

**PROPOSED MODIFICATION OF THE MIXED DEVELOPMENT USE AT NO. 157**  
**REDFERN STREET, REDFERN**  
**MP 09 0039 MOD 1**

**1.0 PURPOSE**

To determine a modification request for the mixed development project approval (MP09\_0039 MOD 1).

**2.0 BACKGROUND**

The major project application for the mixed development at the subject site (refer to **Figure 1**) was approved by the Minister for Planning on 22 December 2009, and comprised the following:

- Construction of 18 storey mixed use building with a gross floor area (GFA) of 11,531 m<sup>2</sup>, including:
  - 10 retail premises on the first floor (ground level) (764 m<sup>2</sup>);
  - Redfern RSL club on the second floor (1,332 m<sup>2</sup>);
  - 12 commercial office premises on the third and fourth floors (1,759 m<sup>2</sup>); and
  - 84 residential apartments on the fifth to the eighteenth floors (7,676 m<sup>2</sup>), with associated balconies and rooftop terraces.
- Excavation to a depth of 15 metres below the existing ground for a 5 storey basement car park for 147 vehicles;
- Construction of two electrical substations within Basement level 1; and
- Strata subdivision of the building.



**Figure 1 – Site Location**

### 3.0 PROPOSED MODIFICATION

This application seeks approval for an amendment to the approved scheme to improve the availability of smaller units. It is intended to change the composition of the approved apartments from 14 x 1- bedroom, 63 x 2-bedroom and 7 x 3-bedroom dwellings to 16 x 1-bedroom, 69 x 2-bedroom and 3 x 3-bedroom dwellings. It is proposed to facilitate this change:

- enclosing the approved balconies associated apartments 50, 56, 62, 68, 74 and 80 on levels 13 to 18 and adding new balconies in the Gibbons Street setback area to enable those 6 x 1-bedroom apartments to be converted to 6 x 2-bedroom apartments;
- the total number of apartments has been increased from 84 to 88 apartments;
- reconfiguring the 4 x 3-bedroom apartments on levels 14 to 17, namely apartments 55, 61, 67 and 73, into 8 x 1-bedroom apartments;
- reducing, to a minor extent, the size of a number of the other apartments in the development to maintain a floor space ratio of 7:1; and
- an increase in building height associated with the lift overrun, from RL 98.6 to RL 99.025, an increase of 425mm.
- alterations to the manner in which the development is to be subdivided; and
- to make minor design refinements.

It is noted that the gross floor area associated with the enclosure of the balconies is to be off-set by a marginal reduction in the gross floor area of a number of other apartments in the building.

### 3.1 Subdivision

Major Project Approval No.09\_0039 approved the strata subdivision of the development upon its completion. The proponent submits that the Redfern RSL Club requires its facility to be contained on a separate allotment of land, rather than in a strata allotment so that the Club and its activities are not involved with a strata plan's owners corporation.

In addition, parts of the building containing electricity substation facilities need to be transferred to the ownership of Energy Australia. Consequently, it is proposed to subdivide the land into the following three (3) stratum allotments:

- Lot 1, which contains the RSL Club's facilities, including the club premises, parking and access;
- Lot 2, which contains the remainder of the development, i.e. the shops, commercial offices and apartments, but excluding the electricity substation facilities; and
- Lot 3, which contains the electricity substation facilities to be transferred to Energy Australia.

The Department has reviewed the proposed works to the building and is of the opinion that the internal arrangement of units, the 425mm increase in building height, the decrease in boundary setback from Gibbons Street and the enclosure balconies at the upper floor levels will not pose any visual impacts from the public place or adjoining properties, as the building structure represents substantially the same development as approved by the Minister.

## **4.0 STATUTORY CONTEXT**

### **4.1 Part 3A of the Environmental Planning & Assessment Act**

Part 3A of the EP&A Act relates to projects that are identified in a State Environmental Planning Policy (SEPP) or are considered by the Minister to have State or Regional Significance. On the 27 February 2009, the Director-General, as delegate for the Minister for Planning, formed the opinion that the development was a project to which Part 3A applies pursuant to Clause 6(1) of the Major Development SEPP.

### **4.2 Section 75W Modification of Project Approval**

Section 75W of the *Environmental Planning and Assessment Act 1979* allows the proponent to request the Minister to modify the approval for a project.

