



1 Lawson Square, Redfern Modification 10

Internal and external modifications to Tower 1

State Significant Development Modification Assessment (SSD 5249 MOD 10)

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Glossary

Abbreviation	Definition
Applicant	Lawson Square Pty Ltd
Council	City of Sydney
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 5249) for two 18-storey mixed use buildings (Tower 1 and Tower 2) at 1 Lawson Square, Redfern.

The application has been lodged by Ethos Urban on behalf of Lawson Square Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks approval for internal and external modifications to Tower 1.

1.1 Background

The site is located at 1 Lawson Square, Redfern in the City of Sydney local government area (LGA). The site is located approximately 3 km from the Sydney Central Business District and has an area of approximately 1697 m². The site is bound by Lawson Square to the north, Regent Street to the east, Gibbons Street to the west and Redfern Street to the south (**Figure 1**).

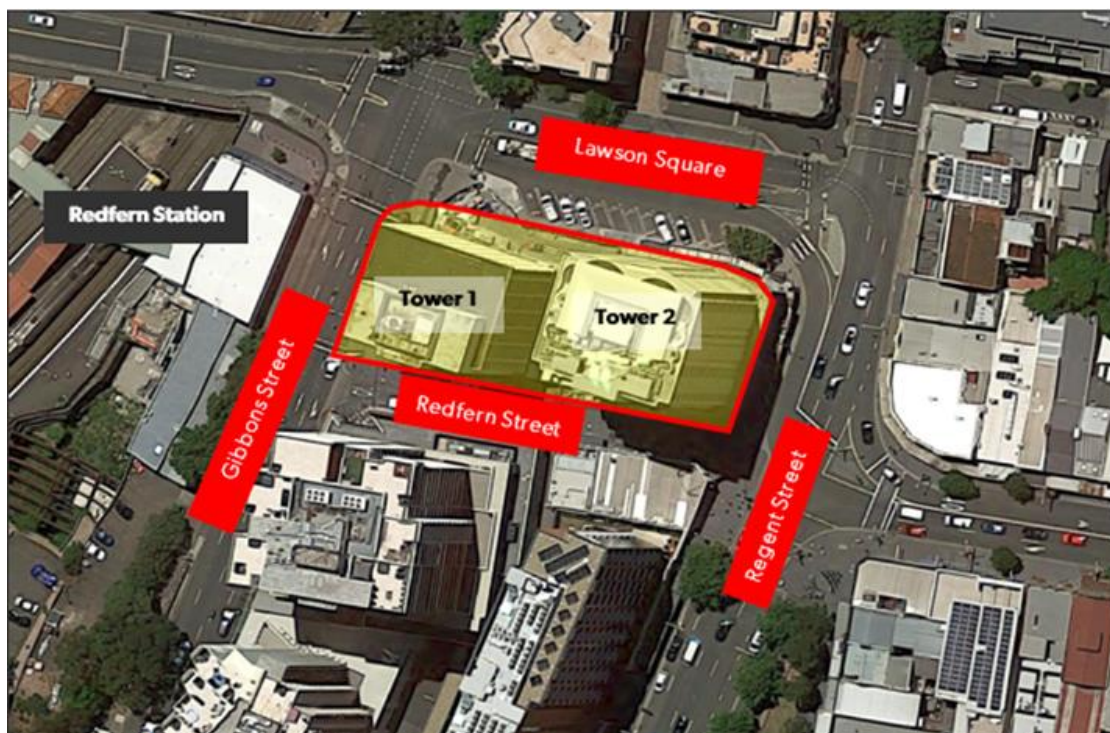


Figure 1 | Site location shown in red (Base source: Google Maps)

The site was previously occupied by two 12-storey office towers. One of the towers (Tower 2) has been converted to an 18-storey mixed use tower in accordance with the development consent (**Section 1.2**) and is now occupied. Construction works to Tower 1 have commenced.

1.2 Approval history

On 18 December 2014, the Secretary, as delegate of the Minister for Planning approved an SSD application (SSD 5249) for 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 (Tower 1 and Tower 2) and at levels 1 – 5 of the western tower (Tower 1)
- 156 residential units
- basement car and bicycle parking
- public domain works.

