

19 November 2019

218963

Jim Betts
Secretary
Department of Planning, Industry and Environment
320 Pitt Street
Sydney NSW 2000

Modification Application to SSDA 5249-2012 1 Lawson Square, Redfern

This application has been prepared 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) to modify Development Consent SSD 5249-2012 relating to 1 Lawson Square, Redfern (the site).

This application proposes to amend the existing mixed use Tower 1 on the site including minor adjustments to the commercial floorplates, enhancements to apartment layouts on Levels 15 to 18, and the provision of new private open space for Tower 1. The adjacent Tower 2 on the site remains unchanged.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- amended Architectural Plans prepared by Candalepas Associates (**Attachment A**);
- amended SEPP 65 Design Verification Statement by Candalepas Associates (**Attachment B**);
- updated BASIX Certificates, NABERs and ABSA (**Attachment C**).

1.0 Consent proposed to be modified

Development Consent was granted by the NSW Minister for Planning on 18 December 2014 for a State Significant Development Application (SSDA) (5429-2012) for alterations and additions to two (2) existing commercial towers at 1 Lawson Square, Redfern. The approved works are described as:

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

- *Retail and commercial uses at the ground floor of both towers and at levels 1-5 of the western tower;*
- *156 residential units;*
- *Basement car and bicycle parking; and*
- *Public domain works”*

This SSDA consent has been previously modified on a number of occasions, as summarised in **Table 1** below.

Table 1 Summary of modifications to SSDA 5249-2012

Modification No.	Summary	Approval date
MOD 1	Section 96 (1A) modification for the following: • relocation of the commercial tenancy to Tower 2 (eastern tower); • conversion of Levels 1 to 5 in Tower 1 (western tower) to residential; • modification of the elevation to reflect the change in uses; • relocation of the ground floor retail from Tower 2 to Tower 1; and • revised unit numbers and mix.	29 October 2015
MOD 2	Section 96 (1A) modification for the following: • adjustments to the building envelope and levels to retain the existing floorplate; • amendments to the articulation and materiality on the building facades; • minor increase to the total number of units; • modifications to the substation chambers; and • amendments to the driveway and entrances.	6 April 2016
MOD 3	Section 96 (2) modification for the following: • amended privacy screens; • amended glazing treatment to the commercial levels; • conversion of Level 3 and 4 in Tower 2 from commercial to residential use; • minor increase to the total number of units; • minor internal reconfigurations; and • reconfiguration of the mechanical services and plants within the building and on the roof.	4 August 2017
MOD 4	Section 96 (1A) for apartment reconfigurations and apartment mix modifications.	29 January 2018
MOD 5	Section 4.55(1A) modification to add two private rooftop terraces to Tower 2, and make internal modifications to the layouts of apartment numbers T2-17.01 and T2-17.02.	21 March 2018
MOD 6	Section 4.55(1A) modification to install an awning on Redfern Street.	Withdrawn
MOD 7	Section 4.55(1A) modification to reinstate the originally approved commercial uses on Levels 1 to 5 in Tower 1, enlarge the communal balconies across Levels 1 to 5 in Tower 1, and revise the residential unit numbers and mix.	14 November 2019



 The Site

Figure 1 Aerial photo of the site

Source: Nearmap & Ethos Urban

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The following modifications are proposed to the approved development:

- minor internal reconfiguration of the ground floor switchboard room;
- alterations to the glazing for the eastern and western facades of the commercial tenancies between the Ground Floor and Level 2;
- reshaped columns for the lift core associated with the commercial tenancies on Level 1 to Level 5;
- conversion of apartments 15.01, 15.02 and 15.03 in Tower 1 to a single apartment with three bedrooms and a study;
- conversion of apartments 16.02 and 16.03 in Tower 1 to a single apartment with three bedrooms and a study, including a new 19m² balcony on the western façade;
- conversion of apartments 17.01, 17.02, and 17.03 in Tower 1 to a single apartment with three bedrooms and a study, including a new 19m² balcony on the western façade; and
- conversion of the previously inaccessible roof of Tower 1 into a landscaped terrace for apartment 17.01, commensurate with the design and use of the existing rooftop terrace on Tower 2.

The key modifications are discussed further below, and detailed in the revised Architectural Plans prepared by Candalepas Associates and included at **Attachment A**.

