



CC/JM
15160
11 September 2015

Minister for Planning and Environment
NSW Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir,

**SSD 5249 - LAWSON SQUARE- SECTION 96(2) MODIFICATION
1 LAWSON SQUARE, REDFERN**

On behalf of Lawson Square Pty Ltd we hereby submit an application pursuant to section 96(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify State Significant Development (SSD) 5249 – 2012 relating to Lawson Square, Redfern.

The modifications relate to the following:

- Relocation of the commercial tenancy to Tower 2 (eastern tower);
- Conversion of Levels 1 to 5 in Tower 1 (western tower) to residential;
- Modification of the elevation to reflect the change in uses;
- Relocation of the ground floor retail from Tower 2 to Tower 1; and
- Revised unit numbers and mix.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 96(2) and 79C (1) of the EP&A Act. It is accompanied by:

- A copy of the Development Consent for SSD 5429 – 2012 (**Attachment A**);
- Amended Architectural Plans (**Attachment B**);
- Design Verification Statement (**Attachment C**); and
- BASIX Certificates (**Attachment D**).

1.0 CONSENT PROPOSED TO BE MODIFIED

Development consent SSD 5429 was granted by the NSW Minister for Planning on 18 December 2014 for the Lawson Square Development. The development consent approved the following, and is included at **Attachment A**:

Additions and alterations to the two existing 12 storey office towers to create an 18 storey mixed use development comprising:

- *Retail and commercial uses at the ground floor of both towers and at levels 1-5 of the western tower;*
- *156 residential units;*

- *Basement car and bicycle parking; and*
- *Public domain works*

2.0 PROPOSED MODIFICATIONS TO CONSENT

The proposed modifications to the development consent comprises:

- Relocation of the commercial tenancy to Tower 2;
- Conversion of Levels 1 to 5 in Tower 1 to residential;
- Modification of the elevation to reflect the change in uses;
- Relocation of the ground floor retail from Tower 2 to Tower 1; and
- Revised unit numbers and mix.

The proposed modifications are described in more detail below.

2.1 Modifications to the Development

The following modifications are proposed to the approved development.

Relocation of the Tower 1 commercial tenancy to Tower 2

It is proposed to relocate the existing commercial tenancy from Tower 1 to Levels 1 – 4 within Tower 2. The proposed modification will result in deletion of the ground floor café and a reduction of the commercial floor space from 3,010m² to 2,672m².

Relocation of the Tower 2 lower level apartments to Tower 1

The space vacated by the commercial tenancy (Levels 1 – 5) is proposed to accommodate residential apartments. This will result in an increase in residential floor space from 9,731m² to 10,068m².

Modifications to the building facades

The building facades are proposed to change to respond to the internal modifications.

- Tower 1 northern elevation: the building void currently approved from Level 6 to the roof is proposed to be continued to ground.
- Tower 1 southern elevation: introduction of the existing pre-cast concrete finish on the south-western edge across Levels 1 to 5.
- Tower 2 southern elevation: glazing across Levels 1 to 4 at the south-western corner to be replaced with off-form concrete.

Relocation of Tower 2 retail to Tower 1

The existing retail located on the ground floor of Tower 2 is to be relocated to the ground floor of Tower 1, proposing a similar internal layout to that which currently exists.

Revised unit numbers and mix

Given the movement of residential units from Tower 2 to Tower 1, there is a change in the number of units and the mix of unit types across the development as outlined in **Table 1**.

Table 1 – Key changes to the existing development

Description	Approved SSD 5429	S96(2) Modification	Difference between Approved and Modification
Gross floor area	12,741m ²	12,740m ²	-1m ²
Number of Units	156	157	+1 unit
Unit Mix			
▪ Studio	▪ 22%	▪ 17%	▪ -5%
▪ 1 bedroom	▪ 19%	▪ 19%	▪ =%
▪ 1 bedroom + study	▪ 24%	▪ 28%	▪ +4%
▪ 2 bedroom	▪ 35%	▪ 36%	▪ +1%

2.2 Modification to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Development Description

A3 The Applicant shall carry out the project generally in accordance with the;

