



Planning &
Infrastructure

**MAJOR PROJECT ASSESSMENT:
157 Redfern Street, Redfern
(MP09_0039 MOD 2)**



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

November 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
MD SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	DeiCorp Pty Ltd
RtS	Response to Submissions

Cover image: Artist's impression of the project.

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1. BACKGROUND

On 22 December 2009, the Planning Assessment Commission (PAC), under delegation from the then Minister for Planning, granted Project Approval for the demolition of existing structures and the construction and strata subdivision of an 18 storey mixed use development of 157 Redfern Street, Redfern comprising retail, club, commercial and residential uses and 5 levels of basement parking. The project location is shown in **Figure 1**.

On 25 February 2011, the Acting Director Metropolitan and Regional Projects North, under delegation from the then Minister for Planning, approved Modification Application No. 1 for the alteration of the number and mix of residential units, a minor increase in the building height, and the stratum subdivision of the building.

Figure 1: Project location (site shown by red border)



The site is located on the corner of Redfern and Gibbons Streets, east of Redfern Railway Station. Surrounding land uses include a high rise commercial office building to the north, a strip shopping centre on Redfern Street to the east, a car park to the south, and open space to the west.

On 22 October 2010, the Department approved an 18 storey mixed use development (MP08_0112) on the adjoining site to the south, which is also owned by the proponent. That approval included a level 1 supermarket. The current modification seeks to create ground level pedestrian access through the development to provide internal access to the supermarket.

2. PROPOSED PROJECT

2.1 Project Description

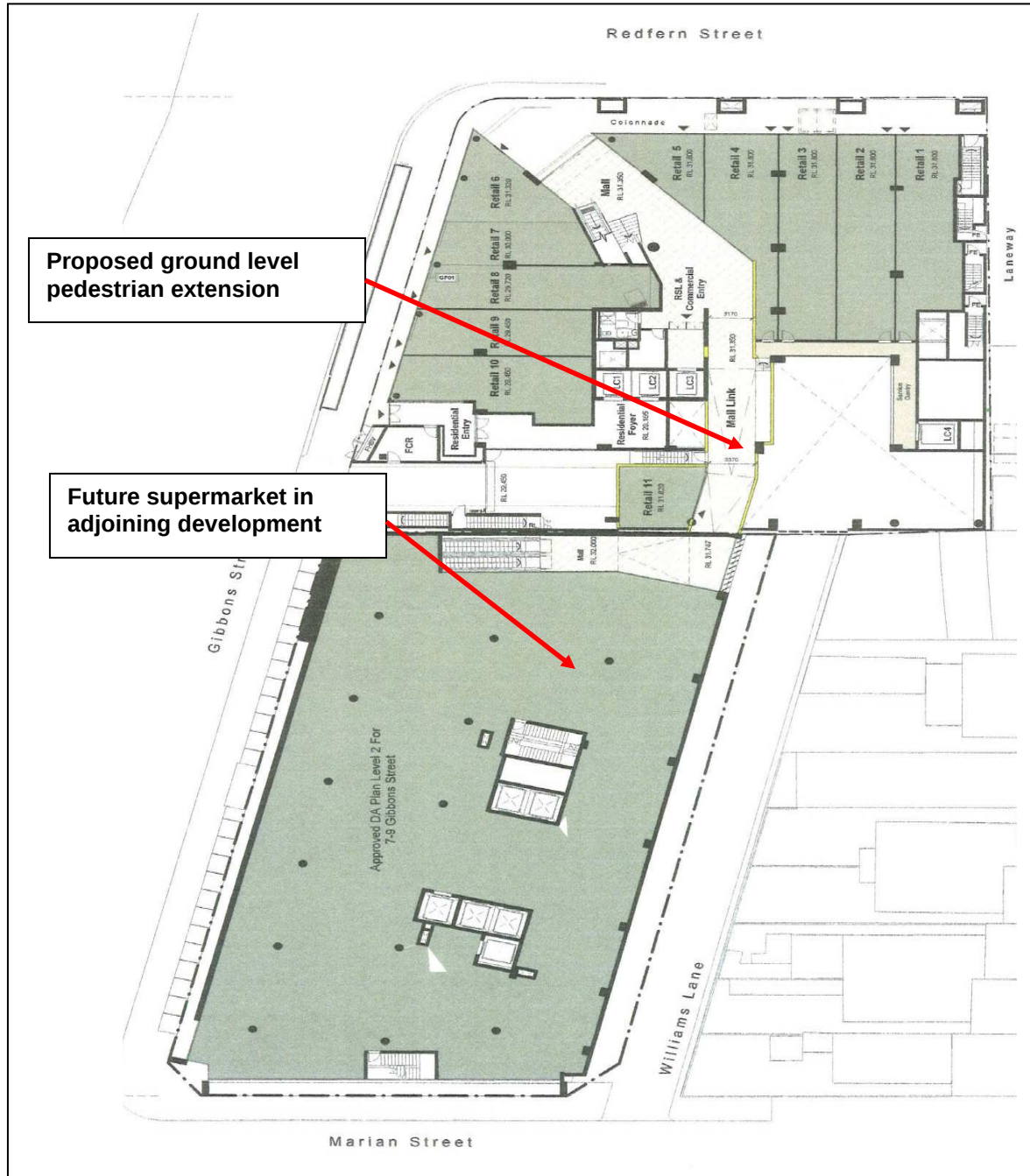
The key components of the modification are:

