

ASSESSMENT REPORT

7-9 Gibbons Street, Redfern MP 08_0112 MOD 4

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 08_0112) for a mixed-use, development at 7-9 Gibbons Street, Redfern in the City of Sydney local government area (LGA).

The request has been lodged by MKA Consulting Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to subdivide Lot 4 at Basement Level 3 of the approved building into two separate lots.

2. SUBJECT SITE

The subject site (Gibbons Street site) is approximately 1,618 square meters (m²) in size, roughly rectangular in shape and contains an 18-storey mixed-use building. The site is bounded by Gibbons Street to the west, Marian Street to the south and Williams Lane to the east. It shares its northern boundary with 157 Redfern Street, an 18-storey mixed-use development (**Figure 1**).



Figure 1: Site location (Base source: Nearmap)

Surrounding land uses include the Redfern town centre to the east, light industrial uses to the south and Redfern Station to the west.

1 Lawson Square (Lawson Square site) is located on the northern side of 157 Redfern Street and comprises two towers constructed in the 1970s currently being redeveloped (**Figure 1**). A total of 80 car parking spaces within the basement of the Gibbons Street site are allocated for the use of the tenants of Lawson Square.

3. APPROVAL HISTORY

3.1. Relevant approval history

On 22 October 2010, the then Deputy Director-General, Development Assessment and Systems Performance approved a Project Application (MP 08_0112) for the construction of an 18-storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments (the Project Approval).

The proposal has been previously modified on three occasions, as summarised in **Table 1**.

Table 1: Summary of modifications to the Project Approval

MOD no.	Summary of Modifications	Approval Authority	Approval Date
MOD 1	Amendments to the mix of apartments, reduction in building height, deletion of basement level and other internal / external alterations.	Deputy Director General	28 February 2011
MOD 2	Amendment of condition D13 regarding construction loading and unloading.	Acting Deputy Director General	1 November 2011
MOD 3	Amendments to construction methodology, internal / external alterations and stratum subdivision of the building.	Deputy Director General	6 November 2012

Condition A10 of the Project Approval requires the following on-site car parking provision:

A10 The total number of approved car parking spaces is allocated as follows:

- *Residential – 109 spaces;*
- *Retail/Commercial – 68 spaces – of which no more than 51 spaces are to be provided for the supermarket; and*
- *Lawson Square Towers commercial tenants – 80 spaces.*

The requirement to provide parking on the site for the Lawson Square buildings was included on the approval due to existing obligations under previous approvals to provide parking for Lawson Square.

The stratum subdivision of the site, approved under modification 3, created the following four stratum lots:

- Lot 1, including general retail and commercial components of the building and associated car parking.
- Lot 2, including the residential apartments and associated car parking.
- Lot 3, including the supermarket and associated parking.
- Lot 4, including 80 car parking spaces to be transferred to the ownership of Lawson Square, as required by Condition A10.

The approved mixed-use development has been constructed and is occupied.

3.2. Relevant approval history to neighbouring site

On 18 December 2012, the Secretary approved a State significant development application (SSD 5249) for the extension and alteration of the two towers at Lawson Square to create two 18-storey buildings including retail / commercial uses and 156 apartments.

As part of the Department's assessment of this application, it concluded the provision of on-site car parking spaces plus the 80 off-site commercial spaces (within the Gibbons Street site), was appropriate for the development. The approval does not include any specific requirements for the allocation of the 80 spaces to the commercial uses on the site.

The application has been modified on two occasions, to relocate residential and commercial uses within the towers, change unit mix and numbers, modify the ground floor, amend the building envelope and external façade design and modify access arrangements. A third modification (MOD 3) is currently under assessment. It seeks to convert two levels in one of the towers from commercial to residential, increase the number of apartments and make other minor changes. As part of its assessment, the Department recommends some the 80 spaces within the Gibbons Street basement should be reallocated from commercial to residential tenant use to reflect the reduction in commercial floor space (and increase in residential floor space). The Department recommends no more than 52 spaces should be used in conjunction with commercial uses in Lawson Square and the remainder of the 80 spaces therefore being for residential tenants of Lawson Square.

