



ASSESSMENT REPORT

1 Lawson Square, Redfern SSD 5249 MOD 3

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 96(2) modification application lodged by Lawson Square Pty Ltd (the Applicant) seeking to modify a State significant development application (SSD 5249) for two 18-storey mixed-use towers in Redfern within the City of Sydney local government area.

1.2 The site

The proposed development is located at 1 Lawson Square, Redfern (**Figure 1**), approximately three km from the Central Business District and is bounded by Lawson Square to the north, Regent Street to the east, Gibbons Street to the west and Redfern Street laneway to the south. The site has an area of 1696.5 m².

The site currently includes two identical 12-storey office towers, off-street parking to the north and a basement level (**Figure 2**). The original buildings were constructed in the early 1970s and are a landmark in this part of the city. They were previously known as the 'TNT Towers'. They are now known as GCA or Lawson Square Towers. Construction of the approved development has commenced, including demolition of the pedestrian bridge which previously connected the two towers at level 9 (**Figure 3**).



Figure 1: Site Location (Source: Nearmaps)



Figure 2: Site viewed from the north on corner of Gibbons Street and Lawson Square (Source: <https://www.raywhitecommercial.com/>)



Figure 3: Site viewed from the south on Regent Street showing rear façade of towers (Applicant's EA for SSD 5249)

1.3 Site context

An 18-storey mixed use building is located immediately to the south of the site at 157 Redfern Street and includes a retail podium with shops addressing Redfern Street Laneway and a residential tower above. Further south at 7–9 Gibbons Street is another 18-storey mixed use development. Two commercial and residential developments standing at two-storeys and seven-storeys high are located to the north on Lawson Square (Figure 4).

The entrance to Redfern Railway Station is located immediately to the west of the site, on the opposite side of Gibbons Street. The station serves all of Sydney's suburban lines except for the Airport and Cumberland lines. The station is listed on the State Heritage Register.

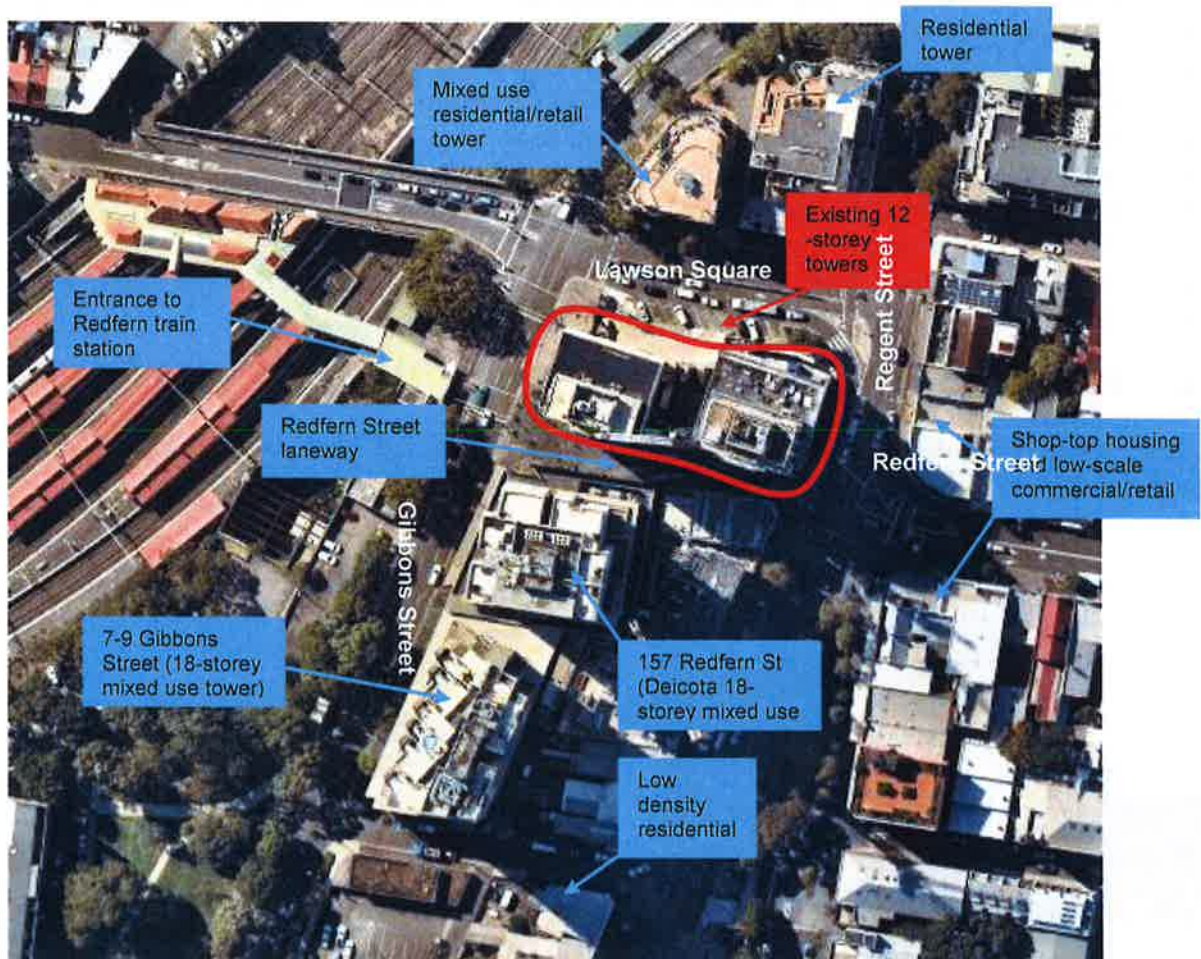


Figure 4: Site context (Source: Nearmaps)

1.4 Approval History

On 18 December 2014, the then Minister for Planning granted development consent to SSD 5249 for additions and alterations to the two existing 12-storey office towers to create two 18-storey (including plant area) mixed-use buildings (12,741 m² of GFA) comprising:

- retail and commercial uses at the ground floor of both towers and at levels 1-5 of the western tower
- 156 residential apartments
- basement car and bicycle parking
- public domain works.

On 29 October 2015, a modification to the consent (MOD 1) was granted under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for:

- adjustments to the building envelope and levels to retain the existing floorplate
- amendments to the articulation and materiality on the building facades
- minor increase in residential apartments (from 156 to 157 units)
- modifications to the substation chambers and amendments to the driveway and entrances.

On 6 April 2016, a further modification of the consent (MOD 2) was granted under section 96(1A) of the EP&A Act for:

- increase in GFA from 12,741 m² to 12,913 m²
- amendment to building envelope and reduction of the width of Tower 1 and Tower 2
- changes internal layouts of each floor
- six additional residential apartments (from 156 to 162 apartments)
- amended design and materials of the building's external facades
- relocation of existing substation on ground floor
- amendments to pedestrian and driveway access arrangements
- privacy screening between Tower 1 and Tower 2
- increase in the size of the south-facing one bedroom apartments
- increase in balcony sizes of the two-bedroom apartments of Tower 1 and Tower 2
- provision of on-grade entry points for the café/retail tenancy.