Condition A2 Development in Accordance with Plans and Documentation

- a minor amendment to the layout of the ground floor retail space to provide pedestrian connection to the adjoining site (supermarket);

- an amendment to the stratum subdivision to create 4 stratum lots instead of 3;
- converting a 3 bedroom unit to 2 x 1 bedroom units on Level 13;
- amending the smoking enclosure screens to the RSL club terrace on Level 2; and
- roofing part of a terrace to office space on Level 3.

Fig 2 Ground floor layout (and adjoining development)



2.2 Project Need and Justification

The proponent's justification for the proposed modification is:

- to improve pedestrian access to the adjoining supermarket;
- to separate commercial from residential;
- to enable the RSL club terrace to comply with smoking legislation;
- to satisfy market demand for residential mix; and
- to provide more usable office terraces all year round.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal was considered to be a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being development for the purpose of Clause 5, Division 2 Part 5 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005*. The Minister for Planning and Infrastructure is the approval authority.

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. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

The Minister has delegated his functions to determine Part 3A s75W applications to the Department where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the current application.

There were no submissions received from the public and Council has not made an objection to the proposal. There has also been no political disclosure statement made for this application (although the proponent disclosed a reportable political donation for the original application).

Accordingly the application is able to be determined by the Deputy Director-General, Development Assessment and Systems Performance under the delegation effective from 1 October 2011.

3.2. Permissibility

The site is zoned *Business – Commercial Core* under the Major Development SEPP (MD SEPP). The proposal is consistent with the zone objectives and is permissible with consent. The MD SEPP also imposes an 18 storey height limit (with a 3 storey limit at the street frontage) and a Floor Space Ratio maximum of 7:1. The proposed modification complies with those controls.

3.3. Objects of the EP&A Act

The relevant objects of the EP&A Act are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

This proposed modification is consistent with the above objectives of the Act as:

- it facilitates the orderly and economic use and development of the land by meeting market demands and the regulatory environment; and
- it will enable the RSL club to operate more efficiently in its own stratum lot thereby promoting the provision of community services and facilities.

3.4. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (NSW). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

In its original assessment, the Department concluded that the proposal was consistent with the above principles. The Department considers that the current modifications do not alter the development to such an extent to invalidate that conclusion.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

While 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 in accordance with section 75X(2)(f) of the Act and clause 8G of the *Environmental Planning and Assessment Regulation 2000*. Comment was also sought from the City of Sydney Council and the Sydney Metropolitan Development Authority.

4.2. Public Authority Submissions

The Department has considered the following submissions in its assessment of the project.

Council of the City of Sydney –no comments given the minor nature of the works.

Sydney Metropolitan Development Authority – did not object but requested that Condition A6 Development Contribution be amended to reflect the current status of negotiations between the parties to the planning agreement (see Section 5 below).

