



## Planning & Infrastructure

### **MAJOR PROJECT ASSESSMENT: 7-9 Gibson Street, Redfern (MP08\_0112 MOD2)**



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

October 2011

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## TABLE OF CONTENTS

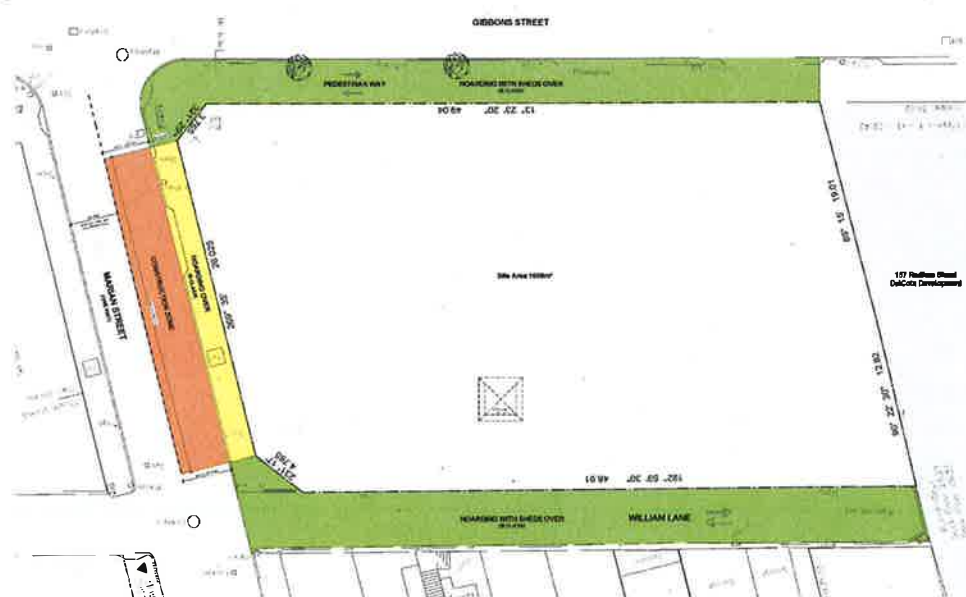
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|   |          |
|---|----------|
| <b>TABLE OF CONTENTS</b>                                    | <b>I</b> |
| <b>1. BACKGROUND</b>  | <b>1</b> |
| <b>2. PROPOSED PROJECT</b>                                  | <b>1</b> |
| 2.1. Project Description                                    | 1        |
| 2.2. Project Need and Justification                         | 2        |
| <b>3. STATUTORY CONTEXT</b>                                 | <b>2</b> |
| 3.1 Modification of the Minister's Approval                 | 2        |
| 3.2 Delegated Authority                                     | 2        |
| <b>4. CONSULTATION AND SUBMISSIONS</b>                      | <b>2</b> |
| 4.1. Exhibition   | 2        |
| 4.2. Public Authority Submissions                           | 2        |
| <b>5. ASSESSMENT</b>  | <b>2</b> |
| 5.1. Appropriateness of the condition                       | 2        |
| <b>6. RECOMMENDATION</b>                                    | <b>3</b> |
| <b>APPENDIX A MODIFICATION REQUEST</b>                      | <b>4</b> |
| <b>APPENDIX B POLITICAL DONATIONS DECLARATION STATEMENT</b> | <b>5</b> |
| <b>APPENDIX C RECOMMENDED MODIFYING INSTRUMENT</b>          | <b>6</b> |

## 1. BACKGROUND

On 22 October 2010, the Deputy Director General, under delegation from the Minister for Planning granted Project Application approval for the construction of an 18 storey mixed use development comprising retail and commercial uses, a supermarket and residential apartments.

On 28 February 2011, the Acting Director, Government Lands and Social Projects, under delegation from the Minister for Planning approved a modification (MOD 1) which altered the apartment mix, reduced the height of the building, reduced the number of basement levels, and made minor internal and external changes.