Section 75W also provides for the Director-General to notify the proponent of specific environmental assessment requirements with which the application must comply. For the purposes of assessing this section 75W application the Department has considered the issues raised in the proponent's EA dated November 2010.

## **5.0 Statutory Compliance**

The proposed modifications will not result in any changes to the proposal's compliance with the following Environmental Planning Instruments (EPIs):

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- Redfern-Waterloo Authority Built Environment Plan;
- Redfern-Waterloo Authority Development Contribution Plan; and
- Redfern-Waterloo Authority Affordable Housing Development Contributions Plan 2006.

The Department is satisfied that the proponent has given the above Act and EPIs the relevant consideration. The proposed modifications do not compromise these EPIs.

## **6.0 CONSULTATION and SUBMISSIONS**

Although the proposed modification is generally of a minor nature, the application was referred to the Redfern-Waterloo Authority (RWA) and City of Sydney Council for comments.

### **Redfern-Waterloo Authority**

The RWA raised issue with the reduced boundary setbacks along Gibbons Street at the upper floor levels, no revised Wind Impact Assessment and that the intended reconfigured apartments are not capable of satisfying the minimum size requirements contained in the Residential Flat Building Code.

### **City of Sydney Council**

The City of Sydney Council objected to the non-compliance with the required 8.0 metre Gibbons Street boundary setback, noting that the Draft Redfern Centre Guidelines, recently exhibited in late 2010 requires a 4 metre setback from Gibbons Street. Furthermore, the



Council raised concern to the conversion of balconies to bedrooms, their internal size and that the current Wind Impact Study has not been amended to reflect the building changes.

## Response to Submissions

The proponent was afforded the opportunity to respond to the submissions from RWA and City of Sydney Council. The additional planning comments from the proponent are discussed below under Section 6.0.

## 6.0 ENVIRONMENTAL ASSESSMENT

The Department has considered the following key environmental issues in light of the above submissions.

### 6.1 Setback to Gibbons Street

The proponent submits that the modifications proposed involve the following non-compliant reductions in the approved building's setbacks from Gibbons Street at levels 13 to 18:

- the setback of the main wall of the building is to be reduced from a minimum of 3.67m in the area where the balconies are to be enclosed, to 2.585m; and
- the setback of balconies is to be reduced from 2.585m to 0.82m.

The reduced setbacks are to occur only on parts of five (5) levels of the approved building, namely levels 13 to 18, with the underside of level 13 being some 44m above the footpath level in Gibbons Street (western elevation). The area in which the setback is to be reduced is to have an elevational area of 168m<sup>2</sup> in the western elevation, which has an overall area of 1,996m<sup>2</sup>. This represents some 8.4% of the building's western elevation (refer to **Figure 2** and **3**).

The Department is satisfied that, although the setbacks proposed are non-compliant, the setback encroachment at the upper levels 13 to 18 positively contributes the visual horizontal and vertical modulation of the western elevation without any detrimental impact on the streetscape or adjoining buildings.