2. PROPOSED MODIFICATION

MOD 3 seeks approval under section 96(2) of the EP&A Act for further changes to the façade, internal layouts and increases in the number of residential apartments (**Figure 5**)

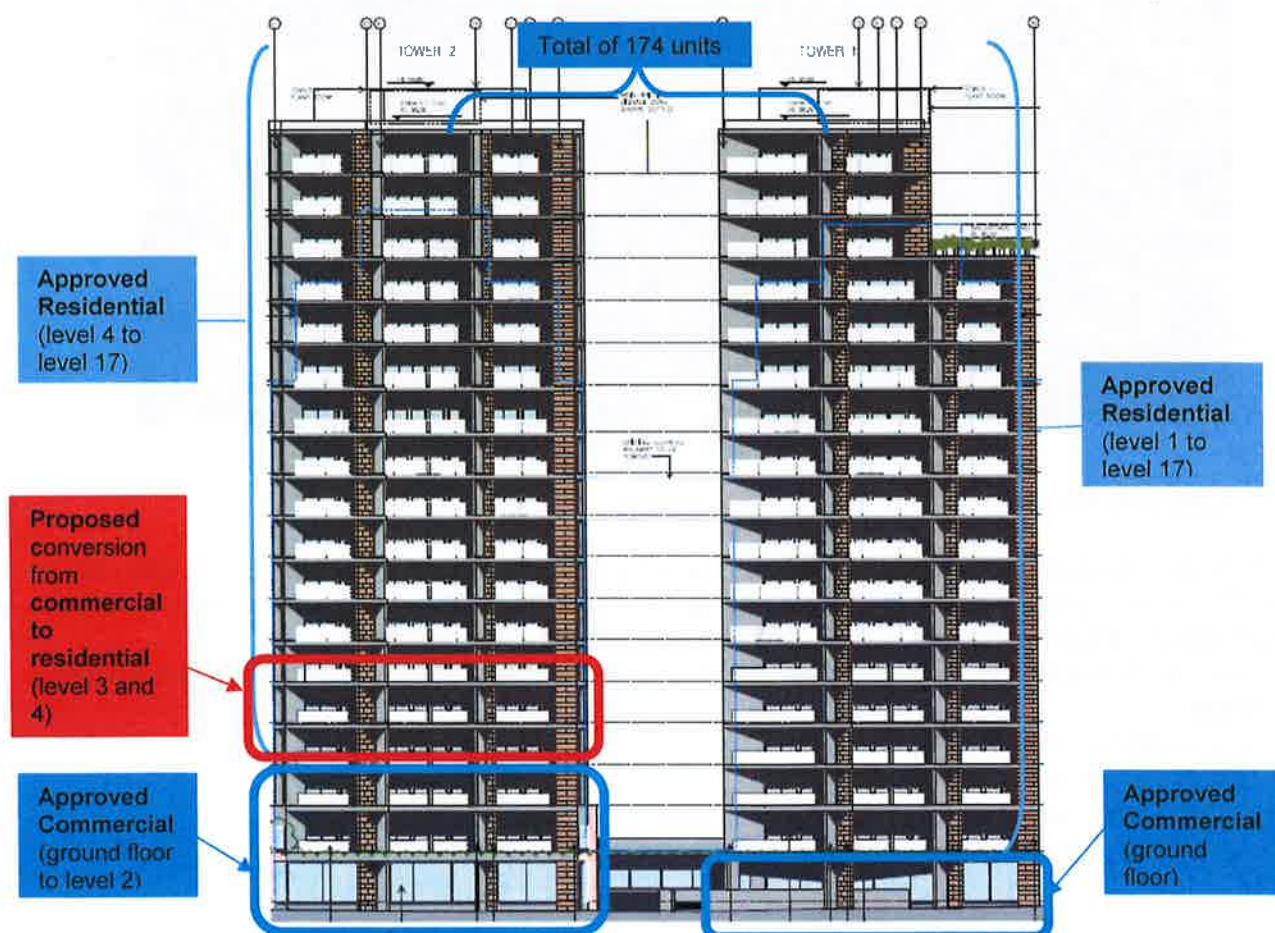


Figure 5: Image of towers at northern elevation (Source: Plans for MOD 3)

MOD 3 seeks approval for the following:

- amended privacy screens from perforated glass reinforced concrete panels to glass reinforced concrete blades and aluminium louvres, where required
- minor increase in the glazing treatment to the lower commercial levels
- conversion of Level 3 and 4 in Tower 2 from commercial to residential use
- an additional 12 residential apartments from 162 apartments to 174, being an additional four studio apartments and four 2-bedroom apartments provided on the northern side of Tower 2 and four 1-bedroom apartments provided on the southern side of Tower 2
- minor internal reconfigurations to the internal floors of the building, including removing the mechanical plant rooms from the basement, adding plant rooms to the rooftop of Tower 2, adding bathroom facilities to the commercial floors, reorientating living spaces of southern-facing apartments away from the southern elevation and reorientating bedrooms and living spaces in the north-facing apartments
- reconfiguration of the mechanical services and plants within the building and on the roof.

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 1 – Consideration of matters under section 96(2)

Section 96(2) matters for consideration	Comment
(a) The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for an increase in the number of residential apartments, minor internal reconfigurations to apartments, a decrease in commercial floor area and amendments to the building's façade. The proposed modification would provide an additional 12 residential apartments (from 162 to 174) and remove two floors of commercial floor space. The cumulative change from that originally approved to proposed would be an increase in 18 residential apartments (154 to 174) and the loss of three commercial levels across 36 levels of the development. The development would retain four levels of commercial space. Noting these changes, the Department considers the overall proposed development would retain its essential mixed-use character and building form (comprising residential and commercial uses) and would remain substantially the same development. The changes to the façade result in minimal impacts in terms of visual amenity and privacy and internal layout changes are minor. On this basis, the proposal would result in a development that is substantially the same as the originally approved development.
(b) Consultation with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence/general terms of an approval has	The approved development was not integrated development due to it being State Significant Development.

Section 96(2) matters for consideration	Comment
been carried out, and no objection has been made.	
(c) The application has been notified in accordance with the regulations or DCP	The modification application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000. 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 received one public submission in respect of the modification application. No public agencies made a submission in the nature of an objection in respect of the application. The issues raised in the public submission are considered in Section 4 of this report.
(3) The matters referred to in section 79C(1) of the EP&A Act as are of relevance to the development the subject of the application have been considered.	The Department has considered all relevant matters under section 79C(1) of the EP&A Act in its assessment of the proposal. See Section 5 below.

3.2 Environmental Planning Instruments

The following EPIs apply to the carrying out of the proposal:

- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy No 1 (Development Standards)
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65).

An assessment of compliance with the EPIs was considered in the original application and subsequent modifications. The Department has considered the modification application against the objectives and aims of these instruments, and is satisfied that the modified proposal remains consistent with the provisions of these EPIs.

3.3 Delegated Authority

On 16 February 2015, the Minister delegated functions to determine section 96 modification applications to Executive Directors who report to the Deputy Secretary, Planning Services in cases where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- less than 25 public submissions in the nature of an objection has been made.

As the local council did not make an objection, a political disclosure statement has not been made, and only one public submission in the nature of an objection was received, the Executive Director, Key Sites and Industry Assessments, may determine the modification application under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

The modification application and accompanying information was made publicly available and notified in accordance with the Environmental Planning and Assessment Regulation 2000 (**Table 2**).

The Department received one public submission during the exhibition period. None of the public authorities objected to the proposal.

Table 2: Exhibition details

Exhibition/Notification	Format	Dates
Publicly Exhibited	The Department's Pitt Street office, the City of Sydney Council's One Stop Shop and on the Department's website.	6 April to 5 May 2017
Newspaper Notice	Central Courier.	5 April 2017
Written Notices	All submitters on the original application, surrounding landowners and key agencies including the Environment Protection Authority (EPA), Office of Environment and Heritage (OEH), Roads and Maritime Services (RMS), Sydney Water, Sydney Airport Corporation, Transport for NSW (TfNSW), Urban Growth and the City of Sydney Council (Council).	4 April 2017

The Department received one public submission during the exhibition period. None of the public authorities objected to the proposal.

