



Mixed Use Development, 1 Lawson Square, Redfern

*Section 4.55 (1A)
Modification
Assessment
(SSD 5249 MOD 8)*

February 2020

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Glossary

Abbreviation	Definition
Applicant	Lawson Square Pty Ltd
Council	City of Sydney Council
Department	Department of Planning Industry and Environment
DCP	Development Control Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSP SEPP	State Environmental Planning Policy (State Significant Precincts) 2005



1. Introduction

1.1 Background

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

The modification request seeks approval for changes to Tower 1 to:

- amend the lift core columns associated with commercial tenancies on levels 1-5
- amend the fenestration and glazing of the commercial tenancies on Ground and level 1
- reconfigure five 1 bedroom and three 2 bedroom units to create three 3 bedroom units over Levels 15 to 17
- create balconies attached to the new 3 bedroom units on Levels 16 and 17
- create a roof terrace at level 18 for use of the 3 bedroom unit on level 17.

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

1.2 Subject site

The site 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 square metres (m²). The site is bound by Lawson Square to the north, Regent Street to the east, Gibbons Street to the west and Redfern Street to the south (**Figure 1**).

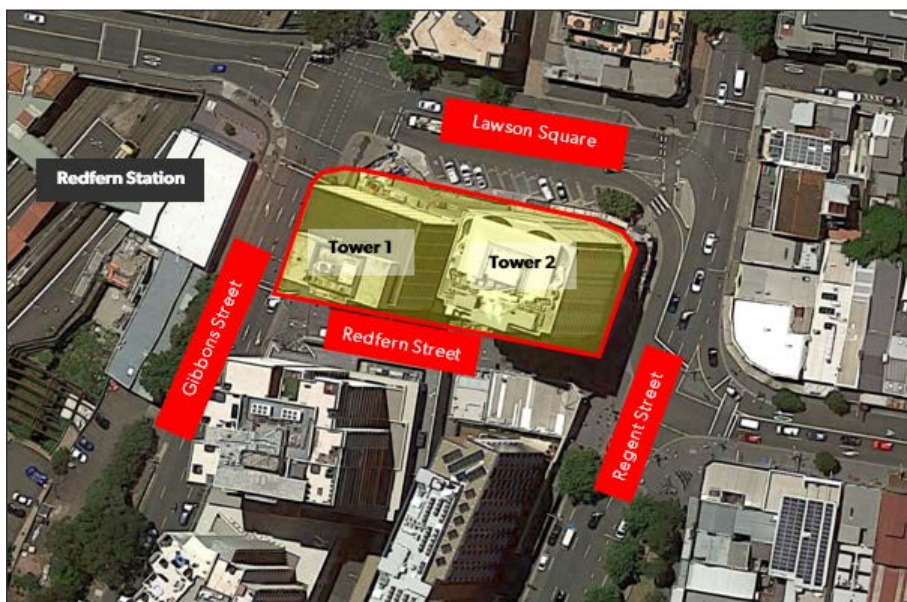


Figure 1 | Aerial view of the site and locality (Base source: Google Maps)

The site was previously occupied by two 12 storey office towers. One of the towers (Tower 2) has been converted to an 18 storey mixed use tower in accordance with the development consent (**Section 1.3**) and is now occupied. Tower 1 is yet to be developed.

1.3 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 buildings.

The development consent has been modified six times as outlined in **Table 1**. The development as modified comprises:

- retail and commercial uses at the ground and first floor of both towers and at levels 1 – 5 of the Tower 1
- 151 residential apartments
- basement car and bicycle parking
- public domain works.