The development consent has been modified on eight occasions and one modification application has been withdrawn (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	<ul style="list-style-type: none">• amendments to the ground floor retail and commercial uses• relocation of commercial and residential uses at Levels 1-5• associated amendments to the elevations• associated amendments to the floor space mix, unit numbers and unit mix.	Director, Regional Assessments	96(1A)	29 October 2015
MOD 2	<ul style="list-style-type: none">• amendments to the building envelope, increase in gross floor area (GFA) from 12,741 sqm to 12,913 sqm, increase apartments from 156 to 162, internal and balcony reconfigurations• minor changes to the ground floor level including relocation of an existing substation, amendments to pedestrian and driveway access• addition of privacy screening between the towers.	Director, Modification Assessments	96(1A)	6 April 2016

MOD 3	<ul style="list-style-type: none"> conversion of Levels 3 and 4 of Tower 2 from commercial to residential use addition of 12 apartments increasing the total number of apartments from 162 to 174 amendments of external finishes including privacy screening, louvres and glazing. 	Executive Director, Key Sites and Industry Assessments	96(2)	4 August 2017
MOD 4	<ul style="list-style-type: none"> internal reconfigurations to both towers increasing the total number of apartments from 174 to 181 and the GFA by 60sqm to 12,973sqm. 	Director, Modification Assessments	96(1A)	29 January 2018
MOD 5	<ul style="list-style-type: none"> amendments to Tower 2 to create two roof terraces and increase the total gross floor area by 20 sqm to 12,993 sqm. 	Director, Modification Assessments	4.55(1A)	21 March 2018
MOD 6	<ul style="list-style-type: none"> minor exterior amendments. 	N/A	4.55(1A)	Withdrawn
MOD 7	<ul style="list-style-type: none"> conversion of levels to 1 to 5 in Tower 1 from residential to commercial use reducing the total number of apartments from 181 to 151 enlarge balconies on Levels 1 to 5. 	Director, Regional Assessments	4.55(1A)	14 November 2019
MOD 8	<ul style="list-style-type: none"> amendments to Tower 1 to create a roof terrace additional balconies and reconfigure apartment at level 15 to 17, reducing the total number of apartment from 151 to 146. 	Director, Key Sites Assessments	4.55(1A)	12 February 2020
MOD 9	<p>Modification to Tower 1 including:</p> <ul style="list-style-type: none"> internal alterations to the basement internal and external alterations to the ground floor internal alterations to Levels 1 to 5, 16 and 17 reconfiguration apartments on Level 15, creation of a 	Director, Key Sites Assessments	4.55(1A)	30 July 2020

breezeway and modification of
the communal open space area

- amendment to the western
façade across Levels 15-18.
-

2 Proposed modification

The Applicant lodged a modification application (SSD 5249 MOD 10) seeking approval, under section 4.55(1A) of the EP&A Act, to modify Tower 1 as follows:

- external alterations to the ground floor, including:
 - changing the layout of the entrance stairs from Lawson Square
 - changing the doors for the tenancies fronting Redfern Street to sliding and hinged doors
 - connecting the pedestrian awning at the corner of Gibbons Street and Redfern Street and reducing the depth of the awning at this corner
- reducing the depth of the awning on Level 1 above the electrical substation at the Lawson Square entrance
- replacing the undercover terraces for the commercial tenancies on Levels 3 to 5 with intertenancy stairs to directly connect Levels 3 to 5
- providing outside air intake risers along the east and west facades of Levels 1 to 4
- providing new air intake and smoke exhaust plant rooms and smoke corridors on Levels 1 to 5.

The proposed changes are shown in Figure 2 to Figure 4.