5. ASSESSMENT

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

- changes to the ground floor;
- changes to the materials of the RSL club smoking terrace screen;
- roofing on the Level 3 office terrace;
- altering the stratum subdivision; and
- creating 2 x 1 bed apartments from a 3 bed apartment on Level 13.

5.1. Ground floor layout

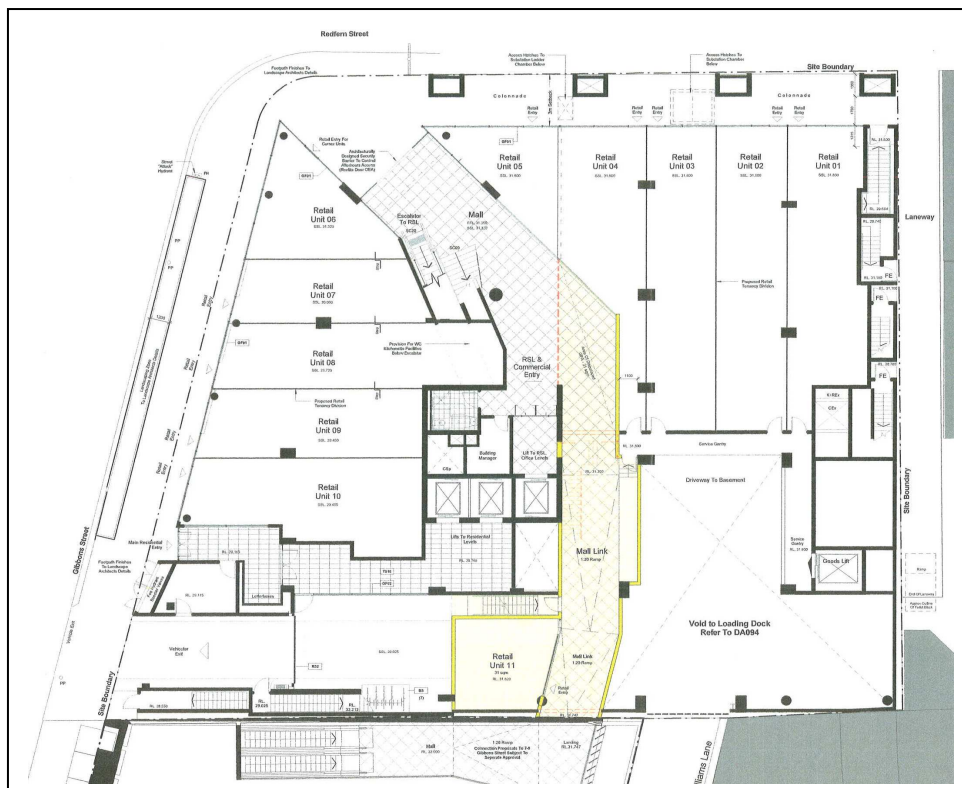
The approved pedestrian entry extends from the north western corner of the site and terminates at the lift lobby in the centre of the building.

It is proposed to reduce part of a ground floor retail tenancy by 31m² and create a new 31m² retail tenancy at the end of an extended pedestrian access (mall link) to the site's southern boundary (see **Figure 2**). This will connect Redfern Street to a proposed supermarket on the corresponding level of the adjoining development at 7 - 9 Gibbons Street.

The Department raises no objection to the proposed alterations for the following reasons:

- there will be no net increase in retail floor space and therefore negligible impacts;
- a pedestrian link will be provided through the site; and
- the approved and new retail tenancies will provide opportunities for passive surveillance of the mall link.

Figure 2 – Proposed ground floor layout (changes in yellow)



5.2. Stratum Subdivision

Modification No. 1 approved the subdivision of the development into 3 stratum lots, as follows:

- Lot 1 – RSL Club and associated car parking;
- Lot 2 – ground floor retail, two levels of commercial offices, 14 levels of residential apartments and respective car parking, and;
- Lot 3 – building services and associated access ways.