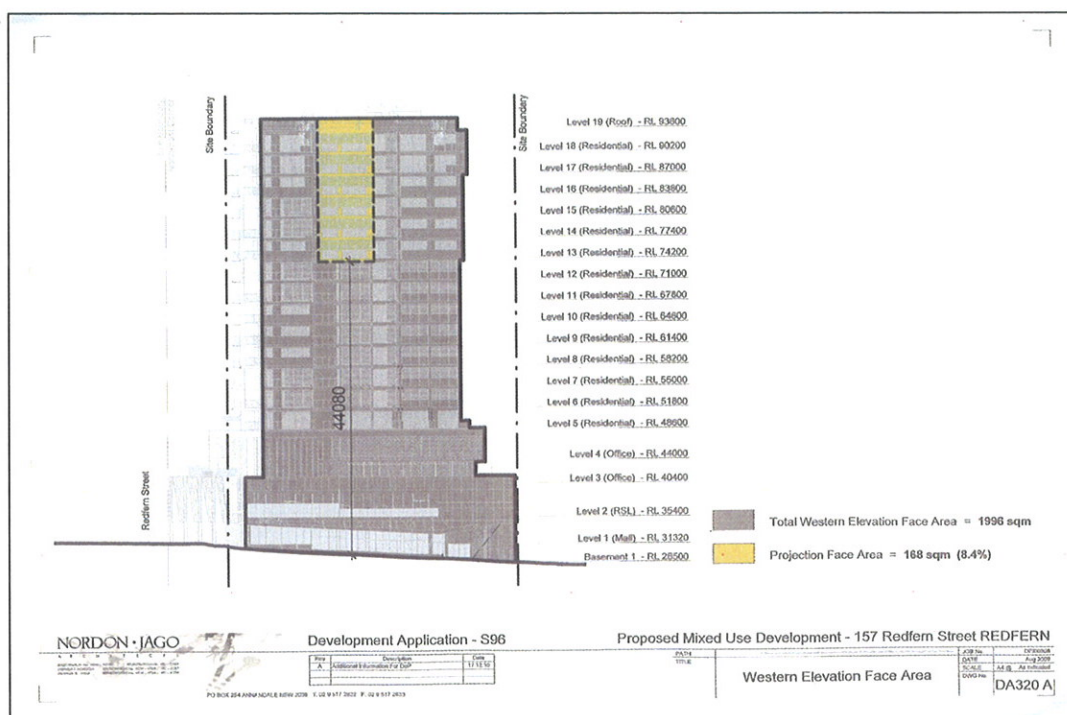


Figure 2: Western elevation face area.





**Figure 3: The proposed extension of the main wall and balconies towards the western property boundary to Gibbons Street at levels 13 to 18. The approved building at Nos. 7-9 Gibbons Street is shown in the background.**

## **6.2 Wind Report**

To address the concerns raised by the RWA and City of Sydney Council, the proponent has submitted a revised Wind Report. The report concludes that no changes are proposed to the tower form below level 13, and as such, the proposed changes will not affect the findings for the wind conditions on the podium or at street level.

## **6.3 Apartment size**

The minimum size of apartments in the complex, as modified, measured using CAD by the Project Architects, is as follows:

- 1-bedroom apartments - 51m<sup>2</sup>
- 2-bedroom apartments - 74m<sup>2</sup>
- 3-bedroom apartments - 106m<sup>2</sup>

Under the provisions of the Residential Flat Design Code, a 1 bedroom apartment should have a minimum area of 50m<sup>2</sup>, a 2 bedroom apartment, minimum of 70m<sup>2</sup> and a 3 bedroom apartment should have a minimum area of 95m<sup>2</sup>. The Department is satisfied that the reconfigured apartments meet the minimum size under the Residential Flat Design Code.

## **6.4 Building height**

The current building height is proposed to be increased by 425mm, which is the lift overrun. This has occurred due the current provider of the lift system having withdrawn from the project. The new provider of a lift system, which is the closest to the present design requirements is able to accommodate the lift, but at an increased height.

The Department have viewed this variation and raised no objection as the overall height remains at 18 storeys and will not compromise the requirements of CASA in terms of the Obstacle Limitation Surfaces map.

## **DELEGATED AUTHORITY**

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As only two submissions were received from City of Sydney and RWA with no submissions received from the public, the Director may determine the modification request under delegated authority.

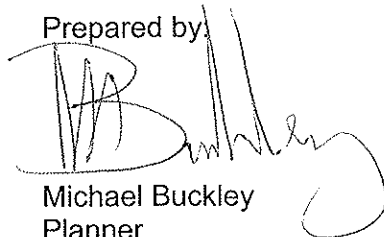
## **RECOMMENDATION**

The Department is of the view that the proposed amendments to the approved building will not compromise the current project approval in terms of floor space ratio, building height, unit composition, building finishes and overall building form. The modification to the building will not pose any detrimental impact on the public domain or adjoining and surrounding buildings.

It is RECOMMENDED that the A/Director, Metropolitan & Regional Projects North:

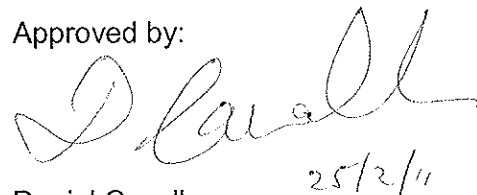
- note the information provided in this briefing;
- **approve** the modification request under section 75W of the EP&A Act; and
- **sign** the attached modifying instrument.

Prepared by:



Michael Buckley  
Planner

Approved by:



25/2/11

Daniel Cavallo  
A/Director  
Metropolitan & Regional Projects North