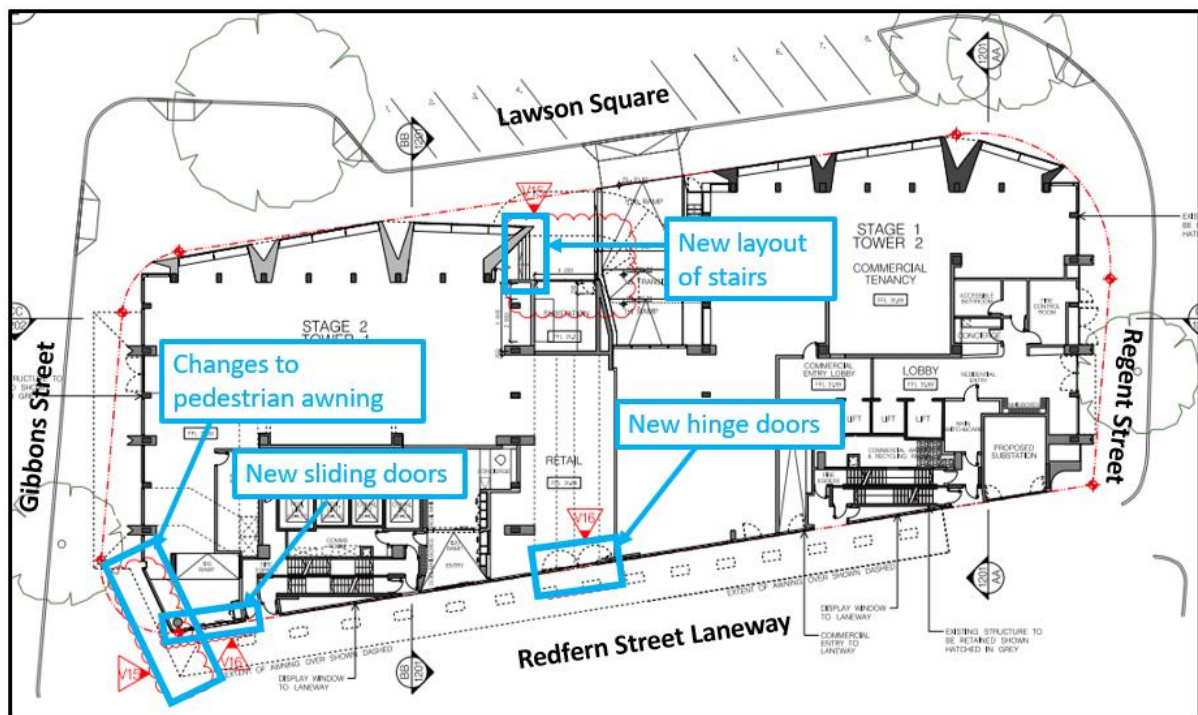


Figure 2 | Proposed ground floor changes (Base source: Applicant)

