

ASSESSMENT REPORT

Mixed Use Development – 1 Lawson Square, Redfern SSD 5249 MOD 5

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD 5249) consent for alterations and additions to two existing office buildings to create two 18 storey mixed use buildings at 1 Lawson Square, Redfern (the site).

The application has been lodged by Ethos Urban on behalf of Lawson Square Pty Ltd pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to add roof top terraces to the eastern tower to be used in association with two approved top floor apartments.

2. SUBJECT SITE

The site is known as 1 Lawson Square Redfern and is located in the City of Sydney local government area, approximately three kilometres from the Sydney Central Business District. The site has an area of approximately 1697 sqm. The site is bounded by Lawson Square to the north, Regent Street to the east, Gibbons Street to the west and Redfern Street to the south (refer to **Figure 1**).



Figure 1: The site and surrounding context (Source: Sixmaps)

The site currently includes two 12 storey office towers (refer to **Figure 2**). The original buildings, previously known as the 'TNT Towers', were constructed in the 1970s. Construction of the approved development has commenced.



Figure 2: Construction works being undertaken on the site (Source: Google Streetview)

3. 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 mixed use building with total gross floor area (GFA) of 12,741 sqm. The development included:

- 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.

SSD 5249 has been modified on four occasions as identified in **Table 1**.

Table 1: SSD 5249 Modifications

Modification Number	Modification	Approved
1	Section 96(1A) modification comprising amendments to the building envelope, levels, façade, substation chambers, driveways and entrances and an addition of one apartment increasing the total number of apartments from 156 to 157.	29 October 2015
2	Section 96(1A) modification comprising: • amendments the building envelope, increase in GFA from 12,741 sqm to 12,913 sqm, increasing the number of apartments from 157 to 162 apartments, 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	6 April 2016
3	Section 96(2) modification comprising: • conversion of Levels 3 and 4 of Tower 2 from commercial to residential use • the addition of 12 apartments increasing the total number of apartments from 162 to 174. • amendments to external finishes including privacy screening, louvres and glazing	4 August 2017
4	Section 96(1A) modification comprising internal reconfigurations to both towers to increase the total number of apartments by 7 from 174 to 181 apartments and the GFA by 60sqm to 12,973sqm.	29 January 2018

4. PROPOSED MODIFICATION

On 7 December 2017, the Applicant lodged an application (SDD 5249 MOD 5) seeking approval for the construction of two adjoining private outdoor terrace areas on the rooftop of Tower 2 (the eastern tower).

The terraces would have an area of 78sqm each and would be accessed via internal staircases to the apartments on the level below. They would adjoin and surround the approved rooftop plant area which will occupy the centre and southern part of the roof.

As initially proposed they included a small internal bathroom adjoining the plant room in the centre of the building and a lightweight zinc roof sheeting canopy open on the western, northern, and eastern elevations. The terraces would be set back from the edge of building at variable distances, with plants proposed to be provided in large, glass reinforced concrete pots beyond the balustrade within the setback area

On 13 February 2018, the Applicant submitted amended plans, seeking to amend the design of the roof top terraces including:

- a curvilinear design to the walls and balustrading rather than a rectilinear form as originally proposed
- relocation of proposed bathrooms to the outer edge of the terrace
- addition of a spa to each terrace at the outer edge
- reduction in the minimum setbacks to the building edge
- provision of enclosing walls around the proposed spas and bathrooms on the eastern and western elevations.

The proposed roof over the terraces would have a maximum height consistent with the height of the plant area. The proposed bathrooms and spas result in a minor increase in floor space by 20sqm from 12,973sqm to 12,993sqm.

The proposed terraces, as amended are depicted in **Figures 3 to 6**.