Reconfigured apartments

The modification seeks to internally reconfigure apartments on the upper levels of the existing building to provide a greater mix of apartments and address market demands. The new apartments will each be provided with private open space in the form of balconies and a rooftop terrace for the Level 17 residence (discussed further below). No change is proposed to the maximum existing building envelope, GFA, structure or floor levels.

Rooftop terrace

It is proposed to convert the previously inaccessible rooftop of Tower 1 to a new private outdoor terrace for use of the residents of apartment 17.01 (see **Figure 2** and **3**). This rooftop terrace is similar in design and operation as the existing rooftop terrace on Tower 2 and comprises new outdoor seating area with boundary landscaping and a spa. A new privacy screen will be constructed over the rooftop terrace, with a maximum height of 98.85m consistent with the existing rooftop plant and lift overrun that border the terrace to the south.

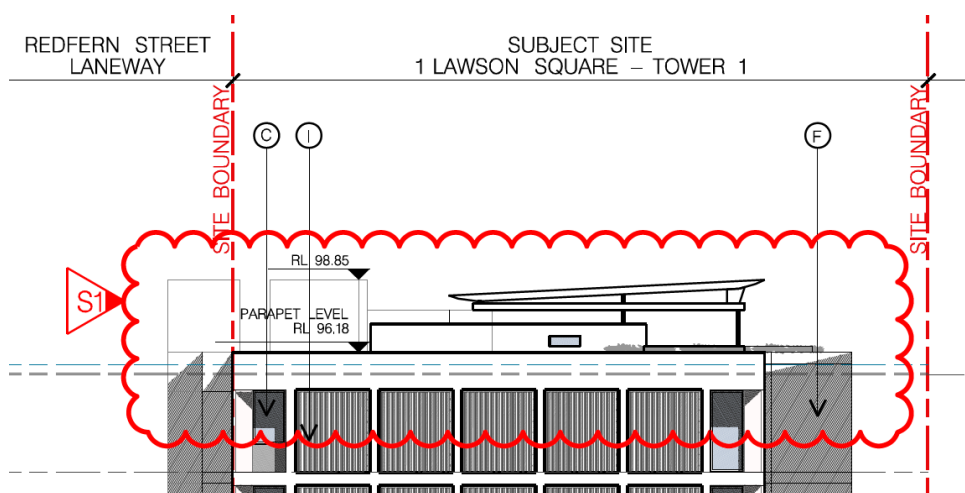


Figure 2 Eastern elevation of the proposed rooftop terrace, including privacy structure