4.2 Public Authority Submissions

The **EPA, OEH, RMS, Sydney Water, Sydney Airport Corporation, TfNSW** and the **City of Sydney** advised the Department that they had no comments to make in respect of the application.

Urban Growth advised that once the final conditions are drafted, it would amend the contribution amount payable based on the final approved GFA.

4.3 Public Submissions

The Department received one public submission objecting to the proposal on the basis of privacy impacts resulting from the proposed windows on the southern façade of the western tower (Tower 1) to the Deicota building located immediately to the south at 157 Redfern Street (**Figure 4**).

This issue is addressed in **Section 5** below.

4.4 Response to Submissions

The Applicant submitted a response to submissions report (RtS) which addressed:

- façade treatment
- privacy between apartments within the site
- privacy between the proposed development and neighbouring sites to the south.

The Department placed a copy of the RtS on its website.

5. ASSESSMENT

In its assessment of the proposal, the Department has considered the application, the issues raised in the public submission and the Applicant's RtS and considers the key assessment issues to be:

- design changes to the façade
- visual privacy impacts
- residential amenity
- car parking.

Section 5.5 discusses other issues taken into consideration in the assessment of the application.

5.1 Design Changes to Facade

The proposed changes to the facades maintain the principal design of the north façade while making more significant changes to the east, west and southern façades of both of the towers.

The changes to the north façade are limited to the ground and first floor commercial levels of Tower 1 which would replace some glass reinforced concrete with glazing (**Figures 7 and 8**). The amendments would not change the strong vertical expression of the tower's northern facade nor its material proportions of marble and off-form concrete. The changes to the northern façade of Tower 1 are therefore supported.



Figure 7: Approved northern façade of towers
(Source: MOD 2)



Figure 8: Proposed northern façade of towers
(Source: Plans for MOD 3)

The approved perforated glass reinforced concrete screens are proposed to be replaced with glass reinforced concrete blades and aluminium louvres on the eastern and western facades of both of the towers (**Figures 9 and 10**). The changes would open up the facades of the towers and improve the internal amenity of the apartments by providing additional sunlight and views. The Department considers the changes to the towers would provide greater articulation and improved architectural expression and are therefore supported.

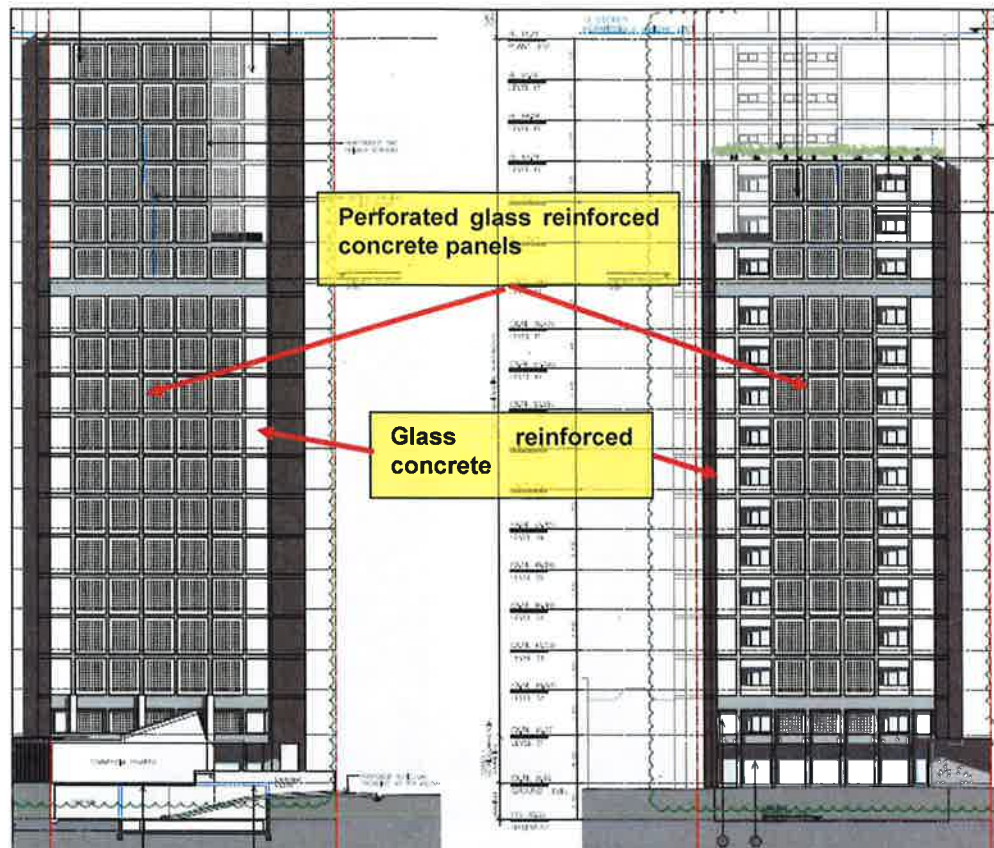


Figure 9: Eastern and western elevation of Tower 1 approved under MOD 2 (Source: MOD 2)

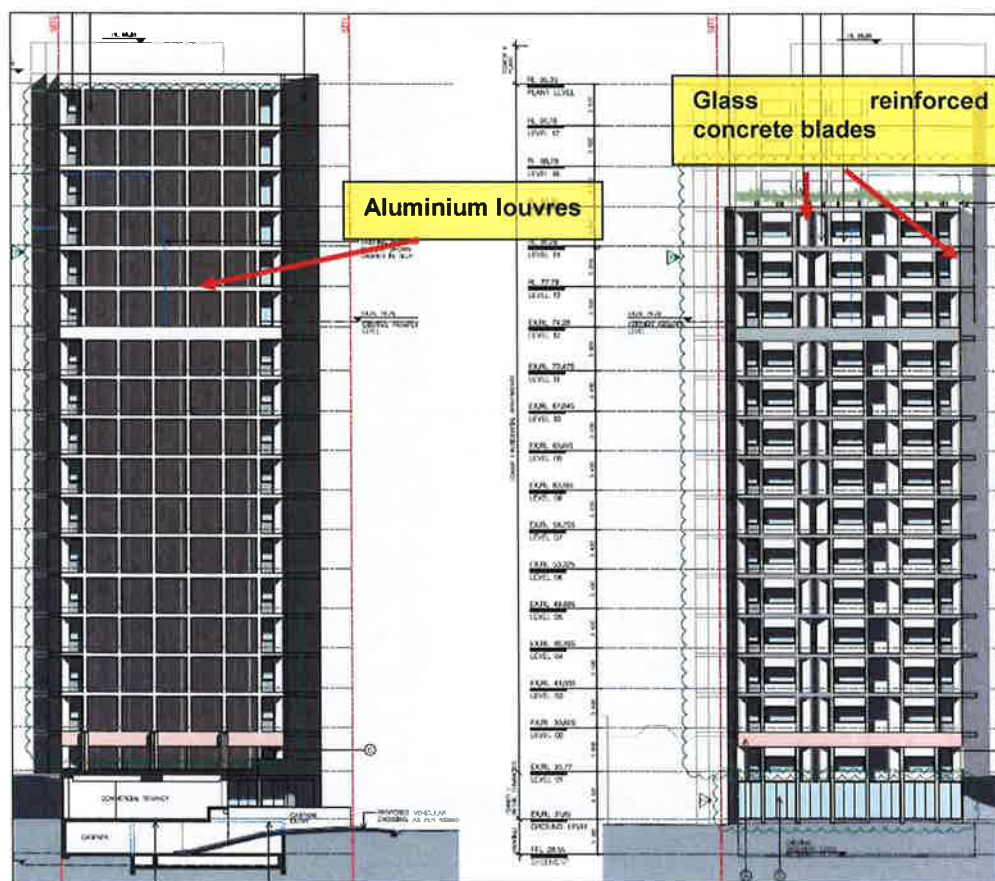


Figure 10: Proposed eastern and western elevation of Tower 1 (Source: Plans MOD 3)