Construction works have commenced at the Lawson Square site.

4. PROPOSED MODIFICATION

On 1 June 2017, the Proponent lodged a section 75W modification application (MP 08_0112 MOD 4) seeking approval to subdivide stratum Lot 4 (Figure 2) into two separate stratum lots (Lots 5 and 6) (Figure 3).

On 26 July 2017, the Proponent also sought to amend Condition A10 to enable the parking spaces to be allocated to either residential or commercial uses in Lawson Square and to restrict the number of commercial spaces to a maximum of 52.

The modification is requested to:

- enable a better distribution of parking spaces between commercial and residential uses at Lawson Square, consistent with the Departments assessment of MOD 3 on the Lawson Square site; and
- divide the 80 car parking spaces to be transferred into two separate ownerships, with one stratum lot to be allocated to each of the two towers at Lawson Square.

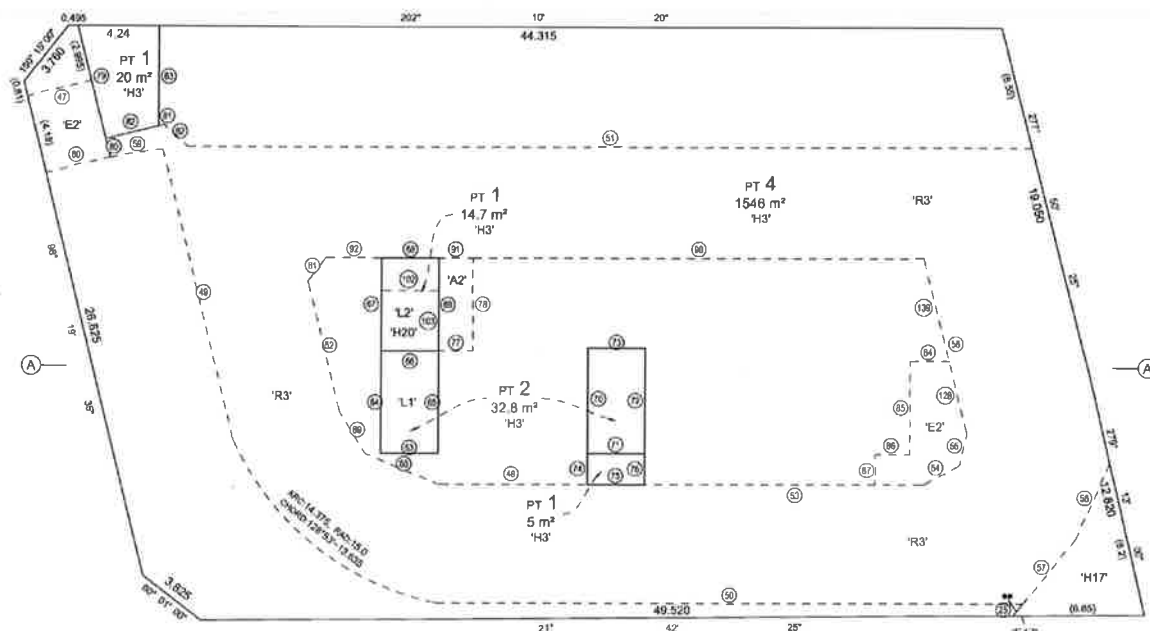


Figure 2: Registered stratum subdivision Basement Level 3 plan (Source: Proponent's Application)