The Proponent requests the residential and commercial office components and respective car parking areas be contained within discrete stratum allotments to facilitate satisfactory and appropriate ongoing management. It is proposed to subdivide into 4 stratum lots, as follows:

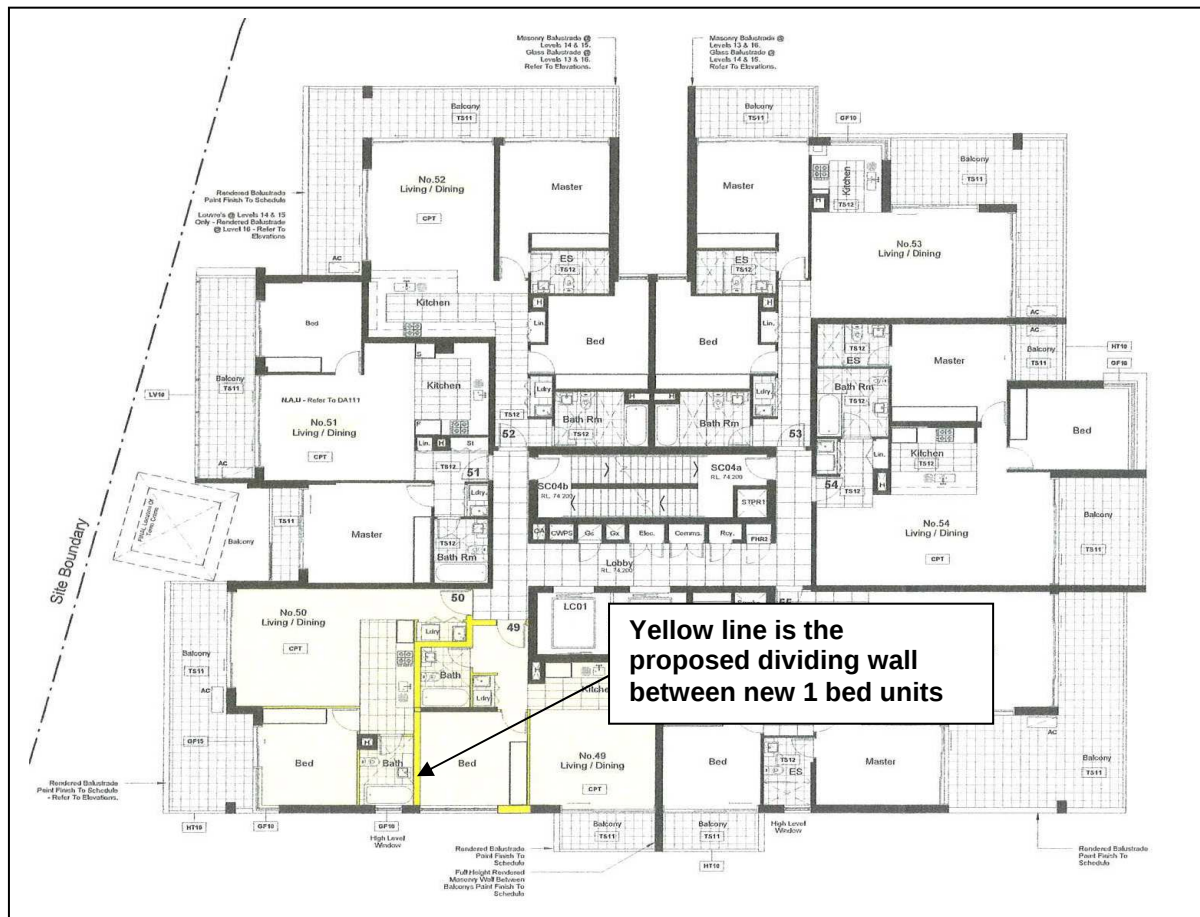
- Lot 1 – RSL Club;
- Lot 2 – ground floor retail and two levels of commercial offices;
- Lot 3 – 14 levels of residential apartments; and
- Lot 4 – building services and associated access ways.

The proposed stratum subdivision is considered satisfactory as it will enable the above uses to operate independently and efficiently.

5.3. Apartment mix

The original approval included a 3 bedroom apartment on level 13. The modification seeks approval to replace it with 2 x 1 bedroom apartments (**Figure 3**) to satisfy market demand. This will increase the number of apartments in the building to 89.

Figure 3 – Proposed floor layout of level 13.