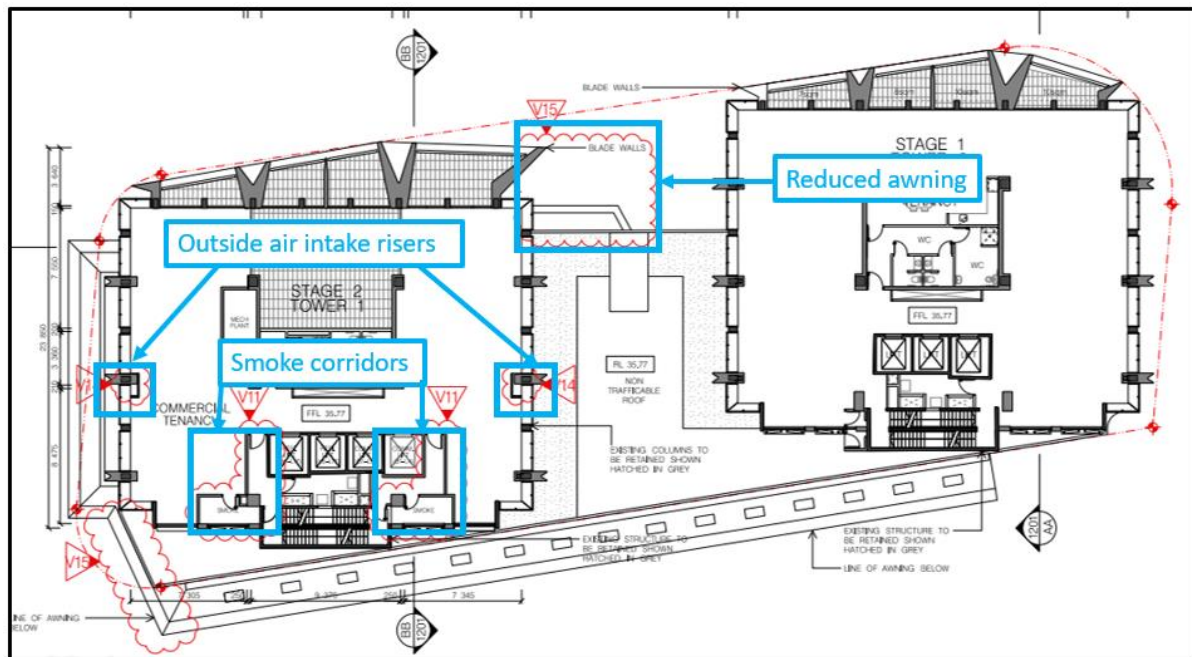


Figure 3 | Proposed Level 1 changes (Base source: Applicant)

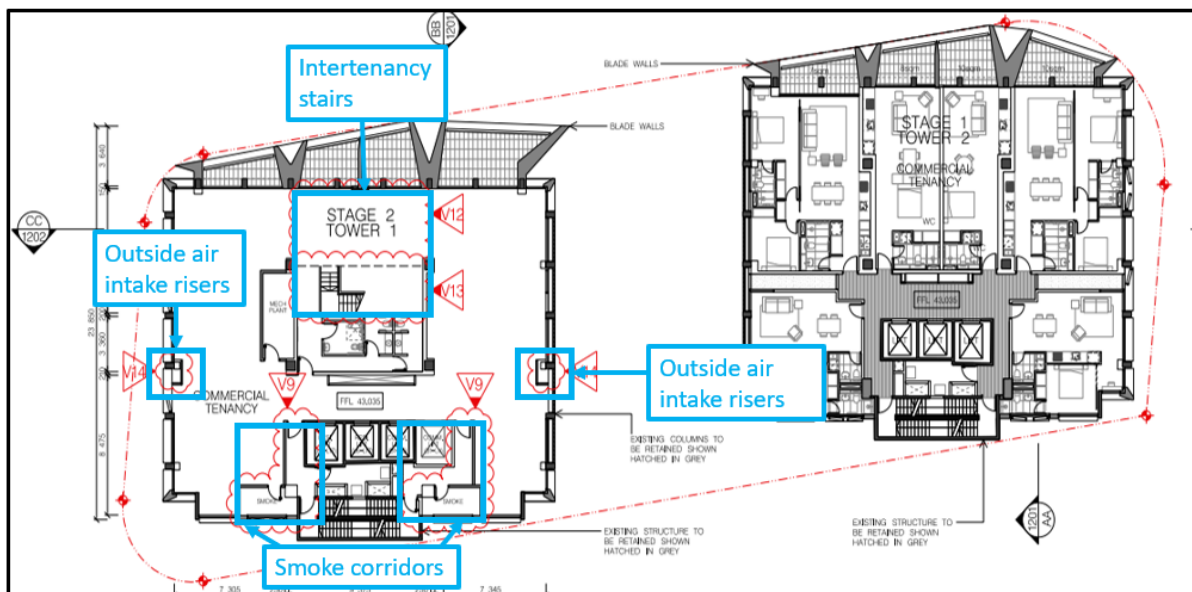


Figure 4 | Example of proposed Level 3 to 5 changes (Base source: Applicant)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved; and
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Acting Director, Key Sites Assessments, may determine this application under delegation as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objections.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications.

Accordingly, the application was not notified or advertised. However, the modification application was made publicly available on the Department's website and referred to the City of Sydney Council (Council).

4.2 Summary of submissions

The Department received one submission from Council in relation to the application. Council noted that the proposal was minor in nature and considered acceptable.

Council also noted that the redistribution of floor space on Levels 3 to 5 was unclear, however noted that these changes are contained wholly within the building footprint and would not impact on the building's built form or height and therefore is considered acceptable.

No public submissions were received.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation
- submission from Council.

The Department's considerations of the proposed external and internal changes are further discussed below.

5.1 External changes

The proposal seeks approval to change the layout of the Tower 1 entrance stairs and reduce the depth of the awning on Level 1 at the Lawson Square frontage to ensure there is unencumbered access to the electrical substation.