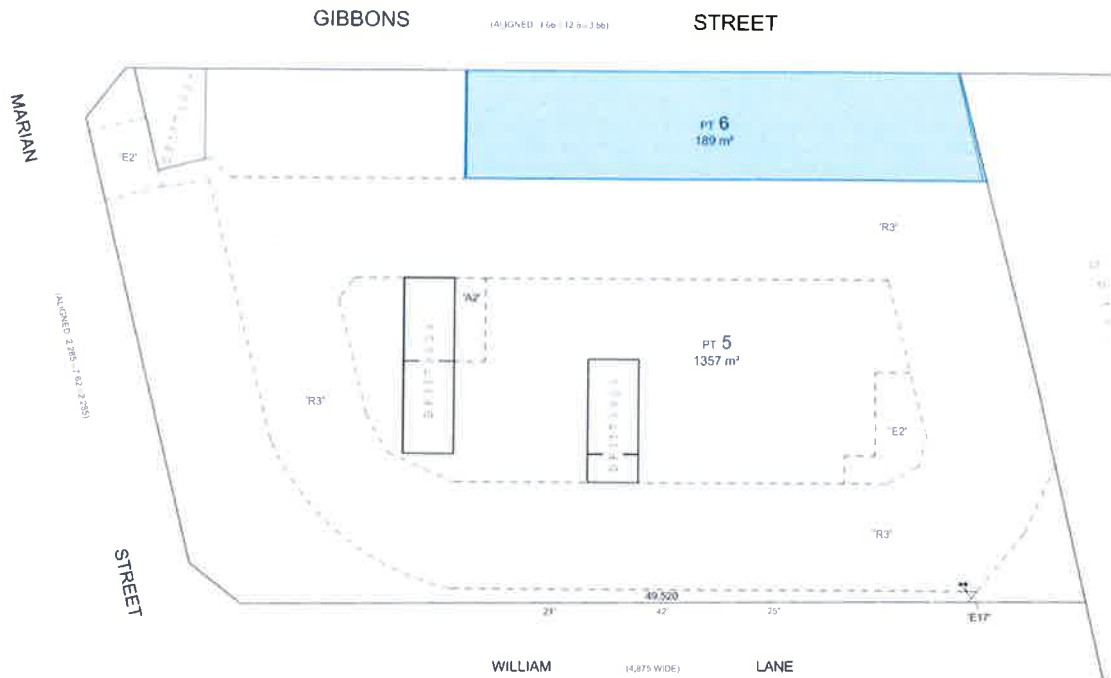


Figure 3: Proposed subdivision (car parking lot highlighted blue) (Source: Proponent's Application)

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application as the proposed minor modification to the ownership and use of 80 car spaces would not change the overall intent, use or design of the approved mixed-use development at the Gibbons Street site.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has been made in relation to a previous related application
- there are no public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The Department made the modification application publicly available on its website and referred the application to City of Sydney (Council) for comment.

Council did not object to, or provide any comments on, the proposal.

There were no **public** submissions received on the proposal.

7. ASSESSMENT

The Department has assessed the potential impacts associated with the proposal in **Table 2**.

Table 2: Assessment of issues

Issue	Consideration	Recommendation
<i>Use of Carspaces</i>	<ul style="list-style-type: none"> The proposal seeks to enable the 80 car spaces to be used in conjunction with both residential and commercial uses on the Lawson Square site, with a maximum of 52 of the spaces to be used for commercial tenants. The modification is sought in response to the Department's assessment of Modification 3 to SSD 5249 at Lawson Square. Due to a proposed reduction of commercial floor space by 35% in favour of new residential floor space, the Department has recommended that commercial car parking also reduce by at least 35%. The Department recommends a maximum of 52 of the 80 spaces at the Gibbons Street site be used for commercial tenants at Lawson Square. The remaining spaces may be used by residential occupants instead. The Department therefore recommends condition A10 be amended to allow the car spaces to be used by both residential and commercial tenants at 1 Lawson Square with a maximum number of 52 spaces to be allocated to commercial tenants. With the inclusion of this condition the approval would be consistent with the requirement at SSD 5249 MOD 3. 	The Department has recommended Condition A10 be amended to allow for reallocation of car spaces.
<i>Subdivision</i>	<ul style="list-style-type: none"> The proposal seeks approval to subdivide stratum Lot 4 into two separate stratum lots (Lots 5 and 6) to allow the 80 car parking spaces to be divided and transferred into separate ownership for each of the two towers at Lawson Square. The proposed subdivision is considered acceptable as: <ul style="list-style-type: none"> it would still comply with the requirements of condition B10 by allocating 80 car parking spaces within the basement of the Gibbons Street site for the Lawson Square development subject to condition discussed above it would not affect compliance with any requirements of the approval for the Lawson Square development, as modified the modification is minor in nature, relates solely to subdivision and does not amend the approved use or the internal or external layout and appearance of the development the modification therefore would not result in any new or additional environmental impacts. The Department is therefore satisfied the proposed stratum subdivision is acceptable. 	The Department has recommended condition A2 be updated to make reference to the revised subdivision plans.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- it would facilitate the applicant's requirements for orderly management and ownership of car parking spaces within the development and the adjoining development
- it would ensure consistency with the approval for 1 Lawson Square
- it is minor in nature and does not amend the overall use or the internal or external layout and appearance of the development.