Source: Candalepas Associates

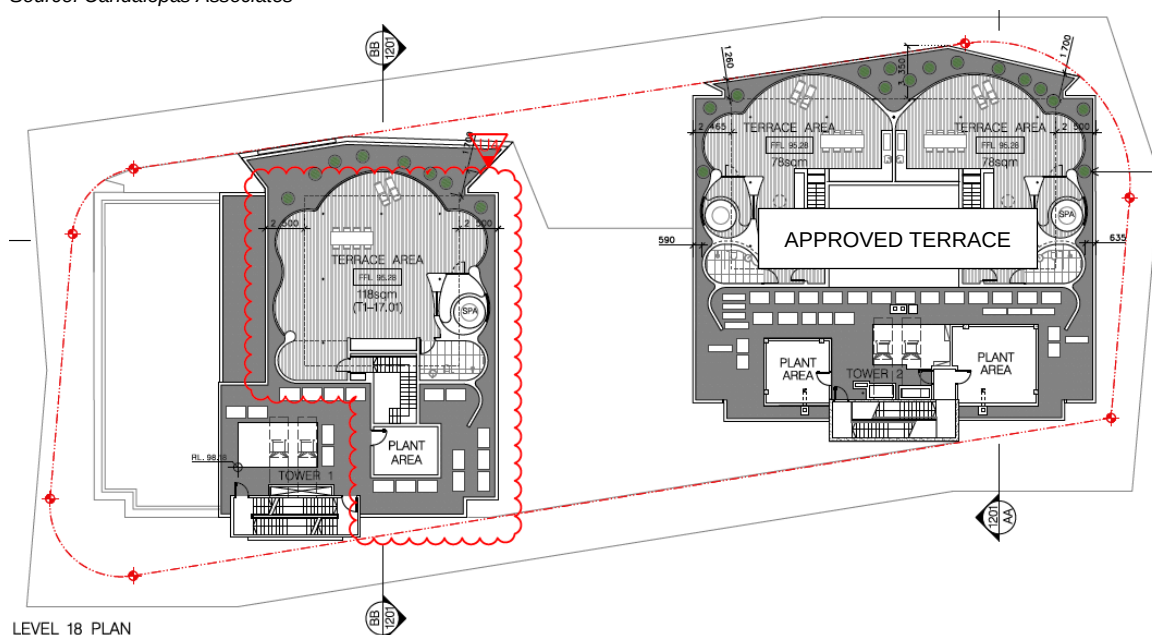


Figure 3 Floor plan of the proposed rooftop terrace

Source: Candalepas Associates

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. The proposed amendments take into consideration the concurrent assessment of Modification 7 to the SSDA, for completeness. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

Development Description

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

- a) Environmental Impact Statement (EIS) prepared by SJB Planning, dated February 2013;
- b) Response to Submissions (RtS) prepared by SJB Planning, dated 12 September 2013 and Revised RtS prepared by SJB planning, dated 14 April 2014;
- c) As amended by the Section 96(1A) Modification prepared by JBA, dated 11 September 2015; and
- d) As amended by the Section 96(1A) Modification prepared by JBA Urban Planning Consultants, dated 7 December 2015, and supporting letters prepared by Candelepapas Associates dated 29 February 2016 and 3 March 2016;
- e) As amended by the Section 96(2) Modification prepared by JBA Urban Planning Consultants dated 16 March 2017 and Attachments; and
- f) As amended by the Section 96(1A) Modification prepared by Ethos Urban dated 26 September 2017 and RtS prepared by Ethos Urban, dated 7 November 2017, with the exception of references to stratum subdivision;
- g) As amended by the Section 96(1A) Modification prepared by Ethos Urban dated 7 December 2018 and amended application prepared by Ethos Urban, dated 3 February 2018;
- h) As amended by the Section 96(1A) Modification prepared by Ethos Urban dated 27 June 2019 and Response to Submissions prepared by Ethos Urban, dated 27 September 2019 and updated Waste Management Plan, prepared by Candelepapas Associates + Wendy Lewin, dated 22 October 2019;
- i) As amended by the Section 4.55(1A) Modification prepared by Ethos Urban dated 19 November 2019 and attachments;**
- i-j) following drawings as set out in the table below, except for:**
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Candelepapas Associates and Wendy Lewin itemised below			
Drawing No.	Issue	Name of Plan	Date
S96-1001	G	Site Context Analysis	09.03.17
S96-1002	G-U	Streetscape Elevation	09.03.17 07.11.19
S96-1101	G	Site Plan	09.03.17
S96-1102	G-U	Basement & Ground Floor Plan	18.09.19 07.11.19
S96-1103	G-U	Level 1 & Level 2 -4 Plans	18.09.19 07.11.19
S96-1104	G-U	Levels 3-5 & Level 6-11 Plans	18.09.19 07.11.19
S96-1105	I	Level 12 & Level 13-14 Plans	09.11.17
S96-1106	I-U	Level 15 & Level 16 Plans	09.11.17 07.11.19
S96-1107	M U	Level 17 & 18 Plans	13.02.18 07.11.19
S96-1108	M U	Roof Plan	13.02.18 07.11.19
S96-1201	M-U	Sections - Sheet 1 Sections AA & BB	18.09.19 07.11.19
S96-1202	M-U	Sections - Sheet 2 Section CC	18.09.19 07.11.19
S96-1301	M-U	Elevations Sheet 1 North Elevation	18.09.19 07.11.19
S96-1302	G-U	Elevations Sheet 2 Tower 1 - East & West Elevations	18.09.19 07.11.19

<i>Architectural Drawings prepared by Candelepapas Associates and Wendy Lewin itemised below</i>			
S96-1303	M	Elevations Sheet 3 Tower 2 - East & West Elevations	13.02.18
S96-1304	M-U	Elevations Sheet 4 South Elevation	13.02.18 07.11.19
S96-1401	M-U	Area Calculations	18.09.19 07.11.19
S96-1501	I-U	Unit Solar Study	18.09.19 07.11.19
S96-1502	M	Solar & Shadow Studies	13.02.18
S96-1503	G	Overshadowing Analysis - Sheet 1	09.03.17
S96-1504	G	Overshadowing Analysis - Sheet 2	09.03.17
S96-1851	R2 U	Waste Management Plan	22.10.19 07.11.19