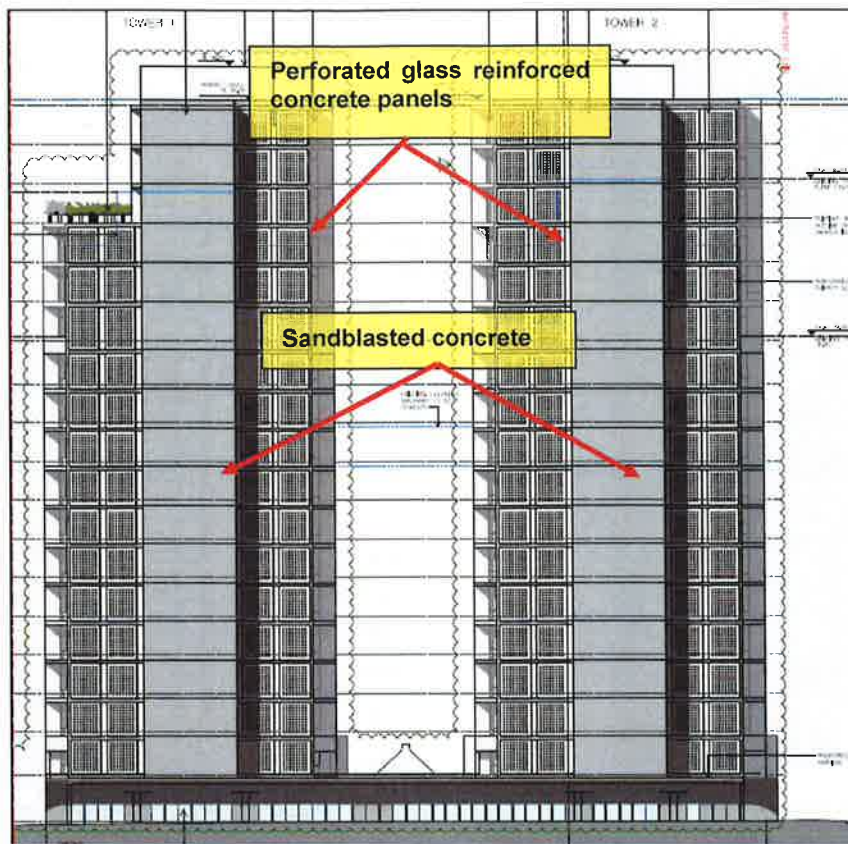


Figure 11: Southern elevation of Towers 1 and 2 approved under MOD 2
(Source: MOD 2)

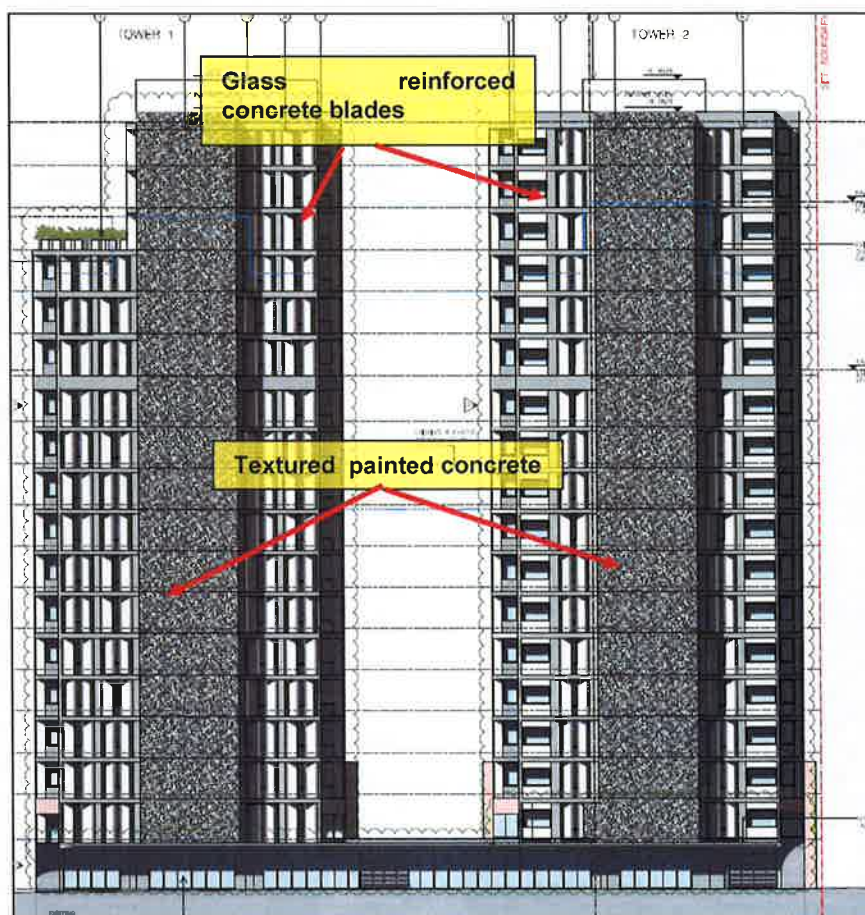


Figure 12: Proposed southern elevation of Towers 1 and 2
(Source: MOD 2)

On the southern façade of the towers, the perforated glass reinforced concrete panels and sandblasted concrete would be replaced by glass reinforced concrete blades, glazing and textured painted concrete respectively (**Figures 11 and 12**). The Department considers the removal of the glass reinforced concrete panels would improve the articulation of the southern facades of the towers and provide greater vertical expression. This would act to reduce the façade's massing and improve the towers' proportions and visual appearance. The replacement of the sandblasted concrete with a textured maintained concrete would complement the overall palette of materials and maintain the overall aesthetic quality of the towers.

5.2 Visual Privacy

The modification seeks to remove the perforated glass reinforced concrete panels which face the southern residential apartment building at 157 Redfern Street. A public submission was received regarding privacy impacts from the south-facing windows of the western tower (Tower 1) to the north-facing apartments of 157 Redfern Street. The public submission raised concerns about the apartments in Tower 1 having bedrooms, living rooms and kitchen windows located to the south which would increase the potential for overlooking between the southern façades of Tower 1 and 157 Redfern Street.

The view lines between Tower 1 and 157 Redfern Street are identified at **Figure 13** below.