Table 1 – Modifications to the Development Consent

Reference	Description of Modification	Status
SSD 5249 MOD 1	Section 96(1A) modification comprising <ul style="list-style-type: none"> • amendments to the ground floor retail and commercial uses • relocation of commercial and residential uses at Levels 1-5 • associated amendments to the elevations • associated amendments to the floor space mix, unit numbers and unit mix. 	Approved 29/10/2015
SSD 5249 MOD 2	Section 96(1A) modification comprising: <ul style="list-style-type: none"> • amendments to the building envelope, increase in GFA from 12,741 sqm to 12,913 sqm, increase apartments from 156 to 162, internal and balcony reconfigurations • minor changes to the ground floor level including relocation of an existing substation, amendments to pedestrian and driveway access • addition of privacy screening between the towers 	Approved 06/04/2016
SSD 5249 MOD 3	Section 96(2) modification comprising: <ul style="list-style-type: none"> • conversion of Levels 3 and 4 of Tower 2 from commercial to residential use • addition of 12 apartments increasing the total number of apartments from 162 to 174 • amendments of external finishes including privacy screening, louvres and glazing 	Approved 04/08/2017
SSD 5249 MOD 4	Section 96(1A) modification comprising internal reconfigurations to both towers increasing the total number of apartments from 174 to 181 and the	Approved 29/01/2018

GFA by 60sqm to 12,973sqm.

SSD 5249 MOD 5	Section 4.55 (1A) modification comprising amendments to Tower 2 to create two roof terraces and increase the total gross floor area by 20 sqm to 12,993 sqm.	Approved 21/03/2018
SSD 5249 MOD 6	Section 4.55 (1A) modification comprising minor exterior amendments.	Withdrawn
SSD 5249 MOD 7	Section 4.55 (1A) modification comprising: <ul style="list-style-type: none">• conversion of levels to 1 to 5 in Tower 1 from residential to commercial use reducing the total number of apartments from 181 to 151• enlarge balconies on Levels 1 to 5	Approved 14/11/2019



2. Proposed Modification

On 27 June 2019, the Applicant lodged a modification request (SSD 5249 MOD 8) seeking approval to modify Tower 1 as follows:

- amend the lift core columns associated with commercial tenancies on levels 1-5 (**Figure 2**)
- amend the glazing on the eastern and western facades of commercial tenancies on Ground and Level 1 (**Figure 4**)
- reconfigure five 1 bedroom and three 2 bedroom units to create three 3 bedroom units over Levels 15 to 17
- create balconies attached to the new 3 bedroom units on Levels 16 and 17
- create a roof terrace at level 18 for use of the 3 bedroom unit on level 17 (**Figure 3 and 5**).

The proposed changes are summarised in **Table 2**.

Table 2 – Comparison of original approval, existing approval and proposed modification

Description	Original SSD Approval	Approval as currently modified	Proposal
GFA	12,741m ² : • 2,984 m ² commercial (23%) • 9,757 m ² residential (77%)	12,993m ² : • 3,721 m ² commercial (29%) • 9,272 m ² residential (71%)	12,993m ² (No change) • 3,654 m ² commercial (28%) (-67m ²) • 9,339 m ² residential (72%) (+67m ²)
No of Units	156	151	146 (-5)
Unit Mix (%)	Studio: 22% 1 Bedroom 43% 2 Bedroom 35% 3 Bedroom 0%	Studio 31% 1 Bedroom 35% 2 Bedroom 33% 3 Bedroom 1%	Studio 31% 1 Bedroom 34% 2 Bedroom 32% 3 Bedroom 3%

