



Town Planning Report

Modification of Major Project Approval
No.08_0112

7-9 Gibbons Street
REDFERN

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1.0 Introduction

Major Project Approval No.08_0112 was issued on 22 October 2010 by the Minister for Planning for the construction of an 18 storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments as described in Condition A1, Part A of Schedule 2 of the approval.

A review of the development has indicated that it should be modified:

- to produce a more desirable environment for the prospective residents of the apartments;
- to more adequately meet local housing market requirements; and
- to rationalise construction costs.

It is proposed to facilitate the modifications by:

- reducing the total number of apartments on the site from one hundred and forty-nine (149) to one hundred and thirty-five (135);
- largely maintaining the approved footprint of the building, while maintaining the approved floor space ratio; and
- rationalising the basement car parking layout from eight (8) levels to six (6) levels.

In addition, the modifications proposed are to make minor design refinements to the building to improve its functioning.

Design rationalisation will result in the estimated cost of development reducing from \$39,097,226 to \$35,156,050.

A construction cost estimate is to be submitted with the application.

The application proposes to modify the following conditions of Major Project Approval No.08_0112, under the terms of Section 75W of the *Environmental Planning and Assessment Act 1979*:

- Condition A2, to facilitate the proposed design modifications; and
- Condition A6, relating to development contributions and the estimated cost of development.

This report:

- examines the issues associated with the proposed modifications;
- analyses the impact of the proposed modifications in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

2.0 Site Details

2.1 The Site

The land known as 7-9 Gibbons Street, Redfern, is situated on the north-eastern corner of Gibbons and Marian Streets.

The site comprises the land contained in Lots 1 to 9, Section 9, DP 4209 and Lot B, DP 354297.

The site is generally rectangular in shape and has:

- a frontage of some 52.09m to Gibbons Street, 32.125m to Marian Street and 51.96m to William Lane; and
- an area of 1,618m².

The land contains a four (4) storey car park accommodating one hundred and fifty-six (156) car spaces which are used by the tenants of the GCA Towers located at 1 Lawson Square.

The land experiences a fall of some 2.6m from its northern side boundary to its Marian Street boundary.

This represents a grade of 1 in 20, or 5%.

There is no vegetation on the land.

The land is largely isolated from surrounding properties by its three (3) road frontage.

Its only interface with an adjoining property is represented by land currently being redeveloped by DeiCorp Pty Limited, the proponent of this application, on 157 Redfern Street in accordance with Major Project Approval No.09_0039, issued on 22 December 2009, by the Minister for Planning for the construction of an 18 storey mixed-use development comprising retail, RSL, commercial and residential uses.

The property benefits from two (2) vehicular footpath crossings from Gibbons Street and one (1) from Marian Street.

There are no easements or rights of carriageway affecting the land.

2.2 Development Consent Details

Major Project Approval No.08_0112 was issued on 22 October 2010 by the Minister for Planning for the construction of an 18 storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments.

2.3 Site Context

The land is located in an area that exhibits a significant degree of diversity in terms of the use, nature and scale of buildings.

The land immediately to the north of the site comprises the property known as 157 Redfern Street.

This property is currently in the process of being redeveloped in accordance with Major Project Approval No.09_0039, issued on 22 December 2009, by the Minister for Planning for the construction of an 18 storey mixed-use development comprising retail, RSL, commercial and residential uses.

The land to the east, on the opposite side of William Lane, comprises the properties known as 70-88 Regent Street.

These properties contain two (2)/part three (3) storey brick retail/commercial buildings occupied by various retail and commercial uses.

A number of these properties contain dwellings at their first floor level.

The land to the south of the site, on the opposite side of Marian Street, comprises the property known as 5-7 Marian Street and 90 Regent Street.

These properties contain:

- a one (1)/part two (2) storey brick building occupied as a works depot by Sydney City Council on 5-7 Marian Street; and
- a two (2) storey brick commercial building used for residential purposes on 90 Regent Street.

The land to the west, on the opposite side of Gibbons Street, accommodates the railway infrastructure and car parking and landscaping on an area known as Marian Street Park.