The Department raises no objection to the proposed unit mix for the following reasons:

- it is consistent with the approved conversion of the corresponding 3 bedroom units to 2 x 1 bed units on levels 14 to 17 (Modification No. 1);
- the provision of car parking will be adequate because the parking rate for 3 bed units is more than twice that for 1 bed units;
- it will not result in any significant change to the external appearance of the building; and
- it will have negligible environmental consequences.

5.4. External materials

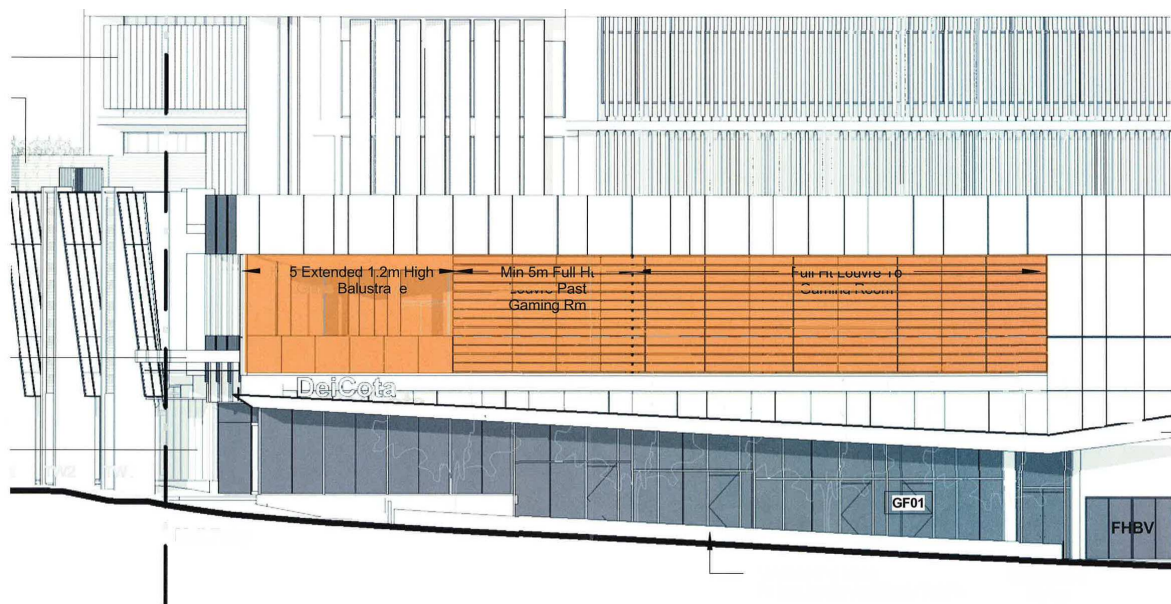
The approved terrace along the western side of the RSL gaming room (fronting Gibbons Street) includes a 2 metre high glass wall (wind break) on top of balustrading.

The modification application states that:

- the approved fixed glazing configuration provides insufficient ventilation and openable area and does not comply with the *Smoke Free Environment Regulation 2007* (the Regulation); and
- the following is required to achieve the minimum requirements of the Regulation:
 - o outdoor gaming area - full height (4m) operable aluminium louvres for the full extent of the external street wall; and
 - o outdoor seating area – full height (4m) operable aluminium louvres for a length of 5m of the external street wall, with the balance being a 1.2m glass balustrade.

The proposed configuration of the above elements is shown in **Figure 4**.

Figure 4 – Proposed screening to RSL club gaming room/smoking terrace



The Department raises no objection to the proposed screening as:

- the proposed silver aluminium louvres will be consistent with other metal elements on the façade;
- it will more effectively screen the outdoor gaming area from public view;
- the retained section of glass balustrade will provide adequate wind protection;
- users of the terrace will still be able to look out to the street; and
- no objection was raised by the Sydney Metropolitan Development Authority (SMDA) or Council.

5.5. Level 3 office terrace

The approval includes a terrace to part of the office space in the south western corner of Level 3. The modification proposes an open sided metal structure with a roof comprised of clear and opaque panels to increase the amenity and provide a 'break-out' area (**Figures 5 and 6**).