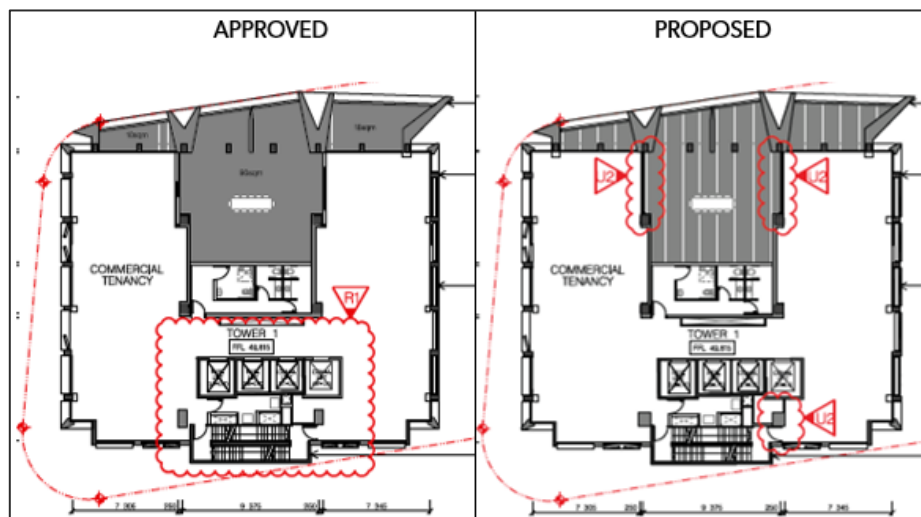


Figure 2 | Revised lift core arrangement over Levels 3-5 (Base source: Approved Plans MOD 7 and Applicant's Modification Report).



Figure 3 | North Elevation showing proposed roof terrace and balconies (Base source: Approved Plans MOD 7 and Applicant's Modification Report).

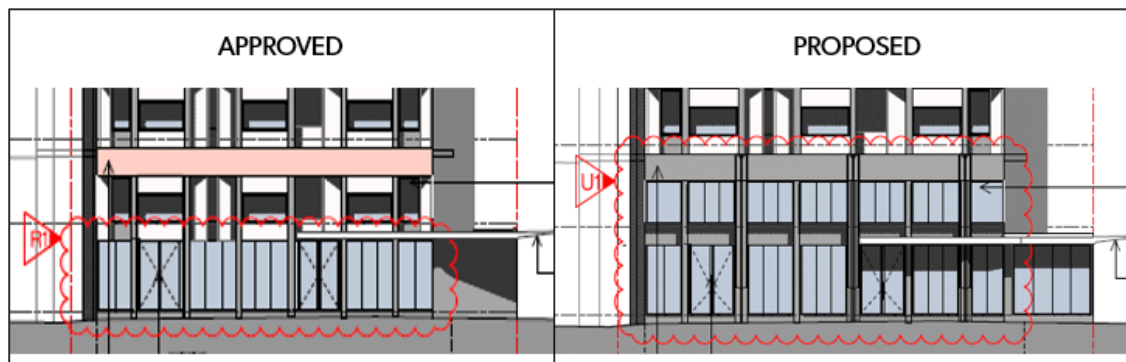


Figure 4 | Revised fenestration and glazing to the west elevation at Ground and Level 1 (Base source: Approved Plans MOD 7 and Applicant's Modification Report).

