

Ingrid Berzins

From: Natasha Harras
Sent: Wednesday, 26 July 2017 11:35 AM
To: Cameron Sargent; Ingrid Berzins
Subject: FW: SSD 5249 MOD 3 Notice of Modification (A3828507) - Revised

Cam - FYI

Ingrid - Please could you save to objective and a cello as 'Amendment to Modification Request' and put a hard copy on the file - thx tash

-----Original Message-----

From: Mitchell Corn [mailto:mcorn@mkaconsulting.com.au]
Sent: Wednesday, 26 July 2017 10:35 AM
To: 'Jim Murray' <JMurray@jbaurban.com.au>; 'Geordie Gilmour' <GGilmour@jbaurban.com.au>; Natasha Harras <Natasha.Harras@planning.nsw.gov.au>
Cc: Mitchell Corn <mcorn@mkaconsulting.com.au>
Subject: RE: SSD 5249 MOD 3 Notice of Modification (A3828507) - Revised

Natasha

As discussed with you over the phone. We have identified a complication in the original consent conditions of MP08_0112 that does not align with other conditions and commitments required under the same consent and subsequent linked consent namely SSD 5249. The complication is outlined below. To resolve this matter, we kindly request the department consider an amendment to the current 75W request ref - MP08_0112. Please refer below for associated details.

Background

The purpose of this submission is to request the Department consider an additional amendment to MP08_0112 (7-9 Gibbons Street, Redfern) as part of MOD 4, which is currently under assessment. The proposed modification is sought for the following reasons:

- * Conditions A10 and G4 under MP08_0112, together, require the provision of 80 car parking spaces within the development at 7-9 Gibbons Street be owned and used by 1 Lawson Square solely for the purpose of commercial car parking. These conditions were imposed at a time when 1 Lawson Square was operating entirely as a commercial development.
- * MP08_0112 was approved on 22 October 2010. Subsequently SSD 5249 for the adaptive reuse of 1 Lawson Square for a mixed use residential / commercial development was approved on 18 December 2012. The Department acknowledged in their assessment report that:

'It is noted that the parking provisions of the Sydney LEP 2012 do not strictly apply to the site, however they provide a more appropriate guide for parking requirements in the Redfern area [than the RMS Guide]. If the LEP controls which apply to surrounding site were applied to the proposal, a maximum provision of 99 spaces would apply to the development (including 91 residential and 8 commercial spaces).

The provision of 100 spaces (including 80 off-site spaces) is therefore appropriate for the proposed development.

However, as the 80 off-site spaces are specifically allocated to 'commercial' tenants in the Lawson Square Towers (in accordance with the terms of the approval for 7-9 Gibbons Street) it is essential that the remaining on-site spaces be allocated for the use of residential occupants to retain a mix of spaces as consistent as possible with the RMS Guide and Sydney LEP.'

- * SSD 5249 MOD 3 is currently being finalised by the Department. MOD 3 seeks to reduce the commercial floor space by 35% at 1 Lawson Square.

* The modification subject to this email seeks to rationalise the allocation of the 80 car parking at 7-9 Gibbons Street under the ownership of 1 Lawson Square to better reflect the mix of approved uses.

Proposed modification

To facilitate the proposal, it is proposed to modify MP08_0112 "Condition A10 Car Parking Spaces" to read:

A10 Car Parking Spaces

The total number of approved car parking spaces is allocated as follows:

- * Residential - 109 spaces
- * Retail / Commercial - 63 spaces - of which no more than 51 spaces are to be provided for the supermarket
- * Lawson Square Towers - 80 spaces- of which no more than 52 spaces are to be provided for the commercial tenants

The modification to A10 is shown bold and underlined.

Effects of Modification

The modification will:

- * will maintain compliance with Condition A10 in Schedule 2 of MP08_0122, which requires 80 of the off-street car parking spaces on 7-9 Gibbons Street to be provided for use in connection with the Lawson Square Towers;
- * will not, in any way, modify the physical form of the approved development on 7-9 Gibbons Street; but will allow the proper management of the already constructed car park that is currently being used illegally by residential owners allowing transit car owners to park and catch the train (next door) into the city.
- * will result in the parking allocation for 1 Lawson Square better reflecting the parking allocation for commercial and residential land uses in the surrounding area;
- * will reduce the peak hour traffic impacts of both 1 Lawson Square and 7-9 Gibbons Street by further limiting the commercial parking spaces available for use;
- * will not have any physical or environmental impact beyond reducing traffic generation during the peak weekday periods; and
- * does not raise any issues relating to the relevant provisions of any environmental planning instrument or the matters required to be considered under the terms of Section 79C of the Environmental Planning and Assessment Act 1979.

Conclusion

The proposed modification to the allocation of car parking is permissible, with consent, under the relevant environmental planning instrument and is consistent with the conditions contained in Major Project Approval No.08_0122. The proposed modification will not have physical or any environmental impact. Accordingly, the modification is suitable for approval.

Can you please confirm your opinion in regards to this request .

Thanks

Mitch Regards

Mitchell Corn - Director
(+61) 0410599527
www.mkaconsulting.com.au