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

The onus is on the applicant for the modification application to satisfy the Minister that the modified development will be substantially the same (*Seaforth Services Pty Limited v Byron Shire Council (No.2)* (1991) 72 LGRA 44). In general, the threshold test requires the Minister to compare the whole development as consented to and the whole development to which the consent as modified relates.

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

- The proposed alterations do not substantially change the whole or essential character of the approved development. The development as originally approved comprised commercial uses on the ground floor of both buildings, commercial uses on Levels 1 to 5 of Tower 1, and 162 residential units across the two towers. The development as modified will reduce the overall number of apartments within the complex, however, it retains the overall mixed-use character of the approved development including the location of residential and non-residential uses on the site. The overall character of the development remains substantially the same.
- The buildings remain as significant 18 storey mixed use towers adjoining Redfern Railway Station. The modifications do not result in an increase the maximum height of buildings, or alter the approved floor space, and will only result in minor changes to the building envelope and external appearance of the building.
- The qualitatively essential parts of the approved development all remain in intact, including the overall built form and urban design, the impacts on surrounding development, traffic and parking, public domain, and residential amenity.

For the avoidance of doubt, **Table 3** considers the cumulative change of MOD 1 to MOD 7 and this modification against the key parameters of the proposal that were raised during the Department’s assessment of the original development. These considerations have been drawn from the Secretary’s Assessment Report (dated December 2014) and include:

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

- Residential amenity

Table 2 Analysis of additional environmental impacts

Consideration	Comment	Extent of change and impact
Built form and urban design		
Height	Whilst the proposed rooftop terrace will incorporate a shade and privacy structure commensurate with the form of the Tower 2 rooftop, the ultimate height and form of the Tower 1 rooftop is characterised by the existing lift overrun and plant and as such the proposal does not alter either the existing maximum building height or the general form of the building rooftop.	Minimal
Bulk	The proposed modifications are primarily internal and the proposed modifications do not impact the maximum existing building envelope, structure or floor levels. They will not increase the approved gross floor area or substantially alter the approved building envelope.	Minimal
Built form	The proposed modifications retain the approved built form, namely two slender 18 storey towers.	None
Façade treatments	Modifications have been made to the building facades as part of MOD 2 and 3. These modifications significantly improved the internal amenity of the apartments and were assessed as having minimal environmental impacts and without compromising the fundamental architectural integrity of the building facades. The minor modifications proposed do not alter the fundamental structural qualities of the tower or undermine the architectural language or integrity of the façade.	Minimal
Street level interface	The approved modifications retain the active frontages at ground level, and do not propose any changes to the ground floor design of the buildings.	None
Design excellence	The approved and proposed modifications retain the overall built form, architectural design and detailing of the approved development. This is discussed further in Section 6.1 below.	Minimal
Impacts on surrounding development		
Solar access	The modifications proposed as part of this application do not significantly alter the solar access to surrounding buildings or public spaces. The proposed rooftop privacy structure will not alter the maximum building height or the general form of the building rooftop that is characterised by the plant and lift overrun.	None
Privacy	There is no change to the building separation distance to 157-161 Redfern Street. No change is proposed to the approved modifications to openings on the southern façade of Tower 2.	None
View impacts	As discussed, whilst the proposed rooftop terrace will incorporate a shade and privacy structure commensurate with the form of the Tower 2 rooftop, the ultimate height and form of the Tower 1 rooftop is characterised by the existing lift overrun and plant and as such the proposal does not alter the ultimate height or form of the building rooftop or view sharing through the site. The proposed modifications do not result in any adverse visual impacts, as discussed further in Section 4.0 below.	None
Traffic and parking		
Car parking	There is no change to the approved car parking, or the overall capacity of the site. The site is located immediately adjacent to Redfern Railway Station which provides high frequency connections to the greater Sydney Metropolitan Area.	None
Servicing	No change is proposed to the overall capacity of the site, which remains appropriately serviced.	None
Traffic	As there is no change to the approved car parking, there will be no alterations to the impact of the development on the surrounding road network as a result of the proposed modifications.	None
Bicycle parking and facilities	6 additional bike spaces for residents were approved under MOD 3. The proposed modifications do not seek to increase the capacity of the site and as such the approved parking facilities remain appropriate.	None
Public domain		
Public domain	Modifications were approved to the public domain under MOD 1, and were assessed to have a minimal impact by the Department. No change is proposed to the public domain treatments.	None