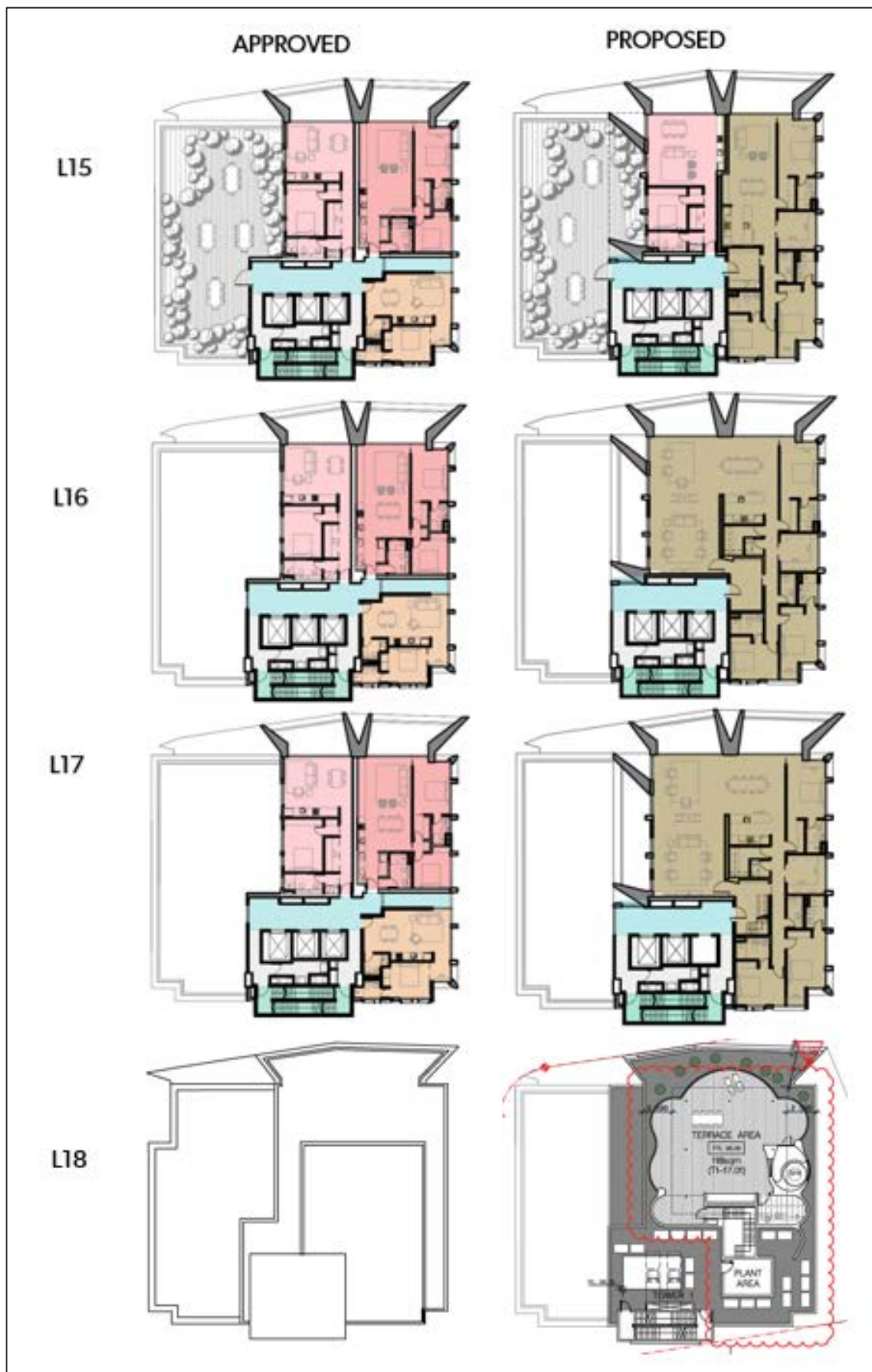


Figure 5 | Reconfigured units, new balconies and roof terrace (Base source: Approved Plans MOD4 and Architectural Plans).



3. Statutory Context

3.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts. The matters for consideration under section 4.55(1A) of the EPA&A Act that apply to the modification of the project approval have been considered in **Table 3**.

Table 3 – Section 4.55 (1A) Modification involving minimal environmental impact

Section 4.55 (1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the modification is of minimal environmental impact.
b) 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), and	The proposed modification includes minor amendments to the unit mix, inclusion of a roof terrace and balconies and façade changes to reflect the approved arrangement of Tower 2. The proposed changes would not result any additional impacts on the surrounding area and would not materially change the overall character of the approved development as two 18 storey mixed use towers. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification has been notified in accordance with the regulations. Details of the notification are provided in Section 4 of this report.
d) any submissions made concerning the proposed modification have been considered	No submissions were received.

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- 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 has considered the proposed modification against the above-mentioned EPIs in its original assessment and previous modification assessments. The Department considers the

modification does not result in any significant changes that would alter the conclusions made as part of the original assessment.

3.3 Approval Authority

The Minister for Planning and Public Spaces is the approval authority for the modification request. In accordance with the Minister's delegation, the request may be determined by the Director, Key Sites Assessments 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.



4. Engagement

4.1 Department's Engagement

In accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the modification application was not required to be publicly notified or advertised. However, it was made publicly available on the Department's website on 23 September 2019, and the Department notified City of Sydney Council (Council) and landowners in writing, with a request for comments by 31 January 2020.

Council advised it had no comments on the application and no public submissions were received.