The proposal would connect the pedestrian awning at the corner of Gibbons Street and Redfern Street to provide continuous weather protection and would change the doors on Redfern Street to improve the functionality of the building. The proposal would also provide outside air intake risers along the east and west facades of Levels 1 to 4 to meet the fire requirements of the building.

Council noted that the proposed external changes were minor in nature and considered acceptable.

The Department considers the proposed external changes are acceptable as:

- they do not significantly alter the external appearance of the development and do not result in any changes to the development's approved GFA or height
- changing the layout of the entrance stairs and reducing the depth of the awning on Level 1 at the Lawson Square frontage would ensure there is unencumbered access to the electrical substation at this frontage
- changing the doors on Redfern Street would improve the functionality of the building
- connecting the pedestrian awning at the corner of Gibbons Street and Redfern Street would provide continuous protection against the weather for pedestrians
- providing outside air intake risers is consistent with the fire requirements for the building.

The Department recommends Condition A3 is updated to reflect the revised design drawings.

The Department's assessment therefore concludes the proposed external changes are minor and acceptable.

5.2 Internal changes

The proposal seeks approval for the following internal changes:

- replacing the undercover terraces for the commercial tenancies on Levels 3 to 5 with intertenancy stairs to directly connect Levels 3 to 5
- providing new air intake and smoke exhaust plant rooms and smoke corridors on Levels 1 to 5.

Council noted that the redistribution of floor space on Levels 3 to 5 was unclear, however noted that these changes are contained wholly within the building footprint and would not impact on the building's built form or height and therefore is considered acceptable.

In response, the Applicant noted that floor space on Levels 1 to 5 has been redistributed to provide a greater diversity of office space sizes and accommodate intertenancy stairs, plant rooms and smoke corridors.

The Department considers the proposed internal changes acceptable as:

- they do not result in any changes to the development's approved total GFA or height
- redistributing the floor space on Levels 1 to 5 would provide greater diversity of office spaces sizes
- connecting Levels 3 to 5 via stairs would enable leasing of these commercial levels to a single tenant
- providing plant rooms and smoke corridors is consistent with the fire requirements for the building.

The Department recommends Condition A3 is updated to reflect the revised design drawings.

The Department's assessment therefore concludes the proposed internal changes are minor and acceptable.

6 Evaluation

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 acceptable as:

- the external changes on the ground floor would facilitate unencumbered access to the electrical substation, improve the functionality of the building and provide increased weather protection for pedestrians
- connecting Levels 3 to 5 via stairs would enable leasing of these commercial levels to a single tenant
- the external and internal changes are consistent with the fire requirements for the building
- the proposal does not result in any changes to the development's approved GFA or height
- it is substantially the same development as the approved development and would not result in any adverse environmental impacts.

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

7 Recommendation

It is recommended that the Acting Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 5249 MOD 10 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 5249 MOD 10
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Minoshi Weerasinghe
Acting Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:



Annie Leung

Acting Director

Key Sites Assessments

(as delegate of the Minister for Planning and Public Spaces)

Appendices

Appendix A – List of referenced documents

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

Modification Application

<https://www.planningportal.nsw.gov.asu/major-projects/project/41201>

Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 1**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Department's consideration
(a) The proposed modification is of minimal environmental impact	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
(b) 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.	The development, as proposed to be modified, is substantially the same development as that originally approved in that: <ul style="list-style-type: none">the proposed use of the site remains the samethe proposed modification to the approval will not alter the built form or scale of the buildingit would not result in any additional environmental impacts.
(c) The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 4 of this report.
(d) Any submission made concerning the proposed modification has been considered.	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to the proposed modification.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's consideration
(a)(i) any environmental planning instrument	The modified proposal remains consistent with relevant EPIs.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the Environmental Planning and Assessment Regulation 2000, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed changes to be minor and would not result in any adverse environmental impacts as addressed in Section 5 .
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would result in improved operational and amenity outcomes.

Appendix C – Modification Instrument

The Modification Instrument can be found on the Department's website at:
<https://www.planningportal.nsw.gov.au/major-projects/project/41201>