Consideration	Comment	Extent of change and impact
Residential amenity		
Solar access	The proposed modifications will result in 73% of apartments receiving 2 hours solar access in mid-winter. This is a minor reduction to the originally approved 79%, and a minor increase (1%) from the MOD 7 scheme. The development as proposed to be modified will still exceed the minimum ADG requirement of 70%.	Minimal
Natural ventilation	The proposed reduction in apartments has resulted in a minor reduction in the percentage of apartments that receive natural ventilation. The development as proposed to be modified will still exceed the minimum ADG requirement with over 60% of apartments still to receive natural cross ventilation.	Minimal
Building depth	No change is proposed to the depth of the buildings.	None
Building separation	No change is proposed to the proposed building separation.	None
Communal open space	Whilst no change is proposed to the extent of communal open space, the proposed modifications will provide additional private open space in the form of a rooftop terrace and new balconies for apartments 16.01 and 17.01. The terrace and balconies will create additional amenity for the future occupants of the building.	None
Storage	The approved modifications include ample space for residents to store their belongings.	None
Wind impacts	The proposed modifications are minor and will not significantly alter the existing pedestrian environmental wind conditions created by the proposed development, or the wind amelioration measures that were recommended for Tower 1.	None

Table 3 demonstrates that the cumulative modifications will result in a development that remains substantially the same as that originally approved.

Further, the proposed modifications will have minimal environmental impacts beyond those originally considered by the Department during their assessment of SSD 5249. It is, therefore, our view that the likely cumulative impacts of the proposed modifications when compared to the original development remain minimal and that the proposed MOD 8 falls within the scope of section 4.55 (1A), which is explored further below.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with statutory plans

The proposed minor modifications do not affect the developments compliance with the relevant environmental planning instruments, as demonstrated in the table below.

Table 3 Compliance with the relevant environmental planning instruments

Instrument	Comment
State legislation	
<i>State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP SSP)</i>	The site is located within the Commercial Core Business Zone. The proposal does not seek to modify the mix of uses for Tower 1.

Instrument	Comment
Clause 7 - Land use zones Clause 9 – Business zone – commercial core	The modified development also remains consistent with, and does not impact the original developments achievement of, the objectives of this zone: • The proposal will continue to make a positive contribution to the upgrading of the town centre through improved building stock and the enhanced functionality and amenity of the building stock. • The proposal supports the improved office, retail and community (police station) floor space delivered by this development, which better suits the contemporary needs of businesses. • The proposal supports the provision of high-amenity residential development that remains compatible with the non-residential development. • The site is ideally suited for maximising public transport patronage given its location immediately adjacent to a major public transport hub. No change is proposed to the approved provision. • The proposal does not undermine the improvements to the public domain and the vitality and safety of the Redfern Street laneway. • The modified development continues to complement the scale and form of adjoining development with a unique contemporary appearance which is suitable to its prominent and landmark location. • The modified development does not impact the landscaping surrounding the site that was improved under the original proposal, and further will contribute to additional rooftop landscaping.
21 – Height, floor space ratio, and gross floor area restrictions	The proposed development does not alter the approved buildings compliance with the maximum building height, floor space ratio, and gross floor area controls, as detailed in the revised plans provided at Attachment A.
22 – Design excellence	Under this provision, consent is not to be granted to a new building or external alterations unless the consent authority has considered whether the proposal exhibits design excellence. Having regard to the matters of consideration for design excellence under this provision, the proposed development is considered to benefit the design excellence of the existing development as follows: • the proposed modifications are primarily internal and as such do not significantly alter of architectural design, materials, and detailing of the approved buildings, with all proposed external changes considered to be minor and appropriate for the building type and location (refer to the discussion in the following sections); • the form and external appearance of the building does not significantly change as a result of the proposed modifications, which are primarily internal and have been designed to integrate with the features of the approved building; and • the detailed design and operation of the building will continue to have regard to the sustainability commitments of the approved building. It is also noted that the proposed design changes have been formulated by Candalepas Associates, being the design architect of the original development, ensuring their continued direct involvement in the design documentation and design integrity of the building.
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
<i>State Environmental Planning Policy 65 (Design Quality of Residential Flat Development)</i>	The Statement provided at Attachment B demonstrates that the modified residential development will remain consistent with the design quality principles in SEPP 65. This is discussed further in the sections below.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The proposed modification does not constitute any change to on-site car parking or the extent of site excavation, and as such the proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
<i>State Environmental Planning Policy (Urban Renewal) 2010</i>	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP. The proposed modification does not affect the amalgamation of land and does not impact surrounding infrastructure, facilities or public transport.
<i>State Environmental Planning Policy (BASIX) 2004</i>	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP. Updated BASIX Certificates are provided at Attachment C.

