

APPENDIX E CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 79C(a)(i) and Section 79C(a)(ii) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (State Significant Precincts) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55- Remediation of Land;
- State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development & accompanying Apartment Design Guide; and
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
<p>3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,</p>	The proposed development is identified as SSD.	Yes
<p>8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.</p>	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes
<p>Schedule 2 State significant development—identified sites (Clause 8 (1)(b))</p> <p>2(g) Development at Redfern Waterloo Development on land identified as being within the Redfern Waterloo Area on the <u>State Significant Development Sites Map</u> if: (a) it has a capital investment value of more than \$10 million</p>	The proposed development is within the Redfern Waterloo area and has a capital investment value of \$16,299,200.00.	Yes

State Environmental Planning Policy (State Significant Precincts) 2005

The SSP SEPP is the relevant EPI for the site, containing applicable development standards. An assessment of the proposal against the various development standards is contained within **Sections 3.2, 5** and **Appendices D** and **E** of this report.

State Environmental Planning Policy (Infrastructure) 2007

Relevant considerations are:

Clause 87 – Impact of rail noise or vibration on non-rail development and Clause 102 – Impact of road noise or vibration on non-road development

These clauses require that where a building is proposed for residential use that is likely to be adversely affected by rail or road noise or vibration due to being adjacent a railway or roadway with a daily traffic volume in excess of 40,000 vehicles, the consent authority must take into account any relevant guidelines that are issued by the Director-General, and must be satisfied that appropriate measures will be taken to ensure the following noise levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.

Cleveland Street carries over 80,000 vehicles per day and the site is within 30 metres of a railway line. The applicant submitted an acoustic report which concluded that with appropriate selection of building elements and glazing, compliance with the relevant guidelines and the provisions of the SEPP could be achieved. Appropriate conditions have been recommended.

Clause 101 – Development with frontage to classified road

The clause requires that consideration be given to the location of vehicular access and any impacts for safety and efficiency to the classified road as a result of that access, or from the volume and frequency of vehicles entering the site. It also requires that the development be designed or include measures to ameliorate potential traffic noise or vehicle emissions arising from the adjacent classified road.

Access is proposed from Eveleigh Street which is not a classified road, and as discussed in **Section 5.4**, 26 parking spaces are proposed, the development will not have any material impacts to the functioning of adjoining classified roads. Measures to ameliorate potential traffic noise are discussed above. No measures are considered necessary to ameliorate against vehicle emissions from the adjoining roads.

State Environmental Planning Policy No. 55 - Remediation of Land

As discussed in **Section 5.6**, a Phase 2 Contamination Assessment was undertaken by Geo-Environmental Engineering. The report concludes that there is some localised soil contamination on site, including heavy metal (lead), carcinogenic PAHs and organochloride pesticides. The assessment concludes the contamination can be sufficiently remediated for the proposed residential use.

A remediation action plan (RAP) was submitted with the RtS.

Council requested that a stage 1 Site Audit Statement or Letter of Interim Advice from an EPA-accredited site auditor was provided.

The revised RtS included the Letter of Interim Advice and Council considers this issue resolved. The Department is satisfied the site can be made suitable for the proposed development and recommends conditions related to remediation and validation.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, accompanying Residential Flat Design Code and draft Apartment Design Guide

The proposal has been reviewed against the aims and objectives of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and accompanying ADG. An assessment of the proposal against the objectives of SEPP 65, the accompanying ADG is provided below and included in **Section 5.4** of this report.