Figure 5 Level 3 floor plan

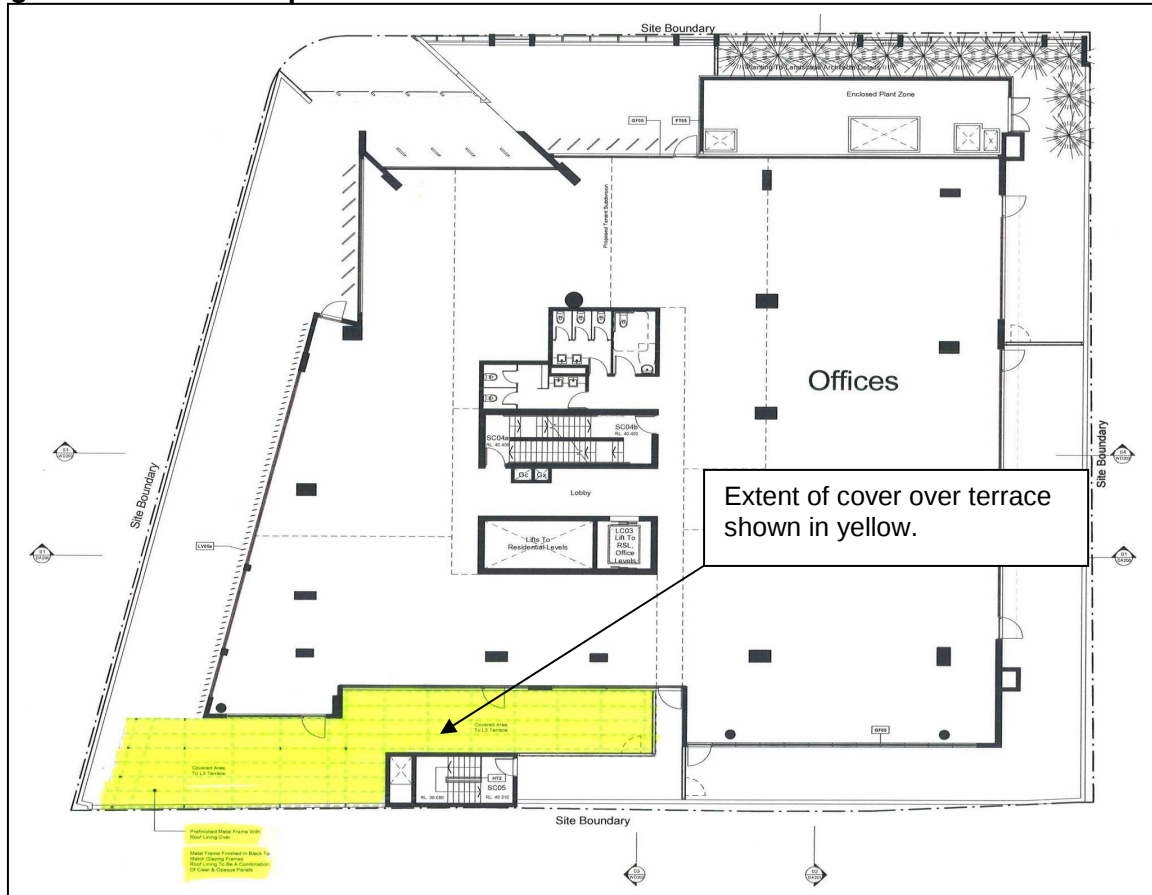
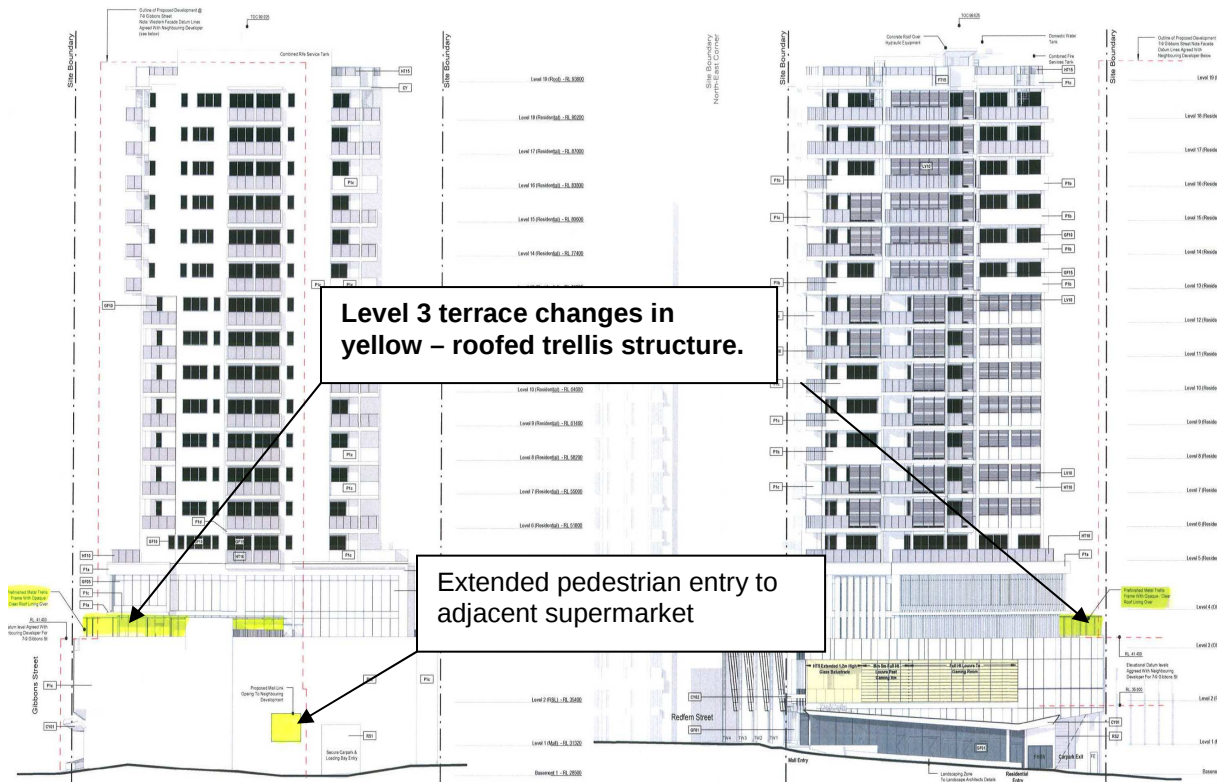