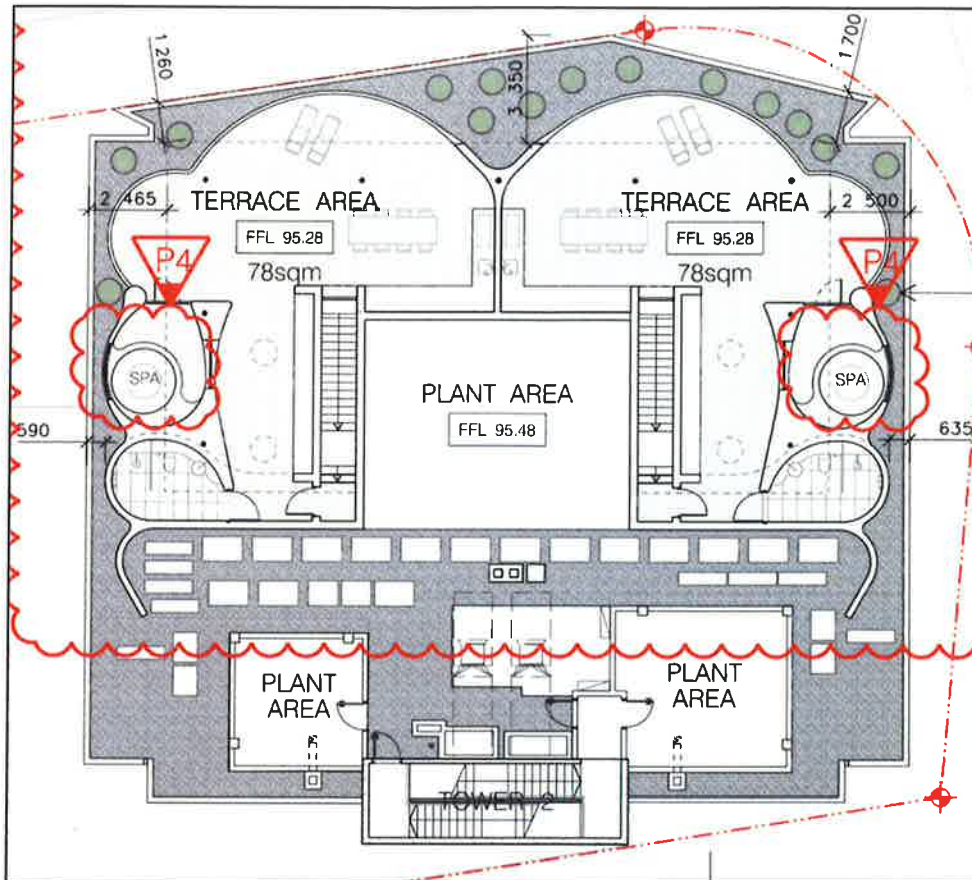


Figure 3: Proposed layout of roof terraces (Source: Amended MOD 5 architectural plans)

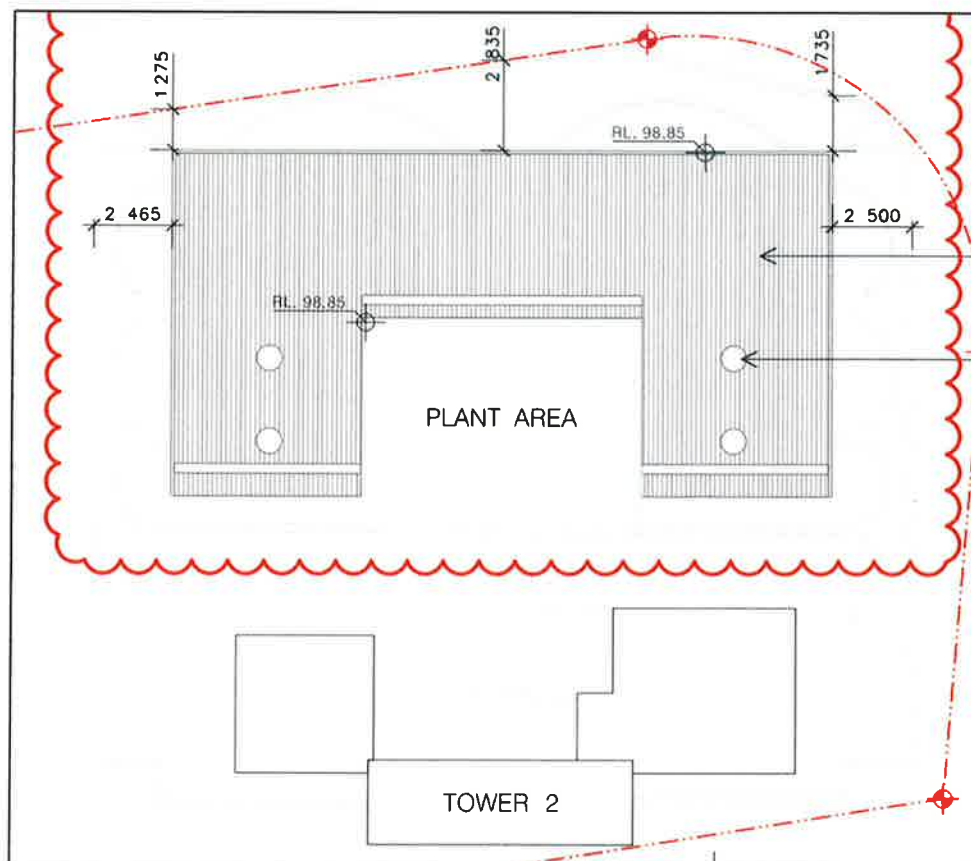


Figure 4: Proposed roof plan (Source: Amended MOD 5 architectural plans)