Design Quality Principles of Draft SEPP 65	Department's Response
Principle 1. Context and Neighbourhood Character	The proposal is consistent with the use and built form requirements of the Redfern Waterloo Built Environment Plan (Stage One) and with the existing and future character of the locality as discussed in Section 5.2 . The proposal will not have any detrimental impacts on the amenity of existing and future adjoining development.
Principle 2. Built Form and Scale	The proposal exceeds the height and FSR controls. However, the scale of the proposal is compatible with the existing and desired future built form character of the area, as discussed in Section 5.3 . The building is considered to demonstrate urban design excellence as discussed in Section 5.3 .
Principle 3. Density	The building is considered to be of an appropriate density and scale consistent with the SSP SEPP.
Principle 4. Sustainability	A BASIX certificate was provided with the proposal and demonstrates that the proposed development achieves compliance with the BASIX water, energy and thermal efficiency targets. Further, Ecologically Sustainable Development principles have been incorporated into the proposal as discussed in Section 3.6 .
Principle 5. Landscape	The proposal includes three landscaped communal spaces located on the roof tops and ground floor. The landscaped design provides a high level of amenity for both residents and student occupants.
Principle 6. Amenity	The proposal generally complies with the principles and requirements of SEPP 65 and the recommended standards of the ADG in terms of achieving satisfactory residential amenity. The proposed apartments will achieve satisfactory levels of solar access to communal areas, natural ventilation and privacy. Non compliances are discussed in Section 5.4 .
Principle 7. Safety	The building has been designed to provide passive and active surveillance of the surrounding public domain. Security access is provided for entry into the residential building.
Principle 8. Housing Diversity and Social Interaction	The development provides a mix of one, two and three bedroom apartments. This mix will support a diversity of household types and assist in the creation of a mixed and balanced community.
Principle 9. Architectural Expression	The proposal demonstrates a high standard of architectural design through an effective palette of materials and finishes to articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building at the Cleveland Street frontage, which comprises an anodised aluminium screen cladding patterned with an Aboriginal artwork and distinctive sting ray design

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The residential amenity of the proposed apartments is considered against the relevant provisions in *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Buildings* (SEPP 65) and the accompanying *Apartment Design Guide* (ADG) in the table below. The proposal generally complies with the requirements of SEPP 65 and the ADG. Any significant variations are discussed in **Section 5**.

Relevant Sections	Consideration and Comments	Complies?
<p>2 Aims of Policy This policy aims to improve the design quality of residential apartment development in New South Wales.</p>	<ul style="list-style-type: none"> This is considered in detail below. 	Yes
<p>28 Determination of development applications A consent authority must consider: (a) the advice (if any) obtained from the design review panel; (b) the design quality of the development when evaluated in accordance with the design quality principles; and (c) the Apartment Design Guide.</p>	<ul style="list-style-type: none"> The proposal does not trigger a design competition or review by a design review panel. The proposal is evaluated in accordance with the design quality principles and the Apartment Design Guide below. 	Yes
<p>Schedule 1 Design quality principles</p>		
1: Context and neighbourhood character	<ul style="list-style-type: none"> The proposal is well integrated with the existing context and future desired character of the area, as it retains the existing street network and seeks to activate the surrounding streets. 	Yes
2: Built form and scale	<ul style="list-style-type: none"> The proposal generally reflects the desired future character for the site as set out in the height and floor space ratio controls <i>SEPP (State Significant Precincts) 2011</i>. While the proposal does not comply with the height and floor space ratio controls, it has been designed so that the additional height and bulk is not visible from the street, or contained within an already approved building envelope. 	No, refer to Section 5 .
3: Density	<ul style="list-style-type: none"> The proposal exceeds the FSR control for the site. 	No, refer to Section 5 .
4: Sustainability	<ul style="list-style-type: none"> The proposed building design seeks to control natural ventilation and solar access to reduce energy for heating by 12% and energy for cooling by 66% of the Basix requirements. It includes water efficient devices and sun shading devices to reduce solar gain. The proposal encourages sustainable transport choices, including a travel plan, bicycle parking and car share bays. 	Yes
5: Landscape	<ul style="list-style-type: none"> The proposal is built to street edges on three sides, leaving little room for landscaping. This is consistent with surrounding buildings. 	Yes