Consequently, it is recommended the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Acting Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **approves** the application under section 75W, subject to conditions
- **signs** the notice of modification (**Appendix A**).

Endorsed by:

Approved by:

Natasha Harras
Acting Director
Modification Assessments

Mike Young
Acting Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8534

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8534

Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Mike Young
Acting Executive Director
Key Sites and Industry Assessments

Sydney

2017

SCHEDULE 1

- Development Approval:** **MP 08_0112** granted by the Deputy Director-General, Development Assessment and Systems Performance on 22 October 2010
- For the following:** Construction of an 18-storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments
- Applicant:** MKA Consulting Pty Ltd
- Consent Authority:** Minister for Planning
- The Land:** 7-9 Gibbons Street, Redfern
- Modification:** **MP 08_0112 MOD 4:** the modification includes:
- the subdivision of stratum Lot 4 within the basement into two separate stratum lots (Lots 5 and 6).

SCHEDULE 2

The above approval (MP 08_0112) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A2 – Development in Accordance with Plans

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

A. Environmental Assessment Report for Mixed Use Development project by Kass- Hermes dated March 2012 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. Draft Stratum Subdivision Plan prepared by Daw & Walton P/L with surveyor reference 1200-10DP – Sheets 1 to 11, dated 12 March 2012, <u>as amended by Draft Stratum Subdivision Plans with survey reference 1200-11DP – Sheets 1 to 3, dated 16 May 2017</u>			
C. Architectural Drawings prepared by Nordon Jago Architects itemised as follows:			
Drawing No.	Issue	Name of Plan	Date
DA005	C	GFA Plan	09/03/12
DA006	B	Residential Net Area Plan	10/02/11
DA050	B	Proposed Shadow Diagram June 21	10/02/11
DA051	B	Proposed Shadow Diagram March 21	10/02/11
DA052	B	Proposed Shadow Diagram Sep 21	10/02/11
DA090	C	Basement Level B1	09/03/12
DA091	C	Basement Level B2	09/03/12
DA092	C	Basement Level B3	09/03/12
DA093	C	Basement Level B4	09/03/12
DA094	A	Basement Level B5	09/03/12
DA095	C	Basement Level B6	09/03/12
DA100	D	Level 01 (GF Retail)	14/09/12
DA101	D	Level 02 (Retail)	14/09/12
DA102	D	Level 03 (Office)	14/09/12
DA105	B	Level 01 (High Level)	14/09/12
DA110	E	Level 04 Residential	14/09/12
DA111	E	Level 05-17 Typical	14/09/12
DA112	D	Level 18	09/03/12
DA120	D	Level 19 (Roof Terraces)	09/03/12
DA121	C	Roof Plan	09/03/12
DA140	B	Floor Plate Comparison	10/02/11
DA200	D	Section A&B	14/09/12
DA300	D	Elevations	14/09/12
DA301	D	Elevations	14/09/12
DA900	B	External Finishes	10/02/11

- (b) Schedule 2 Part - Administrative Conditions, Condition A10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A10 Car Parking Spaces

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

- Residential – 109 spaces
- Retail/Commercial – 68 spaces – of which no more than 51 spaces are to be provided for the supermarket
- Lawson Square Towers commercial tenants – 80 spaces – of which no more than 52 spaces are to be provided for commercial tenants.

**End of Modification
(MP 08_0112 MOD4)**