for residential occupants independent of the commercial access and design excellence was requested. Council raised concerns with the location of the proposed external plant room due to potential noise and architectural design, noting the residential properties adjoining William Lane. Issues raised in the submission have been addressed in the assessment section below.

##### *Sydney Metropolitan Development Authority*

The information was reviewed and no formal submission was provided in response to the modifications.

### 5. ASSESSMENT

---

The Department considers the key environmental issues for the project to be:

- Noise Control – Plant and Machinery;
- Urban Design;
- Stratum Subdivision;
- Parking and Loading;
- Internal Reconfiguration; and
- Roof Amendments.

### 5.1. Noise Control – Plant and Machinery

Originally there were concerns the proposed location of the plant room on level 4 had the potential to result in adverse noise impacts within the subject building (it was located immediately adjacent to a unit).

As a consequence of this concern, the plant has been relocated to Level 01 (High Level), which substantially reduces the potential acoustic impacts to residents within the building at 157 Redfern Street and those within the subject building. In this new location, the plant would be located adjacent to void areas and stair wells as opposed to a residential unit.

Further, the Department accepts that the proposed acoustic mitigation measures (such as insulation) will minimise any potential noise impacts. There are also existing conditions of approval that relate to noise impacts, including:

- Condition F10 requires that the mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary. Written confirmation is required from an acoustic engineer that the development achieves these requirements.
- Condition G5 requires that the use of the premises shall not cause a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.

In view of the above, the Department is satisfied that the location of the plant would not result in any significant adverse noise impacts.

### 5.2. Urban Design

The external appearance remains largely unchanged. Initial concerns were raised in relation to the external plant due to visual impacts and consistency with the *Residential Flat Design Code*. This concern was also raised in the City of Sydney Council submission. In response, the proponent submitted amended plans which relocated the plant area within the internal envelope of the building.

The Department is satisfied that the plans depicting the plant area within the internal building envelope continue to maintain the urban design characteristics of the building. There is to be no substantial increase in the bulk of the building and the external design elements remain largely untouched.

Consequently, the Department considers that the proposed modification would not result in any adverse impact upon the urban design of the approved building.

### 5.3. Stratum Subdivision

The modification request includes a draft stratum subdivision plan for the following allotments:

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

Condition A10 of the project approval provides for the total number of car parking spaces, including:

- Residential – 109 spaces.
- Retail/commercial – 68 spaces, of which no more than 51 spaces to be provided for the supermarket.

- Lawson Square Towers commercial tenants – 80 spaces.

The Department considers the stratum subdivision to be consistent with the project approval and raises no issues in this regard. It is further noted that the draft stratum plan is generally consistent with the parking provision requirements contained in Condition A10 of the project approval. Although the specific number of car parking spaces allocated for each stratum lot have not been specifically nominated, the stratum subdivision does not preclude the requirement of the proposal to provide the car parking numbers listed in Condition A10. Therefore, the Department maintains confidence that the required number of car parking spaces will be provided.

#### **5.4. Parking and Loading**

There are proposed reconfigurations to car, motorbike and bicycle parking spaces and there has been an extension of the goods lift pit down to basement level 4. The number of off-street parking spaces is consistent with the number provided for in the project approval. The reconfiguration is required in order to address construction related issues and to provide for the goods lift. The reconfiguration is appropriate and the goods lift improves the functionality of the building.

#### **5.5. Roof Amendments**

There are modifications to the roof to extend the slabs over the stair cores and add louvered plant screens to the perimeter. The proposed roof amendments do not exceed the maximum approved height of 98 metres. The current proposed height is 95.5 metres and the additional roof extensions are below this height. The roof modifications do not result in any significant adverse impact upon the design quality or visual appearance of the building. The maximum building height is not breached as a result of the modifications and the plant screens aid in limiting potential adverse visual impacts.

#### **5.6. Internal Reconfiguration**

The Department raises no concerns in relation to the internal reconfiguration of the building, which were required to address construction related issues and improve the building's functioning and economic viability.

## **6. RECOMMENDATION**

---

This application seeks approval to amend design issues of the development in accordance with plans and documentation.


The City of Sydney Council has raised concern in relation to the modifications and requested that the additional proposed plant on William Lane be given consideration with respect to environmental compliance and amenity perspective. Subsequently, the Department requested that this external plant be deleted and relocated within the internal building envelope, which has been accomplished in amended plans.

The Department is satisfied the modification request would not result in any adverse impacts, particularly in relation to noise or urban design and therefore recommends that the request be approved.

It is noted that there was a political donation reported in relation to the original development application.

It is recommended that the A/Deputy Director-General, under delegation from the Minister for Planning and Infrastructure:

- a. Consider the findings and recommendations of this report;
- b. Approve the modification, subject to conditions pursuant to s75W of the EP & A Act; and
- c. Sign the attached Instrument of Modification (**Tag A**).

  
Karen Jones 26/10/2012  
**Director**  
**Metropolitan and Regional Projects South**

  
Heather Warton 26/10/12  
**A/Executive Director**  
**Major Projects Assessment**

  
Chris Wilson 6.11.12  
**A/Deputy Director-General**

## APPENDIX A    MODIFICATION REQUEST

---

See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)

## **APPENDIX B POLITICAL DONATIONS DECLARATION STATEMENT**

---

See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)

**APPENDIX C    RECOMMENDED    MODIFYING    INSTRUMENT**

---