Instrument	Comment
<i>State Environmental Planning Policy 55 (Remediation of Land)</i>	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP. No change of use is proposed as part of this modification.
Local legislation	
Sydney LEP & DCP 2012	The site is located within the Redfern Waterloo Authority State Significant Precinct, which is subject to the <i>State Environmental Planning Policy (State Significant Precincts) 2005</i>. This SEPP is the main planning instrument controlling development on this site. The provisions of the <i>Sydney Local Environment Plan 2012</i> (Sydney LEP 2012) and <i>Sydney Development Control Plan 2012</i> (Sydney DCP 2012) do not apply in this instance. For clarity, Clause 3 of Part 5 of Schedule 3 of the SEPP addresses the relationship between the instrument and other environmental planning instruments. It provides that: <i>"All other environmental planning instruments do not apply to the Redfern–Waterloo Authority Sites, except for other State environmental planning policies."</i>

4.2 Built form and urban design

Height, bulk and form

The proposed modifications are primarily internal, and seek to enhance the overall functionality of the building without significantly impacting the overall built form. The only proposed changes to the overall height, bulk and form of Tower 1 is the proposed rooftop terrace and balconies for apartments 16.01 and 17.01. These minor additions are designed to sensitively integrate with the existing form and detailing of the building, and to result in a building that is commensurate with the approved form of Tower 2.

Materials and finishes

All new built form elements including the new rooftop terrace, balconies, and glazing for the commercial tenancy will utilise the existing pallet of materials and finishes documented on the approved plans, ensuring there is no change to the overall aesthetic or architectural detailing of the towers.

4.3 Impacts on surrounding development

Overshadowing

No change is proposed to the overall massing or maximum building height of Tower 1. The proposed rooftop addition is setback from the edges of the building rooftop, does alter the existing maximum height of the building, and is primarily screened by the existing rooftop plant and lift overrun on the southern edge of the rooftop. The proposed new balconies for apartments 16.01 and 17.01 is also screened by the building core to the south. The extent of change is, therefore, considered to be minor and will not give rise to any significant additional overshadowing.

Views

The proposed modifications will also not adversely impact view sharing. The proposed rooftop privacy structure will not be taller than above the existing rooftop plant and lift overrun and is substantially screened by these existing rooftop elements. The privacy structure will extend slightly to the east of the plant/overrun, however, it will not adversely impact view sharing from development to the south at 157-161 Redfern Street, Redfern. In this regard, the view analysis completed as part of the SSDA for the Lawson Square Towers (9259-2012) has been reviewed, which demonstrates that the privacy structure will only potentially obscure a small proportion of sky and not any existing or iconic views (see **Figure 4** below). The overall extent of change will be minor.

It is also noted that the proposed changes to the Tower 1 roof may improve wider views of the development. The modification will convert the previously inaccessible building rooftop to a high-quality landscaped terrace, enhancing the visual qualities of the building in local and regional views. The new rooftop terrace contributes to a more resolved architectural form and better integrates the otherwise isolated rooftop plant and services that sit like a 'top-hat' above the roofline.