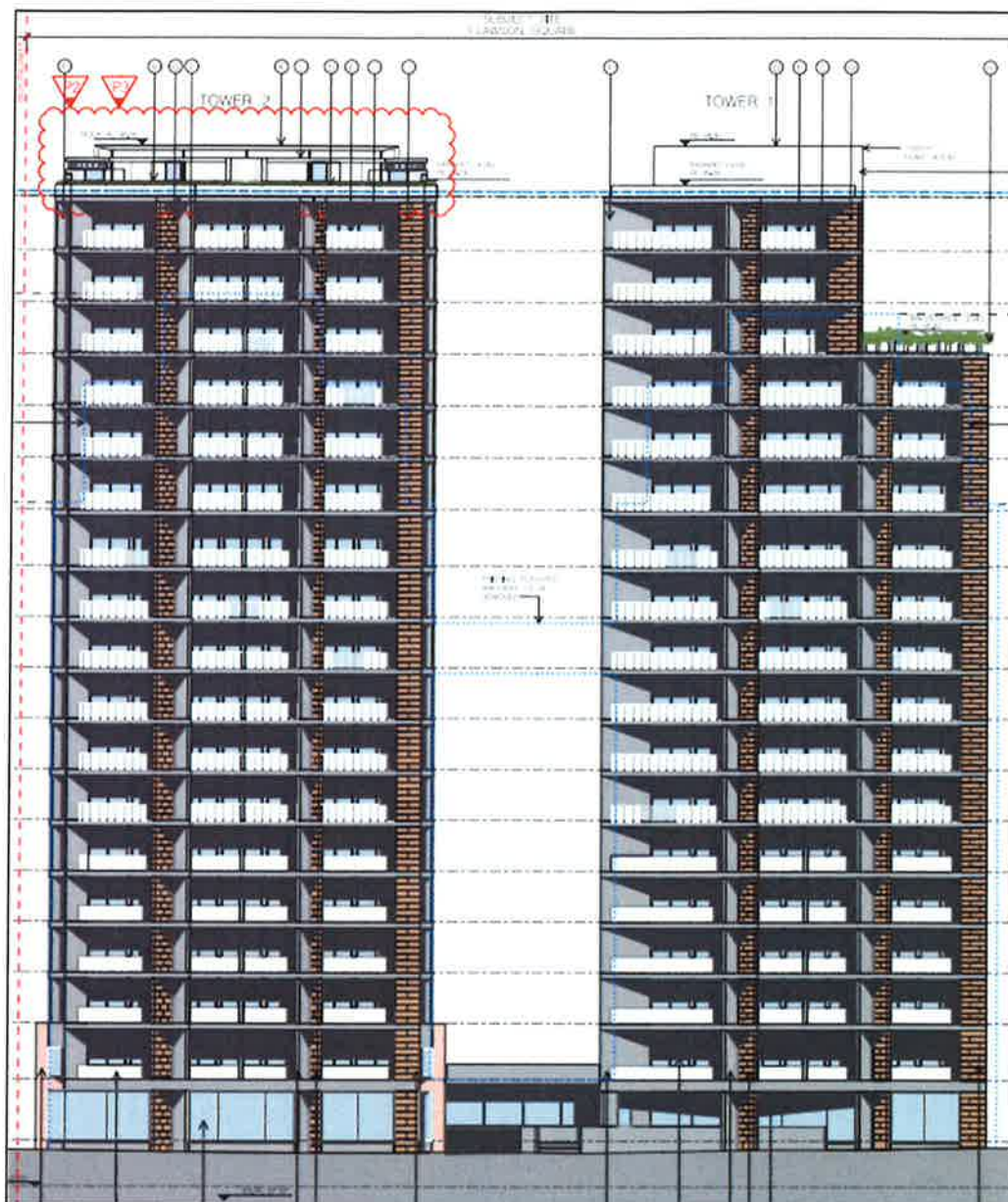


Figure 5: Proposed northern (front) elevation (Source: Amended MOD 5 architectural plans)