- a) Environmental Impact Statement (EIS) prepared by SJB Planning, dated February 2013;
- b) Response to Submissions (RtS) dated 12 September 2013 prepared by SJB Planning and Revised RtS dated 14 April 2014 prepared by SJB Planning; ***and***
- c) ***As amended by the Section 96(2) Modification prepared by JBA dated 11 September 2015;***
and the
- d) following drawings as set out in the table below, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Candalepas Associates & Wendy Lewin			
Drawing No.	Issue	Name of Plan	Date
S96 - 0000	A	Cover Sheet	11.09.2015
DA 1101 S96 - 1101	C A	Site Plan	14.04.14 - 11.09.2015
DA 1102 S96 - 1102	C A	Basement & Ground Floor Plan	14.04.14 - 11.09.2015
DA 1103 S96 - 1103	C A	Level 1 & Typical Level 2 – 5 Plans Level 1 & Typical Level 2 - 4 Plans	14.04.14 - 11.09.2015
DA 1104 S96 - 1104	C A	Typical Level 6 – 14 & Level 15 Plans Typical Level 5 - 14 & Level 15 Plans	14.04.14 - 11.09.2015
DA 1105 S96 - 1105	C A	Typical Level 16 – 17 & Roof Plans Typical Levels 16 – 17 & Roof Plans	14.04.14 - 11.09.2015
DA 1201 S96 - 1201	C A	Sections – Sheet 1	14.04.14 - 11.09.2015
DA 1202 S96 - 1202	C A	Sections – Sheet 2	14.04.14 - 11.09.2015
DA 1301 S96 - 1301	C A	Elevations – Sheet 1	14.04.14 - 11.09.2015
DA 1302	C A	Elevations – Sheet 2	14.04.14 - 11.09.2015

S96 - 1302			
DA 1303 S96 - 1303	G A	Elevations – Sheet 3	14.04.14 11.09.2015
DA 1304 S96 - 1304	G A	Elevations – Sheet 4	14.04.14 11.09.2015
DA 1401 S96 - 1401	G A	Area Calculations	14.04.14 11.09.2015
DA 1851 S96 - 1851	G A	Waste Management Plan	14.04.14 11.09.2015

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(2)(a) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not propose any changes to the approved land uses;
- Has a negligible change to:
 - gross floor area
 - apartment mix; and
 - building façades and envelope; and
- Does not modify the site layout.

The potential environmental impacts individually and cumulatively, are considered minor and will have no significant impacts beyond those considered during the assessment of SSD 5249 -2012.

4.0 PLANNING ASSESSMENT

Section 96(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in Section 79C(1) as they are of relevance to the development the subject of the application. The Environmental Impact Statement prepared by SJB (February 2013) and the subsequent Response to Submissions considered during the assessment of SSD 5249-2012 addressed the following environmental impacts:

- Compliance with statutory plans;
- Built form and urban design;
- Height, bulk and scale;
- Design excellence;
- BASIX;
- Ecologically sustainable development;
- Residential amenity
- Acoustic and Vibration impacts;
- Noise impacts;
- Social impacts;
- Transport, parking and accessibility;

- Visual and view impacts;
- Heritage;
- Safety and security;
- BCA compliance;
- Wind impacts;
- Operational management;
- Rail interaction;
- Stormwater management; and
- Site contamination.

The Secretary’s Assessment Report for SSD 5249 – 2012 identified the following key assessment issues:

- Built form and urban design;
- Impacts on surrounding development;
- Traffic and parking, including bicycle parking;
- Public domain; and
- Residential amenity

The following discussion demonstrates that the proposed modifications do not compromise the merits of the existing approval or provide any significant additional environmental impacts.

4.1 Compliance with statutory plans

The proposed modifications to the approved Concept Proposal and Stage 1 Subdivision and Early Works approval do not affect the developments compliance with the relevant environmental planning instruments. This is summarised in Table 1 below:

Table 2 – Compliance with the relevant statutory planning instruments

Instrument	Comment
State Environmental Planning Policy (State and Regional Development) 2011	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
State Environmental Planning Policy (Major Development) (2005)	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
State Environmental Planning Policy 65 (Design Quality of Residential Flat Development)	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP. A design statement has been prepared in support of the modifications.
State Environmental Planning Policy (Infrastructure) 2007	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
State Environmental Planning Policy (Urban Renewal) 2010	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
State Environmental Planning Policy (BASIX) 2004	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP. Confirmation that the BASIX requirements are met has been prepared in support of the modifications.
State Environmental Planning Policy 55 (Remediation of Land)	A Phase 1 Site Assessment was submitted within SSD 5249 which concluded that the site is suitable for the proposed development under the assumption that waste management may be required to address potential contamination from past fill being placed on the site. This modification will not alter the findings of the Phase 1 Site Assessment.