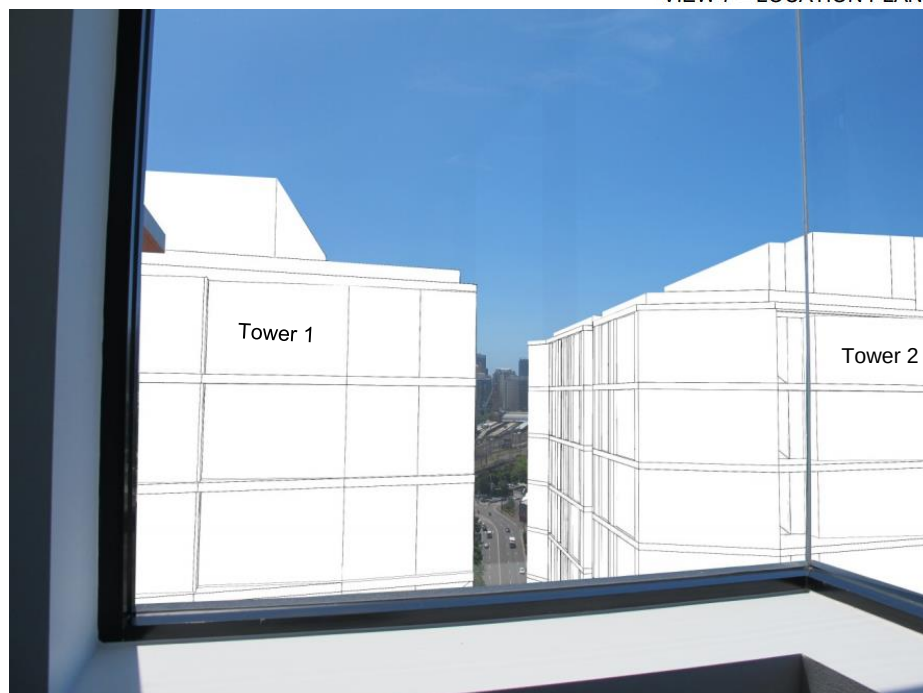
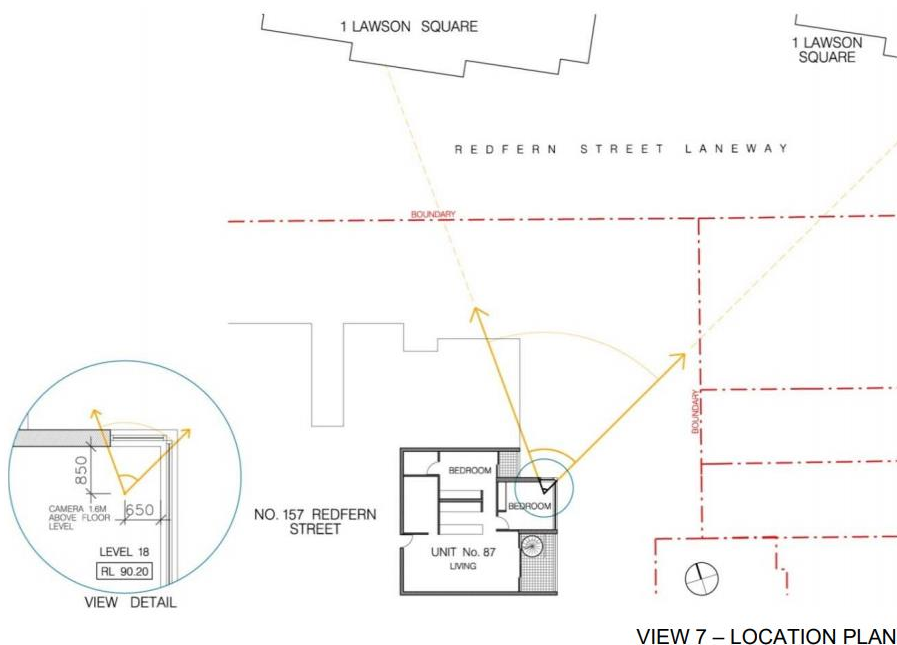


Figure 4 View analysis of a bedroom looking at the eastern side of Tower 1 on Level 18

Source: SSDA 9258 (2012)

Privacy

The proposed modifications will not reduce the privacy of surrounding residences, as:

- No change is proposed to the existing separation distance to Tower 2 or surrounding development.
- No change is proposed to the location or extent of glazing on the southern façade of the building.