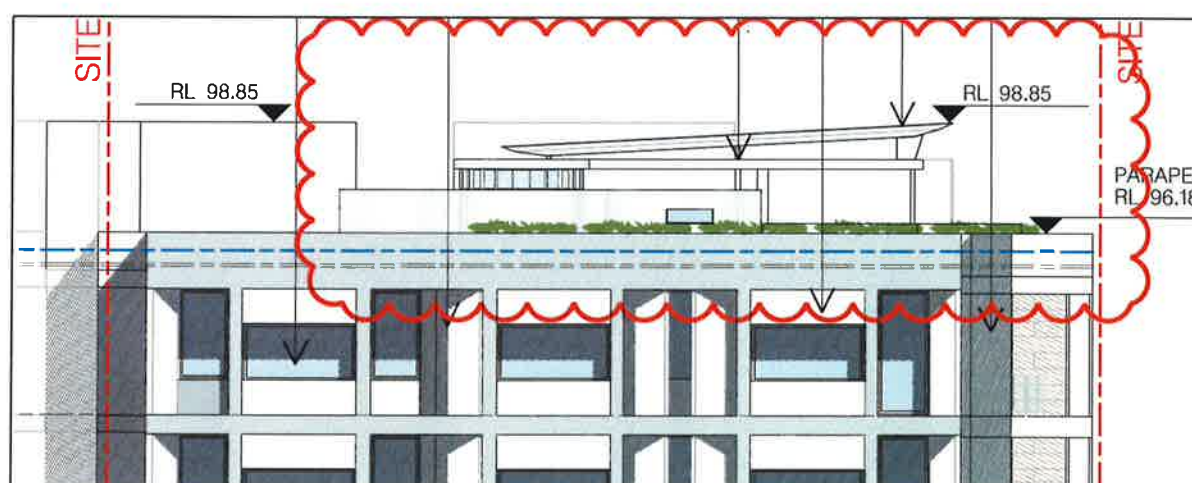


Figure 5: Extract from western elevation (Source: Amended MOD 5 architectural plans)

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 4.55(1A) 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 2: Matters to be satisfied under section 4.55(1A) of the EP&A Act

Section 4.55(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 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.
That 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 only seeks to make minor changes to provide a rooftop terrace for two units. The overall use of the building and number of units remains as approved. The Department considers that as the modifications do not result in increase the maximum height of the building, do not result in any significant changes to the floor space and result in only minor changes to the building envelope and appearance of the building, the modification would result in a development that is substantially the same as the originally approved development.
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 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one informal submission from the City of Sydney of Council. No public submissions were received. Refer to Section 6 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the development:

- 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).

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment.

State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) includes various provisions relevant to the assessment of the modification. These have been considered below in **Section 7**.

The Department has considered the all other above EPIs and is satisfied that the modification does not result in any change to consistency with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments, may determine the application under delegation as:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application as originally lodged was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred City of Sydney Council (Council) and surrounding landowners.

Council advised it would not be making a formal submission on the application however it recommended investigating whether a reduced roof form would reduce overshadowing impacts.

No public submissions were received.

7. ASSESSMENT

The Department has considered the key issues associated with the proposed modification in **Table 3** below:

Table 3: Assessment of issues

Issue	Consideration	Recommendation
Requirements of the SSP SEPP	• The site is listed as a State Significant Precinct under the SSP SEPP, which sets out provisions relating to zoning, floor space, height and design excellence. The Department has assessed the proposal against the relevant controls and notes: ○ the proposed bathrooms and stairwells add 20 m² of additional floor area to the building, resulting in the FSR increasing from 7.65:1 to 7.66:1, continuing to exceed the 7:1 FSR control. ○ the approved building at part 18, part 19 stories in height, exceeds the maximum height controls of 2, 5, and 18 stories which apply to the site. The proposal does not increase the height of the building, however it does increase the size of the structures at the 19th storey level and therefore the extent of the deviation from the height control. • Although the proposal results in additional variations to the building massing controls, the changes are very minor in the context of the entire development. The Department considers the variations are acceptable, providing the objectives of the SSP SEPP are not compromised, and providing the modification does not result in any unreasonable impacts. In this regard, the Department notes: ○ the proposal does not affect compliance with the objectives of the SSP SEPP (noting the SEPP does not include any objectives for the height and floor space controls, and the proposal does not affect consistency with the zone objectives) ○ the building continues to exhibit design excellence and the minor changes to the building massing would not result in any adverse visual impacts in terms of the appearance of the building or the character of the area ○ the modifications would not result in any adverse amenity impacts for neighbouring development or the public domain. • The Department therefore considers the additional variations are acceptable and strict compliance with the controls is not necessary in this case.	No additional comments or amendments necessary
Visual Impacts	• The proposed changes to the roof level would result in a minor increase to the height and scale of the building when viewed from a distance. • The roof canopy would be the most visible aspect. However, it would be a lightweight structure, with a maximum height consistent with the plant rooms, generally open in appearance and setback on average 2.4 m from the building edge. • Apart from the roof canopy, the curvilinear walls around the bathrooms and spas would be visible from some vantage points, predominantly from the east. However the proposed walls would also be setback from the building edge, would be lower in height than the roof canopy and plant rooms and would be constructed of materials to complement the existing building. • The Department considers that as the proposed structures would be set back from the building edge they would not be dominant visual elements, would not detract from the design excellence qualities of the	No additional comments or amendments necessary

	approved building, and would not have any impact for the overall character of the area. - The proposed changes would also improve the architectural quality of the roof level, obscuring views of the approved plantrooms with new curvilinear walls, an architectural roof form and plantings. - The Department therefore considers the proposed structures would make a positive contribution to appearance of the building.	
<i>Shadowing</i>	- The Applicant submitted shadow diagrams to demonstrate the shadowing effects of the proposed modification. - Shadows cast from the proposed roof terrace structures would fall predominantly on to the southern part of the roof of the approved development and for the majority of the day would not affect any adjoining development. - In the mid-late afternoon at midwinter the proposal would result in a nominal amount of additional shadows cast to the west of the site. - Council recommended investigating whether a reduced room form would reduce or eliminate the increased overshadowing effects. - The Department has considered the shadows and notes the area of additional shadow would not be perceptible in the context of shadowing from the approved building and would predominantly be within areas already in shadow from other surrounding buildings. - The shadowing impacts are therefore considered to be negligible and of no consequence, and no amendments to the roof form are required.	No additional comments or amendments necessary
<i>Other amenity considerations</i>	- The Department has considered other potential amenity impacts associated with the proposal and is satisfied it would not result in any additional impacts beyond those previously assessed and approved, noting: - there would be no adverse view loss impacts as all other nearby building are lower than the approved building - there would be no privacy impacts as the terraces are oriented away from adjoining development to the south and setback from the building edge to reduce opportunities for overlooking in other directions - the proposal would not increase the occupancy of the buildings and would therefore not generate any additional traffic or parking demand.	No additional comments or amendments necessary
<i>Developer Contributions</i>	- The site is located within the boundary of the Redfern-Waterloo Authority and as such, the Redfern Waterloo Authority Contributions Plan (RWACP) and the Redfern Waterloo Affordable Housing Contributions Plan (RWAHCP) applies to the site. - The Applicant advises the modification would not increase the cost of development, therefore updating of the contribution payable under the RWACP is not required. - As the proposed apartments result in an increase of 20 sqm of GFA, condition B9 has been updated to reflect the latest contribution payable under the RWAHCP.	The Department has recommended updated contributions in accordance with the RWAHCP.

8. CONCLUSION

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

- it would provide improved amenity and private open space for two of the units in the building
- it would not result in any inconsistencies with the objectives of the SSP SEPP
- it would provide an improved appearance to the roof level of the building, and would not detract from the design of the remainder of the building
- it would not result in any amenity impacts to surrounding premises or the public domain
- it would remain as substantially the same development as originally approved

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

9. RECOMMENDATION

It is recommended that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that part of the application falls within the scope of section 4.55 (1A) of the EP&A Act
- **modify** the consent (SSD 5249)
- **sign** the attached instrument of modification (**Appendix A**).

Recommended by:


21/3/18
Michelle Niles
Senior Planner
Modification Assessments

DECISION

Approved by:


21/3/18
Anthony Witherdin
Director
Modification Assessments
as delegate of the Minister for Planning.

APPENDIX A: MODIFICATION CONSENT

A copy of the notice of modification can be found on Department of Planning and Environment's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8969

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8969