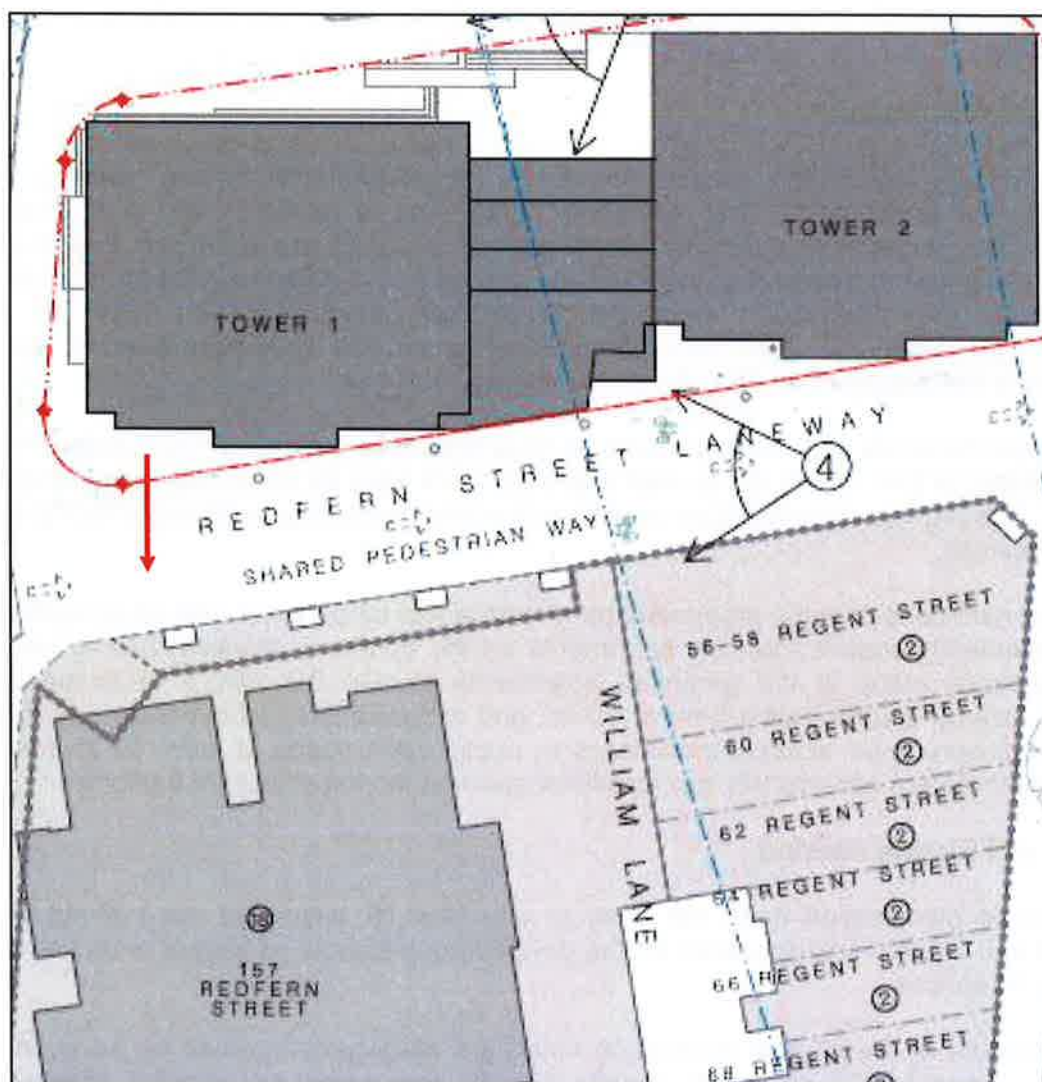


Figure 13: View lines between Tower 1 and 157 Redfern Street (Source: EIS for MOD 3)

In its RtS, the Applicant provided further information and clarification regarding privacy impacts between Tower 1 and 157 Redfern Street and outlined:

- the rooms on the southern elevation are bedrooms, bathrooms and corridor/study areas, with kitchen, dining and living rooms orientated to the east or west to avoid overlooking residents to the south
- the bedrooms on the southern elevation have opaque glass reinforced concrete blades fixed to the windows to prevent overlooking, which are angled away from 157 Redfern Street
- the bathrooms on the southern elevation have opaque glass windows and panels which will prevent overlooking
- it is only the corridor/study areas which have a small window facing south and these windows are already approved under MOD 2.

The Department considers the use of glass reinforced concrete blades and aluminium louvres which are appropriately glazed and angled, ensure that a reasonable level of privacy would be maintained to the adjacent residents at 157 Redfern Street. Additionally, the changes proposed to the layout of apartments on the southern elevation would ensure that living areas are orientated away from the south to mitigate overlooking potential. The Department further notes the residents at Tower 1 and 157 Redfern Street are separated by approximately 17.1 m which also mitigates overlooking potential.

The Department concludes the proposed development would maintain acceptable levels of privacy to the residents of 157 Redfern Street.

5.3 Residential Amenity

The modification application proposes internal reconfigurations to the existing residential apartments and provides 12 new residential apartments at Levels 3 and 4 of Tower 1. The Department has undertaken a detailed assessment of the proposed apartment design against the SEPP 65 design principles and relevant design criteria in the Apartment Design Guide (ADG) at **Appendix B**. The modification application is generally consistent with SEPP 65 and ADG provisions. However, the ADG recommendation to provide minimum balcony areas to all apartments is not proposed as part of the modification.

The ADG recommends all 1-bedroom units to have balconies with a minimum area of 8 m² and a minimum depth of 2 m. Under the current approval, there were 22 south-facing apartments with no balconies. The proposed modification would result in this increasing to 26 south-facing apartments with no balconies.

The Department considers the proposed apartments would be provided with an acceptable level of residential amenity despite the new apartments on the southern elevation having no balconies. This is because many of the proposed apartments exceed the ADG's recommendations for apartment size by approximately 5 m² to 10 m², and exceed ADG recommendations in relation to natural ventilation, solar access and access to public open space at level 15 of Tower 1. The Department therefore accepts the four additional apartments do not require balconies.

5.4 Car and Bicycle Parking

The proposed modification does not seek to alter the 20 basement car parking spaces (18 residential and 2 car share) approved for the development. Bicycle parking is proposed to increase from 53 to 60 spaces.

The assessment of the original application noted the development would be serviced by seven on-street car spaces, 20 basement spaces and 80 commercial car spaces off-site at nearby 7-9 Gibbons Street. The 80 off-site commercial spaces were to be allocated to only 'commercial tenants' in the subject building in accordance with Condition A10 of the terms of the approval for 7-9 Gibbons Street (MP08_0112).

In respect of the current 80 commercial spaces provided off-site at 7-9 Gibbons Street under MP08_0112, it is acknowledged commercial floor space is being reduced from 2,981 m² to 1,936 m² or 35% as a result of the modification.

The Applicant has advised a separate modification application to MP_08_0112 (MOD 4) has been lodged with the Department to amend Condition A10 which would rationalise residential and commercial car parking allocations. MOD 4 seeks approval for 80 car parking spaces to be allocated to residential or commercial uses, although commercial car parking would be restricted to 52 spaces, which would accords with the 35% reduction in commercial GFA.

The Department supports this approach to rationalising car parking and also supports the proposed increase in bicycle parking on site.

5.5 Other issues

The Department also considered the following issues in assessing the modification application:

Table 3: Assessment of other issues

Issue	Consideration	Recommendation
Relocation of plant	The Applicant proposes to remove the mechanical plant rooms from the basement and add plant rooms to the rooftop of Tower 2.	- The Department considers these changes to be an improvement to the building by improving the layout of the basement. - The plant now proposed to be located on the rooftop of Tower 2 would not be visible from the street and would not result in the 18-storey approved height limit being exceeded.
BASIX	- The Applicant provided an updated BASIX Certificate with the application. - The certificate outlined that the proposed development exceeded the target for water, passed the target for thermal comfort and exceeded the target for energy.	The Department recommends imposing a condition requiring compliance with the updated BASIX certificate.
Construction impacts	- As the proposed development is the adaptive use of an existing building, minimal excavation is required. - The changes proposed under MOD 3 will not increase the construction impacts anticipated under the original approval. - The Department also previously imposed conditions restricting construction hours, construction noise and required the implementation of management plans.	The Department recommends maintaining the previously imposed conditions relating to construction.

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under Part 4 of the EP&A Act and all relevant environmental planning instruments. With the exception of some minor non-compliance with the ADG which are considered acceptable, the modification application is considered to comply with all relevant standards and requirements.

No issues were raised by Council or other relevant agencies. The Department has carefully considered the issues of privacy, façade treatment and amenity of future residents and is satisfied these issues are acceptable.