**Figure 1 – Site Plan**

The site is located on the northern corner of Gibbons and Marian Streets immediately east of Redfern Railway Station. Surrounding land uses include the Redfern town centre to the east, light industrial uses to the south, and another 18 storey mixed use development immediately to the north.

## 2. PROPOSED PROJECT

### 2.1. Project Description

The proposed modification seeks to amend condition D13 'Loading and Unloading' which is as follows:

#### ***D13 – Loading and Unloading***

*All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.*

The proponent has requested that the condition be reworded to read as follows:

#### **D13 – Loading and Unloading**

Satisfactory arrangements are to be made with Sydney City Council to provide a Works Zone in Marian Street to accommodate vehicles associated with the demolition and construction works.

The proponent has requested that this condition be amended for the following reasons:

- is preventing Sydney City Council from issuing a Work Zone permit; and
- it is not possible to comply with it because the approved development occupies the whole of the site.

## **2.2. Project Need and Justification**

The proponent advises that this modification is required in order for the development to be constructed. This position is supported by the Department.

## **3. STATUTORY CONTEXT**

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### **3.1 Modification of the Minister's Approval**

The modification application was lodged with the Director-General pursuant to Section 75W of the EP&A Act, which provides for the modification of a Minister's approval including '*revoking or varying a condition of the approval or imposing an additional condition of the approval*'.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

### **3.2 Delegated Authority**

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to the Deputy Director-General, in cases where a political donation was made at the time of the original project application, where less than 10 objections were made, and where Council has not objected.

No public submissions were received and Council did not object to the proposal.

In regards to this application, a political donation was made at the original application and the Deputy Director-General may exercise his delegations.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1. Exhibition**

Section 75W of the EP & A Act does not require a modification to be publicly exhibited. The application was placed on the Department's website and comment sought from the City of Sydney Council.

### **4.2. Public Authority Submissions**

Council's submission raised no issue with the proposed modification, but suggested that rather than deleting the condition it be reworded to enable a Work Zone permit to be issued by Council.

## **5. ASSESSMENT**

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The Department considers the key environmental issues for the project to be the appropriateness and practicality of the condition.

### **5.1. Appropriateness of the condition**

The proponent contends that this condition cannot be met as the approved development occupies the entire site and there is no room on site to accommodate construction vehicles.

In support the proponent has submitted an email from Mr Joseph Gomes, Council's Area Traffic Engineer, who confirms that Council has no objection in principle to the creation of a Work Zone in Marian Street, subject to it being referred to Council's Traffic Committee.

In response to the Department's notification, Council advised they had no issue with the amendment but recommended that the existing condition be retained and extended to include wording which would allow loading and unloading to occur off-site, subject to Council approval of a works zone.

The Department has adopted Council's approach and recommends condition D13 be amended to read as follows:

### **D13 – Loading and Unloading**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping, except where Council has approved a works zone to accommodate vehicles associated with the demolition and construction works.

This condition provides the proponent with the outcome they are seeking, as they can load and unload off site if Council permits.

## **6. RECOMMENDATION**

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This application seeks approval to amend the wording of one condition which relates to the loading and unloading of construction vehicles servicing this site.


The Council of the City of Sydney has not raised any objection to this proposed modification, and Council's traffic engineer supports in principle the provision of a Works Zone in Marian Street.

It is recommended that the Deputy Director-General, under delegation from the Minister for Planning and Infrastructure:

- a. Consider the findings and recommendations of this report;
- b. Approve the modification, subject to conditions pursuant to s75W of the EP & A Act; and
- c. Sign the attached Instrument of Modification (**Tag A**).

  
Mark Schofield  
Team Leader  
21/10/11

  
Michael Woodland  
Director  
21/10/2011  
Metropolitan & Regional Projects South

  
Heather Warton  
A/Executive Director  
Major Projects Assessment  
21/10/11

## APPENDIX A      MODIFICATION REQUEST

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)

## **APPENDIX B    POLITICAL DONATIONS DECLARATION STATEMENT**

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)



## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENT**

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