- The new balconies proposed for apartments 16.01 and 17.01 is screened by the existing building core and architectural blade walls, ensuring there is no opportunity to overlook residences to the south.
- The rooftop terrace is setback from the building edges, incorporates planting at the edges and a privacy screen to successfully obscure views to and from surrounding residences. The existing building rooftop plant and lift overrun on the southern edge of the roof largely screens the terrace and further limits any available views.
- Aluminium privacy louvres will continue to be used on the western façade of Tower 1 where the upper level apartments have been reconfigured, preventing overlooking between Tower 1 and Tower 2.

Acoustic privacy

The proposed modifications will not adversely impact the acoustic privacy of surrounding residences. The new open space created by this modification is in the form of private open space, which will not be accessible to the general public or to other residences as a communal space. Accordingly, these private open space areas will be subject to the standard neighbourhood noise laws under the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

4.4 Residential amenity

The proposed modifications to the upper level apartments within Tower 1 will improve residential amenity:

- The overall proportion of apartments that receive a minimum 2 hours of direct sunlight has been marginally increased from MOD 7 to 73%. The amalgamation of select upper level apartments within Tower 1 will improve solar access through removing three (3) south facing apartments. The resultant larger, dual-facing apartments each receive a minimum 2 hours of direct sunlight between 9am and 3pm.
- The overall proportion of buildings which are naturally ventilated has also remains above 60%. Each of the amalgamated apartments are cross ventilated, creating improved amenity for the dwellings being provided on the site.
- Access to open space has been significantly improved as a result of the proposed changes. The amalgamation of select upper level apartments and the provision of a new private balconies and rooftop terrace ensures each of the apartments between Level 15 and 18 have access to suitable private open space.
- The revised apartments will incorporate adequate storage for future residents in accordance with the relevant standards.
- The mix of dwellings has also been improved through the amalgamation of one bedroom apartments to form larger two and three bedroom apartments, providing for a more even mix of dwellings on the site and contributing to overall housing diversity and choice in the area.

4.5 Traffic and parking

Parking

No change is proposed to land uses within the towers or the maximum capacity of these towers, and as such no additional on-site parking is proposed. As the modification seeks to reduce the overall number of apartments on the site, it is reasonable to assume that the demand for parking will also reduce. It was also noted in the original assessment of the development that it is appropriate to limit parking for residential uses on the site given the buildings' proximity to a major railway station with excellent public transport access and the objectives of Council to reduce parking, traffic, and a reliance of private vehicles in the Local Government Area.

Traffic

As the proposed modification will not amend the approved parking for the development or land uses, and does not seek to intensify the capacity of the approved buildings, the proposed amendments will not generate any additional traffic or impact on the operation of the surrounding road network.

Servicing

No changes are proposed or warranted to the approved servicing arrangements for the buildings and the residential apartments, as approved under MOD 7.

4.6 Sustainability

The proposed modification is accompanied by updated BASIX Certificates, NABERs and ABSA (**Attachment C**) confirming the achievement of the relevant requirements.

4.7 Reasons given for granting consent

The proposed modification does not affect the reasons given for the granting of the original consent, which include:

- The architectural design quality of the building is of a high standard and the building will have landmark qualities.
- Impacts on amenity including view loss and overshadowing are reasonable and similar to any impacts that would arise from a building form designed as envisaged by the controls. The level of impact is also reasonable within a high density urban environment and adjoining development will retain a reasonable level of amenity regardless of development.
- The proposal will result in a substantive improvement to the public domain, particularly the pedestrian environment of the Redfern Street laneway.
- Residential amenity, traffic, parking and bicycle parking have been carefully considered and can be satisfactorily addressed.
- The site is well placed for the density, given its location in proximity to public transport, retail services and employment opportunities.
- The development will strengthen the role of Redfern as a vibrant centre to work and live, and will revitalise this iconic entrance point to the centre.

5.0 Conclusion

The proposed modifications to Tower 1 proposes to seek to improve the functionality and amenity of the building, whilst retaining the overall architectural and practical qualities of the building. The modifications will make minor adjustments to the commercial floorplates, enhance the layout of apartments on Levels 15 to 18, and provide new private open space for Tower 1. The adjacent Tower 2 remains unchanged.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- is substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Anna Nowland
Senior Urbanist



Jim Murray
Associate Director