3.0 Proposed Modification of Consent

3.1 Proposed Modification of Consent

Condition A2 of Major Project Approval No.08_0112 is proposed to be modified to read:

“A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment report for Mixed Use Development prepared by Kass Hermes dated March 2010 including appendices and Preferred Project Report prepared by Kass Hermes dated July 2010 including appendices			
B. Statement of Commitments prepared by Kass Hermes contained in Schedule 3			
C. Architectural Drawings prepared by <u>Nordon Jago Architects</u> dated 7 December 2010 itemised as follows;			
Drawing No	Revision	Name of Plan	Date
<u>DA 005</u>	<u>A</u>	<u>GFA Plan</u>	<u>07/12/10</u>
<u>DA 006</u>	<u>A</u>	<u>Residential Net Area Plan</u>	<u>07/12/10</u>
<u>DA 090</u>	<u>A</u>	<u>Basement Level B1</u>	<u>07/12/10</u>
<u>DA 091</u>	<u>A</u>	<u>Basement Level B2</u>	<u>07/12/10</u>
<u>DA 092</u>	<u>A</u>	<u>Basement Level B3</u>	<u>07/12/10</u>
<u>DA 093</u>	<u>A</u>	<u>Basement Levels B4-B5 (Typical)</u>	<u>07/12/10</u>
<u>DA 095</u>	<u>A</u>	<u>Basement Level B6</u>	<u>07/12/10</u>
<u>DA 100</u>	<u>A</u>	<u>Level 1 (Ground Floor)</u>	<u>07/12/10</u>
<u>DA 101</u>	<u>A</u>	<u>Level 2 (Retail)</u>	<u>07/12/10</u>
<u>DA 102</u>	<u>A</u>	<u>Level 3 (Office)</u>	<u>07/12/10</u>
<u>DA 110</u>	<u>A</u>	<u>Level 4 (Residential Plan)</u>	<u>07/12/10</u>
<u>DA 111</u>	<u>A</u>	<u>Levels 5-17</u>	<u>07/12/10</u>
<u>DA 112</u>	<u>A</u>	<u>Level 18</u>	<u>07/12/10</u>
<u>DA 120</u>	<u>A</u>	<u>Level 19 (Roof Terraces)</u>	<u>07/12/10</u>
<u>DA 121</u>	<u>A</u>	<u>Roof Plan</u>	<u>07/12/10</u>
<u>DA 140</u>	<u>A</u>	<u>Floor Plate Comparison</u>	<u>07/12/10</u>
<u>DA 200</u>	<u>A</u>	<u>Sections A & B</u>	<u>07/12/10</u>
<u>DA 300</u>	<u>A</u>	<u>Elevations</u>	<u>07/12/10</u>
<u>DA 301</u>	<u>A</u>	<u>Elevations</u>	<u>07/12/10</u>
<u>DA 050</u>	<u>A</u>	<u>Shadow Diagrams</u>	<u>07/12/10</u>
<u>DA 051</u>	<u>A</u>	<u>Shadow Diagrams</u>	<u>07/12/10</u>
<u>DA 052</u>	<u>A</u>	<u>Shadow Diagrams</u>	<u>07/12/10</u>
<u>DA 900</u>	<u>A</u>	<u>External Finishes</u>	<u>07/12/10</u>

Condition A6 of Major Project Approval No.08_0112 is proposed to be modified to read:

“A6. *Development Contribution*

The proponent must pay a levy of 2% of the cost of carrying out the development in accordance with the RWA Contributions Plan 2006 (Plan) prior to the issuing of the first strata subdivision certificate.

The proposed cost of carrying out the development was determined in accordance with the RWA Section 94 Plan as \$35,156,050 on 7 December 2010.

The proposed cost of carrying out the development is to be indexed from the above date until the date that payment is required in accordance with clause 10 of the Plan.

This condition does not apply if a planning agreement is entered into between the proponent, the RWA and Council within 6 months of the date of this determination and the agreement specifies that it is intended to exclude the obligations imposed by this condition.”

The modifications to the conditions are shown underlined.

3.2 Purpose of the Proposed Modifications

The purpose of the modifications is:

- to modify the composition of the development to reflect residential market demands; and
- to make refinements to the design of the project to improve its functioning and economic viability.

The modifications are minor in the overall context of the building's approved design and layout.

The development, as modified, represents substantially the same development as was approved by Major Project Approval No.08_0112.

3.3 Modifications Proposed in Amended Plans

3.3.1 Apartment Composition

A marketing review of the approved development has indicated that an outcome more appropriately meeting identified market demands for residential accommodation in this area would be achieved by changing the composition of the approved apartments.

The approved dwelling mix comprises 29 x studio, 89 x 1-bedroom and 31 x 2-bedroom apartments.

This composition is more suited to a more transient or student population.