In regard to car parking, the Department is satisfied MOD 4 to MP08_0112 would reduce commercial car parking allocation consistent with the reduction in commercial GFA. Increases in bicycle parking are supported.

The Department concludes the development is in the public interest as it will provide additional residential accommodation in an area that is in close proximity to the Sydney CBD and with excellent access to public transport, and recommends the application being approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Acting Executive Director, Key Sites and Industry Assessments:

- (a) **consider** the findings and recommendations of this report
- (b) **determine** that the proposed modification falls within the scope of section 96(2) of the EP&A Act
- (c) **approve** the modification under section 96(2) of the EP&A Act
- (d) **sign** the attached Instrument of Modification.

Prepared by: Alexandra O'Rorke
A/Planning Officer
Key Sites Assessment

Endorsed by:



Ben Lusher
Director
Key Sites Assessments

Approved by:

Mike Young
Acting Executive Director
Key Sites and Industry Assessments

APPENDIX A – MODIFICATION APPLICATION

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

[HTTP://MAJORPROJECTS.PLANNING.NSW.GOV.AU/INDEX.PL?ACTION=VIEW_JOB&JOB_ID=8327](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8327)

APPENDIX B – ADG REQUIREMENTS

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

Table 4 sets out the Department's assessment of the proposal against the aims and objectives of SEPP 65. **Table 5** below sets out the Department's assessment of the proposal against ADG best practice design principles:

Table 4: SEPP 65 Aims and Objectives

SEPP 65 Aims and Objectives		
Principle	Objective/Control	Department's Response
1. Context and Neighbourhood Character	• Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. • Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. • Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	• The modification improves the visual presentation of the facades and therefore more appropriately responds to the future character of the area which is proposed to include more high density mixed-use development.
2. Built Form and Scale	• Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. • Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. • Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and	• The proposed modification makes no changes to the built form and scale of the towers and therefore remains appropriate for the 'gateway' site and continues to respond positively to the current and future character of the streetscape, as a medium to high density, mixed-use character. • The towers provide a higher level of residential amenity is provided to future residents of the towers through positive design, including solar access, natural ventilation and apartment size.

	vistas, and provides internal amenity and outlook.	
3. Density	• Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. • Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	• The modification proposes no changes to the density of the towers but provides an increase in residential apartments together with a decrease of commercial floor space. • The proposed development's location adjacent to Redfern train station supports the increase of residential apartments. • The proposed density of the two towers remains appropriate to the character of the area, which is predominately medium to high density, mixed-use character.
4. Sustainability	• Good design combines positive environmental, social and economic outcomes. • Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	• A BASIX certificate was provided with MOD 3 confirming the proposed development meets or exceeds the targets for thermal comfort, water and energy. • The Department considers a high level of amenity is provided to future residents of the towers through positive design, including solar access, natural ventilation and apartment size.
5. Landscape	• Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. • Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management,	• No changes are proposed to the landscaping plan for the development.

	solar access, micro-climate, tree canopy, habitat values and preserving green networks. • Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.																															
6. Amenity	• Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. • Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	• As discussed in this report, the Department concludes that residential amenity has been improved through the internal and external changes proposed to the building, including reconfiguration of apartments and improved building facades.																														
7. Safety	• Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. • A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	• The residential uses continue to be located on the levels above the retail/commercial tenancies and there are still no ground floor apartments proposed. This design ensures safety and amenity is maximised.																														
8. Housing Diversity and Social Interaction	• Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. • Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. • Good design involves practical	• The total mix of apartments and proposed apartment sizes under modification 3 are:<table><tr><th>Unit</th><th>Size</th><th>Mix %</th><th>No.</th><th>Change from MOD 2</th></tr><tr><td>Studio</td><td>46-49m2</td><td>23%</td><td>40</td><td>> 10%</td></tr><tr><td>1-bed</td><td>50-51m2</td><td>35%</td><td>61</td><td>> 5%</td></tr><tr><td>1-bed + study</td><td>67-96m2</td><td>7%</td><td>12</td><td>No change</td></tr><tr><td>2-bed</td><td>73-87m2</td><td>35%</td><td>61</td><td>> 5%</td></tr><tr><td>TOTAL</td><td>10,977m2</td><td>100%</td><td>174</td><td>7% increase</td></tr></table>	Unit	Size	Mix %	No.	Change from MOD 2	Studio	46-49m2	23%	40	> 10%	1-bed	50-51m2	35%	61	> 5%	1-bed + study	67-96m2	7%	12	No change	2-bed	73-87m2	35%	61	> 5%	TOTAL	10,977m2	100%	174	7% increase
Unit	Size	Mix %	No.	Change from MOD 2																												
Studio	46-49m2	23%	40	> 10%																												
1-bed	50-51m2	35%	61	> 5%																												
1-bed + study	67-96m2	7%	12	No change																												
2-bed	73-87m2	35%	61	> 5%																												
TOTAL	10,977m2	100%	174	7% increase																												

	and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	• The Department considers this apartment mix presents diversity in housing choice. • The reconfigured layout of apartments present as open-plan with large floor plates and therefore allow for diversity of spaces. • The common area continues to be provided on level 15 and the continued retail/commercial uses on the lower levels will encourage social interaction among residents and will provide a positive social context.
9. Aesthetics	• Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. • The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	• The most significant changes proposed are to the building facades. The Department considers the proposed modifications to the façade improve residential amenity and visual interest to the public and streetscape. • The proposed building facades better respond to the site's restraints, including visual privacy, acoustic impacts, solar access and ventilation through the use of high quality and appropriate building materials. • The facades of both towers are of a high architectural quality, being designed by Angelo Candalepas & Associates. • The northern façade is highly articulated and presents as a high quality residential development through the use of modern materials and finishes. • Internally, the apartments are open space apartments which provide safe and easy movement. The large apartment sizes also allow for the apartments to accommodate a range of lifestyle needs.

Table 5: ADG Best Practice Design Principles

ADG – Relevant Criteria	Proposal	Consistency
1A Apartment building types		
Tower Apartments	- The proposed modification continues to be best described as 'Tower apartments'. As the proposed towers continue to be high-density, mixed-use towers, the proposed development is appropriately located given the adjoining rail corridor and within the suburb of Redfern which is an urban renewal area. - The proposed development continues to orientate the majority of units to the north-east. - The proposed development continues to appropriately mitigate visual impacts to surrounding properties through the materials and finishes of the facades and the orientation of apartments.	✓
1B Local Character and Context		
Medium High Density	The proposed modification continues to respond to its context in maintaining the surrounding medium to high density and mixed use character of the area. As a high-density, mixed-use building, the proposal continues to respond to the future character of the area.	✓
2C Building Height		
- Ensure development responds to the desired future scale and character of the street and local area. - Ensure adequate daylight and solar access is facilitated to apartments, common open space, adjoining properties and the public domain.	The proposed modification makes no changes to the vertical or perimeter heights and the Department continues to consider the building height appropriate having regard to the Redfern Centre Urban Design Guidelines, the overall density of the site, the position of the proposal in a 'gateway' location and the future character of the area.	N/A
2D Floor Space Ratio		
Ensure that development aligns with the optimum capacity of the site and the desired density of the local area.	The proposed modification makes no changes to the FSR proposed and the Department continues to consider the FSR to be appropriate.	N/A
2E Building Depth		
Maximum internal plan depth should be 18 metres from glass line to glass line.	The proposal complies, with the maximum internal plan depth of the deepest unit is 11 metres.	✓
2F Building Separation		
- Minimum separation distances for buildings nine storeys and above (over 25m) are: 24 metres between habitable rooms/balconies 18 metres between habitable rooms/balconies and non-habitable rooms 12 metres between non-habitable rooms.	The proposed building separation between Tower 1 and Tower 2 and between Tower 1 and 157 Redfern Street remains the same as that approved under MOD 2.	N/A
2G Street Setbacks		
Establish the desired spatial proportions of the street and define the street edge.	The proposal continues to comply as no street setbacks are stipulated in relation to the site.	✓