4.2 Built Form and Urban Design

Height, bulk and built form visual impacts

The proposed modification will not create any additional impacts for the following reasons:

- No changes are proposed to the approved height in metres or height in storeys;
- The proposed modifications will result in no change to the approved FSR of 7.51:1;
- There are no changes proposed to the location or vertical massing of the towers.

Façade treatments

The proposed modification will not create any additional impacts for the following reasons:

- The northern, eastern and western façades are generally consistent with the approved design;
- The proposed material changes to the southern façades reflect the modifications to the internal uses. It is noted that condition B2 'Design Changes' is not proposed to be amended and is still required to be satisfied prior to the issue of a Construction Certificate.

Street Level interface

The proposed modifications will maintain the ground floor activation achieved by the approved scheme, as:

- The relocation of the commercial tenancy will not reduce the amount of glazing to the southern frontage (Redfern Street Laneway). The use of the tenancy by the NSW Police Redfern LAC will result in street activation day and night. This will ensure that the laneway is subject to high levels of surveillance at all times. It is noted that this modification does not seek to change the requirement to satisfy condition B2 'Design Changes'.
- Notwithstanding the proposed reconfiguration of the ground floor uses, the northern frontage (Lawson Square) is consistent with the approved design. It is noted that this modification does not seek to change the requirement to satisfy condition B2 'Design Changes'.

Design Excellence

The proposed modifications do not alter the fundamental design elements of the approved development with regard to the overall built form, architectural design and detail. It is noted that the modification does not seek to amend the requirements of condition B2 'Design Changes'.

4.3 Impacts on Surrounding Development

Solar access

The proposed modifications to the Tower 1 building envelope (south-west corner) at Ground Level to Level 5 will not create any additional overshadowing to the northern façade of the residential building at 157 Redfern Street.

Privacy

No additional windows or balconies are proposed on the southern facades. There will be no overlooking impacts to 157 Redfern Street.

View Impacts

The proposed modifications to the Tower 1 building envelope (south-west corner) at Ground to Level 5 will not create any additional impacts beyond those considered during the original assessment of SSD 5249 – 2012.

4.4 Traffic and Parking

Car Parking

The proposed modifications result in one additional apartment and a reduction in commercial floor area. The approved parking will meet the requirements of the development as proposed to be modified.

Servicing

There are no changes proposed to the approved servicing arrangements.

Traffic

The proposed modifications will not create any additional traffic impacts beyond those considered during the assessment of SSD 5249 – 2012.

Bicycle Parking and Facilities

No changes are proposed to the approved bicycle parking and associated facilities.

4.5 Public Domain

No modifications are proposed to the public domain.

4.6 Residential Amenity

No changes are proposed to the following elements approved under SSD 5249 - 2012:

- Building depth;
- Building separation;
- Communal open space;
- Storage;
- Wind mitigation measures;

A Design Verification Statement has been prepared by Candelepapas Associates and is submitted with the modification application. The proposal as modified is consistent with the relevant requirements of the Apartment Design Guide.

4.7 Unit Mix

The minor changes to the dwelling mix will result in a minor increase one bedroom plus study, and two bedroom units. This will provide larger unit areas for future residents, providing a greater level of amenity, and also allows for dwelling diversity and choice within the Redfern area.

4.8 Road and Railway Acoustic Impacts

Implementing the recommendations of the Operational Noise and Vibration Assessment submitted with SSD 4249 – 2012 (as per condition B44) will mitigate any potential impacts to the apartments relocated on Level 1 – 5 in Tower 1.

5.0 CONCLUSION

The proposed modifications to SSD 5249 – 2012 are the result of the further design development post approval and will enable the site to accommodate the most suitable outcomes for both residential and commercial components, while meeting all requirements under the relevant legislation.

In accordance with section 96(2) of the EP&A Act, Council may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the assessment of the likely environmental impacts demonstrates that the proposed modifications will not have any adverse impacts beyond those considered during the assessment of SSD 5249 – 2012; and
- the proposed modifications do not alter the developments compliance with the relevant statutory planning instruments.

In light of the above, we therefore recommend that the proposed modification is supported by the Minister for Planning.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries about this matter, please do not hesitate to contact me on 02 9409 4974 or jmurray@jbaurban.com.au.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a long horizontal stroke that curves upwards at the end.

Jim Murray
Principal Planner