The market research indicates a lack of demand for studio apartments and greater demand for 1 and 2-bedroom apartments.

Accordingly, it is proposed to change the composition of the approved apartments to 90 x 1-bedroom and 45 x 2-bedroom dwellings.

This change is to be facilitated by rationalising the residential floor plates by:

- replacing the approved single access core and open walkway access system to apartments with a two (2) core enclosed access system;
- reducing the number of apartments/floor from ten (10) apartments to nine (9), where occurring.

The change in the apartment composition is to be achieved within the building's approved floor space ratio.

A gross floor area analysis prepared by Nordon Jago Architects confirming this is contained on Drawing No.DA 005 A accompanying the application.

In addition, it is proposed to modify the floor to floor height of the residential section of the building by reducing it from 3.5m to 3.2m.

A minimum internal floor to ceiling height of 2.7m is to be maintained.

The proposed modifications will result in the overall height of the building being reduced by some 3.35m.

It is not proposed to modify any other significant element of the approved development's profile to accommodate this change in apartment composition.

3.3.2 Design Refinement/Plan Changes

A summary of the design refinements and changes made to the approved plans is as follows.

Approved Drawing No.	Proposed Drawing No.	Level	Modification to Approved Plan
DA-1001-C			No change to Site Analysis/Locality + Context Plan
DA-1101-C	DA 090-A DA 091-A DA 092-A DA 093-A DA 095-A	B1 B2 B3 B4-B5 B6	Reduction in the number of basement car parking levels from 8 to 6 and re-configuration of car park design to maintain 257 car parking spaces
DA-1102-C	DA 100-A	1	- Re-configuration of retail spaces fronting Gibbons Street, while maintaining the gross floor area devoted to retail use - Re-configuration of residential entry, including a establishment of a 2 core entry system - Relocation of entry to Level 2 retail area - Re-configuration of plant and storage areas - Set the building back 2m from the William Lane boundary to provide an effective 6.5m pavement width in William Lane - Relocation and re-configuration loading bay and accessway to basement car parking levels
DA-1103-C	DA 101-A	2	Reconfiguration of retail area to reflect modified access arrangements, while maintaining the gross floor area devoted to retail use
	DA 102-A	3	Reconfiguration of commercial area to rationalise office suites and amenities design and to reflect modified access arrangements, while maintaining the gross floor area devoted to commercial use
DA-1104-C	DA 110-A	4	Re-configuration of residential footprint and access cores to reduce the number of apartments from 10 apartments to 9 apartments, while maintaining the gross floor area devoted to residential use
	DA 111-A	5-17	Re-configuration of residential footprint and access cores to reduce the number of apartments from 10 apartments to 9 apartments, while maintaining the gross floor area devoted to residential use
DA-1105-C	DA 111-A		See above
	DA 112-A	18	- Re-configuration of residential footprint and access cores, while maintaining 9 apartments and the gross floor area devoted to residential use - Establish spiral staircases on all balconies to provide access to rooftop terraces
DA-1106-C	DA 120-A	19	Re-configuration of roof terraces to provide a rooftop terrace for each of the 9 apartments on Level 18
	DA 121-A	Roof	Roof plan amended to reflect proposed modifications
DA-1201-C	DA 200-A		Sections A and B amended to reflect proposed modifications and building height reduction

Approved Drawing No.	Proposed Drawing No.	Level	Modification to Approved Plan
DA-1301-C	DA 300-A		West and South Elevations amended to reflect proposed modifications and building height reduction
DA-1302-C	DA 300-A		See above
DA-1303-C	DA 301-A		North and East Elevations amended to reflect proposed modifications and building height reduction
DA-1304-C	DA 301-A		See above
DA-1501-C	DA 050-A		Shadow diagrams amended to reflect proposed modifications and reduction in overshadowing
	DA 051-A		Shadow diagrams amended to reflect proposed modifications and reduction in overshadowing
	DA 052-A		Shadow diagrams amended to reflect proposed modifications and reduction in overshadowing
DA-1502-C	DA 005-A		Re-assessment of gross floor area based on the modified plans
	DA 006-A		Plan indicating net residential floor areas
DA-1503-C			No significant change to View Analysis 01
DA-1504-C			No significant change to View Analysis 02
DA-1505-C	DA 900-A		No significant change to Elevational Analysis 01

The modifications will not be readily discernible in the overall context of the building's approved design and layout.

3.3.3 Development Contributions

The development contribution required by the Redfern-Waterloo Authority's Contributions Plan 2006 by Condition A6 of the consent relates to a contribution based on an estimated cost of development of \$39,097,226.