2H Side and Rear Setbacks		
• Provide access to light, air and outlook for neighbouring properties and future buildings. • Retain or create a rhythm or pattern of spaces between buildings that define and add character to the streetscape.	• The proposal continues to comply and retain the existing building footprint.	✓
3A Site analysis		
<i>Objective</i> Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	• The proposed modification continues to respond to the surrounding area and subject site. The proposal seeks to orientate the majority of units to the north-east and uses high quality and effective materials and finishes to address privacy and visual impacts between Tower 1 and Tower 2 and between 157 Redfern Street.	✓
3B Orientation		
<i>Objective</i> • Building type/layouts respond to streetscape, optimising solar access • Overshadowing of neighbouring properties is minimised	• Consistent with MOD 2, the proposal complies with solar access requirements and seeks to orientate a majority of apartments towards north-east for maximum amenity. No additional overshadowing would result on neighbouring properties as a result of the façade changes.	✓
3C Public Domain Interface		
<i>Objective</i> • Transition between public/private without compromising security • Amenity of public domain is retained and enhanced	• The proposed modification makes no changes to public domain interface and therefore continues to comply.	✓
3D Communal and Public Open Space		
<i>Objective</i> • An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping • Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting <i>Design Criteria</i> • minimum 25% of the site • minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter	• The proposal remains non-compliant with the requirement for a minimum of 25% of the site as communal open space. Consistent with the Department's previous assessment, the proposed development is restrained by the existing building footprint and communal open space continues to be provided at ground floor and level 15 of Tower 1. This open space provides a high level of amenity with landscaping and seating areas proposed. • Consistent with the Department's findings in the original approval, the Department considers the proposed open space acceptable having regard to the generous balconies provided to the apartments orientated to the north, as well as the level of solar access and natural ventilation provided to the other apartments.	✗
3E Deep Soil Zones		
<i>Objective</i> • Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	• No changes are proposed to deep soil zones and the Department maintains its conclusion that the deep soil zone provisions are not applicable to this site given the existing urban footprint which the proposed development is being constructed within, as well as the urban setting and the basement below ground.	✗

Design criteria For sites greater than 1,500sqm a minimum of 7% to 15% of the site should provide for deep soil zone(s)																	
3F Visual Privacy																	
Objective - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space Design criteria - Minimum separation distance from building to side boundary: <table><tr><th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>			Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	- The proposed development maintains a minimum of 12.4 m separation between the neighbouring habitable windows of each tower. - The Department has undertaken a thorough assessment of the impacts on visual privacy arising from the modified development at Section 5 and notes the approved building footprints remain unchanged. - The Department concludes that visual privacy impacts have been acceptably mitigated through the use of GRC blocking and aluminium louvres. - The Applicant has continued to limit the use of windows and balconies at the southern, eastern and western elevations to avoid overlooking or other visual impacts.		N/A
Height	Habitable rooms and balconies	Non-habitable rooms															
Up to 12m (4 storeys)	6m	3m															
Up to 25m (5-8 storeys)	9m	4.5m															
Over 25m (9+ storeys)	12m	6m															
3G Pedestrian Access to Entries																	
Objective - Building entries and pedestrian access connects to and addresses the public domain - Access, entries and pathways are accessible and easy to identify - Large sites provide pedestrian links for access to streets and connection to destinations			No changes are proposed for pedestrian access to entries.		✓												
3H Vehicle Access																	
Objective Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.			No changes are proposed for vehicle access.		✓												
3J Bicycle and Car Parking																	
Objective Car parking is provided based on proximity to public transport in metropolitan Sydney and centres			Bicycle and car parking has been considered in detail in Section 5. The Department concludes that there should be a proportionate reduction of 35% to commercial car parking currently provided at 7-9		✓												

in regional areas • Parking and facilities are available for other modes of transport • Car park design and access is safe and secure • Visual and environmental impacts of underground, on-grade and above ground enclosed car parking is minimised <i>Design criteria</i> • Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less • The car parking needs for a development must be provided off-street • Car parking design access is safe and secure	Gibbons Street, consistent with the reduction in commercial floor space proposed. • The Department is otherwise satisfied with the on-street, basement and bicycle parking provided.	
4A Solar and Daylight Access		
<i>Objective</i> • To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space • Daylight access is maximised where sunlight is limited • Design incorporates shading and glare control, particularly for warmer months <i>Design criteria</i> • Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area • Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter	• The proposed development as modified continues to meet the solar and daylight access requirements.	✓
4B Natural Ventilation		
<i>Objective</i> • All habitable rooms are naturally ventilated • The layout and design of single aspect apartments maximises natural ventilation • The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents <i>Design criteria</i> • At least 60% of apartments are cross ventilated in the first nine	• The proposed development continues to meet the natural requirements.	✓

storeys (apartments 10 storeys or greater are deemed to be cross ventilated)																																
Overall depth of a cross-over or cross-through apartment does not exceed 18m																																
4C Ceiling Heights																																
Objective - Ceiling height achieves sufficient natural ventilation and daylight access - Ceiling height achieves sufficient natural ventilation and daylight access - Ceiling heights contribute to the flexibility of building use over the life of the building Design criteria - Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7m - Non-habitable rooms 2.4m	The proposed development continues to comply with a minimum of 2.7 m ceiling height.	✓																														
4D Apartment Size and Layout																																
Objective - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity - Environmental performance of the apartment is maximised - Apartment layouts are designed to accommodate a variety of household activities and needs Design criteria - Minimum apartment sizes - Studio 35sqm 1 bedroom 50sqm 2 bedroom 70sqm 3 bedroom 90sqm - More than one bathroom increase the minimum internal area by 5m² each, and a fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. - Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms - Habitable room depths are limited to 2.5 x the ceiling height - In open plan layouts the maximum habitable room depth is 8m from a window	- Under MOD 3, the floor plates are designed so all apartments are either orientated north or south. All south-facing units also have access to either the east or west elevation of the building. - All south facing apartments are 1-bedroom apartments, amounting to 26 south-facing apartments. - The reconfigured layout of apartments present as open-plan with large floor plates and therefore accommodate a variety of household activities and needs. - The details of apartments proposed under MOD 3 are: <table><tr><th>Unit</th><th>Size</th><th>Mix %</th><th>No.</th><th>Change from MOD 2</th></tr><tr><td>Studio</td><td>46-49m²</td><td>23%</td><td>40</td><td>> 10%</td></tr><tr><td>1-bed</td><td>50-51m²</td><td>35%</td><td>61</td><td>> 5%</td></tr><tr><td>1-bed + study</td><td>67-96m²</td><td>7%</td><td>12</td><td>No change</td></tr><tr><td>2-bed</td><td>73-87m²</td><td>35%</td><td>61</td><td>> 5%</td></tr><tr><td>TOTAL</td><td>10,977m²</td><td>100%</td><td>174</td><td>7% increase</td></tr></table> - Units over 15 m deep are not provided. - MOD 3 does not make any changes to the minimum dimensions of living rooms for 1-bedroom and 2-bedroom apartments. All apartments comply.	Unit	Size	Mix %	No.	Change from MOD 2	Studio	46-49m ²	23%	40	> 10%	1-bed	50-51m ²	35%	61	> 5%	1-bed + study	67-96m ²	7%	12	No change	2-bed	73-87m ²	35%	61	> 5%	TOTAL	10,977m ²	100%	174	7% increase	✓
Unit	Size	Mix %	No.	Change from MOD 2																												
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2-bed	73-87m ²	35%	61	> 5%																												
TOTAL	10,977m ²	100%	174	7% increase																												