Figure 6 Western and southern elevations of level 3 office terrace roofing

The Department raises no objection to the construction of this structure for the following reasons:

- It does not result in an increase in gross floor area as terraces and balconies with outer walls less than 1.4m high are excluded from GFA (and the balustrade height is 1.2m and not being increased);
- it will increase the usability of the terrace;
- it does not adversely impact on the overall appearance of the building; and
- it does not adversely impact on any adjoining building or any other lot in this building.

5.6. Planning agreement

Condition A6 Developer Contributions requires the proponent to pay a levy of 2% of the cost of the development. The contribution is to be made prior to the issue of the first strata subdivision certificate unless a planning agreement is entered into between the proponent, the SMDA and Council within 6 months of the date of the project approval.

Condition A6 is not part of the modification application, however, the SMDA has requested the time period be increased to 24 months to reflect the current status of negotiations which are taking longer than anticipated. The Proponent supports this modification. The Department recommends the condition be modified accordingly as it will facilitate the effective delivery of public domain works.

6. RECOMMENDATION

The application proposes minor modifications to the approved 18 storey mixed use development. The Department recommends that the application be approved as it will result in the following improvements:

- the external appearance of the building;

- pedestrian access through the site;
- the ability of each component to operate independently; and
- efficient delivery of public domain works.

It is recommended that the Deputy Director-General, Development Assessment and Systems Performance 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; and
- c) **sign** the attached Instrument of Modification (**Tag A**).

Mark Schofield
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APPENDIX A MODIFICATION APPLICATION

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX C POLITICAL DONATIONS DISCLOSURES

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX D DRAFT MODIFICATION INSTRUMENT

See the Department's website at <http://majorprojects.planning.nsw.gov.au>