Design rationalisation proposed by the modifications will reduce the estimated cost of development to \$35,156,050.

A construction cost estimate to this effect is to be submitted with the application.

As proposed in relation to the current approval, the proponent intends to undertake public domain works, including a localised widening of the footpath, landscaping and lighting as part of the construction of the development, which is to be off-set against the contribution.

Issues relating to this contribution are to be addressed in a planning agreement to be prepared following the approval of the modifications proposed.

3.3.4 General

The proposed modifications will not, in any way, alter the following elements of the building's design approved by Major Project Approval No.08_0112:

- the total gross floor area of the building;
- the number of storeys;
- the number of car spaces to be provided on-site;
- the overall building form;
- the location of vehicular accesses;
- the detailing or finishes to be used in the construction of the building's façades;
- the landscaping proposed; or
- stormwater and water management measures.

The modifications to the building's Gibbons Street elevation required to accommodate the amended apartment composition will be satisfactory and appropriate in terms of the Gibbons Street streetscape.

The proposed modifications will result in the overall height of the building being reduced by some 3.35m and will, to a minor degree, reduce the extent of overshadowing caused by the building.

The modifications will not significantly alter the development's effect on surrounding properties.

4.0 Environmental Planning Instruments/Policies

A summary assessment of the proposed modifications under the terms of relevant environmental planning instruments and development policies applying to the land is as follows.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy (Major Projects) 2005, (Major Projects SEPP)</i>	The modifications are consistent with the aims of the <i>Policy</i> , the objectives of its zoning and its provisions and development standards	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The modifications will not have any relevant effects in terms of this <i>Policy</i> and will continue to be consistent with its aims, objectives and provisions	✓
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The modifications are to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	The modifications have no relevance in terms of the considerations of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development</i>	The modifications represent relatively minor alterations to the building approved by virtue of Major Project Approval No.08_0112 and will not affect its design quality. The modifications will not have any discernible impact on the approved development's consistency with the design principles contained in Part 2 of the <i>Policy</i> relating to context, scale, built form, density, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics. The modifications are to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007</i>	The modifications have no relevance in terms of the considerations of this <i>Policy</i>	✓
<i>Sydney Metropolitan Strategy - City of Cities - A Plan for Sydney's Future</i>	The modifications will maintain the approved development's consistency with this <i>Strategy</i>	✓
<i>Redfern-Waterloo Built Environment Plan (Stage 1)</i>	The modifications will not have any significant effects in terms of this <i>Plan</i> and will continue to be consistent with its aims, objectives and provisions	✓
<i>Redfern-Waterloo Authority Contributions Plan 2006</i>	See Section 3.3.3	✓
<i>Redfern-Waterloo Authority Affordable Housing Contributions Plan 2</i>	The modifications will not affect the required contributions	✓

The proposed modifications are satisfactory in terms of relevant environmental planning instruments and development policies applying to it.

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed modifications under the heads of consideration contained in Section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

Section	Consideration	Proposed	Compliance
79C(1)(a)(i)	The provisions of any environmental planning instrument	No change to the approved development. See Section 4.0	✓
79C(1)(a)(ii)	The provisions of any proposed instrument that is or has been subject to public consultation	No change to the approved development	✓
79C(1)(a)(iii)	The provisions of any development control plans	No change to the approved development. See Section 4.0	✓
79C(1)(a)(iiia)	The provisions of any planning agreement under Section 93F	No change to the approved development	✓
79C(1)(a)(iv)	Matters prescribed by the Regulations	No change to the approved development	✓
79C(1)(b)	Likely impacts of the development	No discernible change to the approved development	✓
79C(1)(c)	Suitability of the site for the development	No change to the approved development	✓
79C(1)(d)	Submissions	No change to the approved development	✓
79C(1)(e)	Public interest	No change to the approved development	✓

6.0 Conclusion

The development, as modified, represents substantially the same development as the development approved by virtue of Major Project Approval No.08_0112 issued on 22 October 2010.

The proposed modifications will have no adverse environmental impact and do not raise any additional issues relating to the relevant provisions of *State Environmental Planning Policy (Major Projects) 2005* or the matters required to be considered under the terms of Section 79C of the *Environmental Planning and Assessment Act 1979* to those considered in the issuing of Major Project Approval No.08_0112.

The modifications will not have any significant effect on any surrounding or nearby residential or commercial property.

Accordingly, the application is suitable for approval.