• Master bedroom have a minimum area of 10sqm and other bedrooms have 9sqm • Bedrooms have a minimum dimension of 3m (excluding wardrobes) • Living rooms have a minimum width of: - 3.6m for studio and one bed - 4m for 2 and 3 bed • The width of cross-over or cross-through apartments are at least 4m internally.		
4E Private Open Space and Balconies		
<i>Objective</i> • Apartments provide appropriately sized private open space and balconies to enhance residential amenity • Primary private open space and balconies are appropriately located to enhance liveability for residents • Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building • Private open space and balcony design maximises safety <i>Design criteria</i> • Primary balconies are provided to all apartments providing for: - Studios apartments min area 4sqm - 1 bedroom min area 8sqm min depth 2m - 2 bedroom min area 10sqm min depth 2m - 3 bedroom min area 12sqm min depth 2.5m • For apartments at ground floor level/podium/similar level, private	• The proposal under MOD 3 continues to not comply with the provisions of primary balconies for all apartments. • Due to visual privacy impacts and amenity concerns, only the north-facing units are provided with balconies, which amount to 65% of the apartments. The north-facing apartment provide balconies from 7m² to 18m² in size. • The balance of the units (35%) do not have balconies. However, all south-facing units also have access to either the eastern or western elevation of the building which uses clear glass to enable sufficient amount of solar access. • The balconies provided on the northern elevation are well integrated into the façade and provide high quality articulation of the building through a mix of concrete and metal balustrade balconies.	x

open space must have a minimum area of 15sqm and depth of 3m <i>Design guidance</i> • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building • Primary open space and balconies maximises safety		
4F Common Circulation and Spaces		
<i>Objective</i> • Common circulation spaces achieve good amenity and properly service the number of apartments • Common circulation spaces promote safety and provide for social interaction between residents <i>Design criteria</i> • Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 <i>Design guidance</i> • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents • Longer corridors are articulated	• The proposal continues to comply with the requirements relating to common circulation and spaces. • The Applicant has advised that high quality materials would be used for these busy circulation spaces.	✓
4G Storage		
<i>Objective</i> • Adequate, well designed storage is provided in each apartment • Additional storage is conveniently located, accessible and nominated for individual apartments <i>Design criteria</i> • The following storage is required (with at least 50% located within the apartment): - Studio apartments 4m³ - 1 bedroom apartments 6m³ - 2 bedroom apartments 8m³ - 3 bedroom apartments 10m³	• The additional 12 units proposed in MOD 3 all comply with the ADG storage requirements.	✓

4H Acoustic Privacy and 4J Noise and Pollution*Objective*

- Noise transfer is minimised through the siting of buildings and building layout
- Noise impacts are mitigated within apartments through layout and acoustic treatments
- In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings
- Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission

- The internal layouts of the apartment and the materials used on the external facades continue to ensure acoustic privacy between the towers and adjoining buildings. The proposed GRC blade walls are would minimise noise pollution.

✓

4K Apartment Mix*Objective*

- Provision of a range of apartment types and sizes
- Apartment mix is distributed to suitable locations within the building.

- The total mix of apartments and proposed apartment sizes under MOD 3 are:

Unit	Size	Mix %	No.	Change from MOD 2
Studio	46-49m2	23%	40	> 10%
1-bed	50-51m2	35%	61	> 5%
1-bed + study	67-96m2	7%	12	No change
2-bed	73-87m2	35%	61	> 5%
TOTAL	10,977m2	100%	174	7% increase

- The Department concludes this is an acceptable mix of apartments.
- All south-facing units are 1-bedroom apartments with access to either the eastern or western elevation of the building to improve amenity.

✓

4L Ground Floor Apartments*Objective*

- Street frontage activity is maximised where ground floor apartments are located
- Design of ground floor apartments delivers amenity and safety for residents

- Consistent with the previous approval, no ground floor apartments have been provided. Commercial/retail tenancies continue to occupy the ground floor.

N/A

4M Facades*Objective*

- Building facades provide visual interest along the street while respecting the character of the local area
- Building functions are expressed by the facade

- Changes are most to the façade treatment at all elevations. The building facades continue to respond to the site's restraints, including visual privacy, acoustic impacts, solar access and ventilation through the use of high quality and appropriate building materials.
- The facades are of a high architectural quality, being designed by Angelo Candalepas & Associates.
- The northern façade is highly articulated and presents as a high quality residential development through the use of modern materials and finishes.

✓

4N Roof Design		
<i>Objective</i> • Roof treatments are integrated into the building design and positively respond to the street • Opportunities to use roof space for accommodation and open space is maximised • Roof design includes sustainability features	• The proposal continues to provide a flat concrete roof with a parapet. This is consistent with the current roof structures of the buildings. • An open-air terrace continues to be provided on level 15 for residents of the building.	✓
4O Landscape Design and 4P Planting on Structures		
<i>Objective</i> • Landscape design is viable and sustainable • Landscape design contributes to streetscape and amenity • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) • Plant growth is optimised with appropriate selection and maintenance • Building design includes opportunity for planting on structure	• No changes are proposed to the landscaping plan for the development.	✓
4Q Universal Design		
<i>Objective</i> • Universal design features are included in apartment design to promote flexible housing for all community members • A variety of apartments with adaptable designs are provided • Apartments layouts are flexible and accommodate a range of lifestyle needs <i>Design guidance</i> • Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	• The proposed reconfigurations of the apartments will improve the universal design features and continue to promote flexible housing. • The additional 12 apartments would continue to maintain a variety of apartments. • No other changes proposed would affect the universal design of apartments.	✓
4S Mixed Use		
<i>Objective</i> • Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement • Residential levels are integrated within the development, safety and amenity is maximised.	• Despite the reduction of commercial floor space proposed under MOD 3, retail and commercial uses are still provided on the lower levels of Tower 1 and Tower 2. • The ground floor of Tower 1 provides for a large retail area, with access from Regent Street, Gibbons Street and Lawson Square which would significantly activate Lawson Square and the laneway running between Regent Street and Gibbons Street. Commercial tenancies are also provided on the ground floor and level 1 and 2 of Tower 2.	✓

	• Under MOD 3, bathroom facilities are proposed for all commercial levels which would improve the functionality of the spaces. • The mixed-use character of the building would continue to support the local character of the area and will ensure safety and amenity is maximised.	
4T Awning and Signage		
<i>Objective</i> • Awnings are well located and complement and integrate with the building design • Signage responds to the context and design streetscape character	• No changes are proposed to the awning in the rear laneway.	✓
4U Energy Efficiency		
<i>Objective</i> • Development incorporates passive environmental and solar design • Adequate natural ventilation minimises the need for mechanical ventilation	• An updated BASIX certificate was provided with MOD 3 confirming the proposed development meets or exceeds the targets for thermal comfort, water and energy. • Otherwise no changes are proposed which would affect energy efficiency.	✓
4V Water Management & Conservation		
<i>Objective</i> • Potable water use is minimised • Urban stormwater is treated on site before being discharged to receiving waters • Flood management systems are integrated into the site design	• The Applicant has provided an updated BASIX report with the modification. The proposal complies.	✓
4W Waste Management		
<i>Objective</i> • Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity • Domestic waste is minimised by providing safe and convenient source separation and recycling	• No changes are proposed which would affect waste management of the towers.	✓
4X Building Maintenance		
• Building design detail provides protection from weathering • Systems and access enable ease of maintenance • Material selection reduced ongoing maintenance cost	• The proposed use of concrete and aluminium louvres are robust and low maintenance materials.	✓

APPENDIX C – RECOMMENDED MODIFICATION CONDITIONS