5. Assessment

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

- the modification and associated documents (**Appendix A**)
- the Environmental Assessment and conditions of approval for the original project (as modified)
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues associated with the proposal are:

- external changes
- residential amenity

5.1 External changes

The proposed modification will result in only very minor changes to the appearance of Tower 1 including:

- the creation of balconies at level 16- 17
- the creation of a private roof terrace including shade structure and privacy screen at level 18
- extending the fenestration and facing materials of the commercial tenancies at Ground floor level to level 1.

The Department considers that the proposed modifications are acceptable, and the development would continue to exhibit design excellence as:

- the roof terrace, lightweight shade structure and privacy screen to Level 18 would match the approved height, layout and materiality of the adjacent roof terrace on Tower 2, approved under MOD 4
- the proposed new roof structures have a maximum height of RL 98.85 consistent with the approved rooftop plant which was considered acceptable in the assessment of the original development application
- the roof structure is setback 2.5 m to 3.725 m from the northern, eastern and western elevations and would be screened by the approved plant, stair and lift overrun so as not to be readily visible from the public realm
- the proposed balconies are discreetly located, inset between the lift core and north facing balconies and are in keeping with the design of the approved building
- the changes to fenestration at ground and first-floor level would match the approved commercial façade of Tower 2 and be in keeping with the design intent of the overall development.

The Department further considers that the proposed changes would not have a detrimental impact on neighbouring amenity as:

- the additional roof structures are setback from the edges of the building and would be screened to the south by the approved rooftop plant and lift overrun and would not result in additional overshadowing or effect existing views from neighbouring residential apartments to the south
- the roof terrace is orientated away from adjoining residential apartments to the south and setback from the building edge, reducing opportunities for overlooking in other directions
- the roof terrace is for the private use of a single apartment and would be screened to the south by the approved roof plant and would therefore not result in increased noise or disturbance to neighbouring residents
- the proposed balconies are screened by the building core to the south preventing overlooking to neighboring apartments.

The Department is therefore satisfied the proposed external changes are acceptable as the proposal would continue to exhibit design excellence and would not result in any significant visual or amenity impacts.

5.2 Residential Amenity

The Department has considered the proposed reconfiguration of apartments against SEPP 65 and the Apartment Design Guide.

The project architect has also provided a design verification statement including a detailed assessment of the proposal against SEPP 65 and the provisions of the Apartment Design Guide (ADG) demonstrating that the modification remains consistent with SEPP 65 and the ADG.

The Department considers the proposed reconfiguration is acceptable and will result in a high level of residential amenity as:

- the proposed 3 bedroom units would be cross ventilated and exceed the minimum floor space, private open space size and solar access recommendations of the ADG and contain adequate storage
- the overall development continues to meet the solar access and ventilation recommendations within the ADG, with 72% of apartments continuing to receive 2 hours solar access in mid-winter and over 60% of apartments benefiting from cross ventilation.

The Department is therefore satisfied the proposal would continue to provide a high level of amenity for future residents.



6. Evaluation

The Department has assessed the proposed modification 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 as:

- it would not harm the character or appearance of the approved building and the development overall would continue to exhibit design excellence
- it would not result in any significant amenity impacts to surrounding residents or the public domain
- the amended apartments would provide an acceptable level of internal amenity in accordance with the requirements of the ADG
- it is substantially the same development as the approved development and would not result in any adverse environmental impacts.

The Department's assessment therefore concludes the modification application is approvable, subject to the recommended conditions (outlined in **Appendix B**). This assessment report is hereby presented to the Director Key Sites Assessments for determination.

Recommended by:

David Glasgow
Principal Planner
Key Sites Assessments

Recommended by:

Amy Watson
Team Leader
Key Sites Assessments



7. *Determination*

The recommendation is: **Adopted** by:

Anthony Witherdin

Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces.



Appendices

Appendix A – Relevant Supporting Information

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

- Modification application

<https://www.planningportal.nsw.gov.au/major-projects/project/25891>

Appendix B – Recommended Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/25891>