	<ul style="list-style-type: none"> Some landscaping is proposed on the ground floor of the Eveleigh and Woodburn Street frontages and on the rooftop recreation area. 	
6: Amenity	<ul style="list-style-type: none"> The proposal provides a reasonable level of amenity for future residents, as considered against the ADG below. 	Yes
7: Safety	<ul style="list-style-type: none"> The proposal provides passive surveillance through balconies, terraces, windows and doors fronting the streets. It also includes lit and easily identifiable entry points with associated security access. 	Yes
8: Housing diversity and social interaction	<ul style="list-style-type: none"> The proposal provides a mix of apartment sizes to meet a range of housing needs in close proximity to transport and employment opportunities. Communal open space, including a rooftop terrace with shade, outdoor furniture and cooking facilities are provided for social interaction. 	Yes
9: Aesthetics	<ul style="list-style-type: none"> The proposed building design and materials are considered to fit well within the site. Buildings are designed with clear vertical and horizontal emphasis through balconies and windows. The proposed palette of materials delivers buildings with a high aesthetic value individually, but also when viewed together. The building design clearly distinguishes the residential and hotel uses of the site. 	Yes

The Department's assessment against the objectives of the ADG are summarised below:

Objectives	Design response	Complies?
Part 3: Siting		
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	<ul style="list-style-type: none"> The proposal is informed by a site analysis plan, identifying opportunities and constraints of the site conditions and surrounding context. 	Yes
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development.	<ul style="list-style-type: none"> The building is designed to define and address the street layout, with direct street access provided to all of the units on ground level. Solar access is provided in accordance with ADG requirements. The communal open space is provided on the rooftop at the north of the site. This location will optimise solar access. 	Yes
Overshadowing of neighbouring properties is minimised during mid-winter.	<ul style="list-style-type: none"> Subject to the recommended condition to reduce the bulk of the sixth floor of the proposal to improve solar access to the roof deck of 6-8 Woodburn Street, the design of the building will not result in additional overshadowing when compared to that of the approved development on the site. 	Yes – refer to Section 5

3C Public domain interface					
Transition between private and public domain is achieved without compromising safety and security.	<ul style="list-style-type: none"> Passive surveillance is available from balconies and windows which overlook public domain and private areas. All of the apartments on the ground level have direct street access. The building is built to the street boundaries, which clearly delineates private and public space. 	Yes			
Amenity of the public domain is retained and enhanced.	<ul style="list-style-type: none"> Active façades are proposed on the three street-facing sides of the development. The potentially inactive building façade caused by the driveway is on a secondary (less active) frontage. 	Yes			
3D Communal and public open space					
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	<ul style="list-style-type: none"> Communal open space for the residential component of the building of 318m² is provided on the roof. This is 30% of the 1,060m² site area. 100% of the principal usable part of the communal open space receives more than two hrs of sunlight at mid-winter. 	Yes			
<ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) 					
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<ul style="list-style-type: none"> Communal open space allows for passive recreation, including communal seating, landscaping, shade structures and barbeques. The communal space is well laid out to maximise amenity. It benefits from mid-winter solar access throughout the day. Shade structures have been included for summer use. 	Yes			
Communal open space is designed to maximise safety	<ul style="list-style-type: none"> The communal space has a frontage to a major road, which will provide passive surveillance. The landscaping and design of rooftop structures like lifts and stairs promote visibility across the space and minimise hiding spots. 	Yes			
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<ul style="list-style-type: none"> No public open space is provided as the proposal is built to the boundary on all sides. This reflects the prevailing built form in this location. 	N/A			
3E Deep soil zones					
Deep soil zones are to meet the following minimum requirements: 7% deep soil zone and a minimum dimension of 6m	<ul style="list-style-type: none"> No natural deep soil zone is proposed. This is common and acceptable for an urban site that currently has a completely impervious surface at ground level. 	Yes			
3F Visual privacy					
Separation distances from building to boundary:	<ul style="list-style-type: none"> Building is built to boundaries on all sides, consistent with predominant built form in the area. 	No, refer to Section 5.			
Height	<table border="1"> <tr> <td>Habitable rooms</td> <td>Non-habitable rooms</td> </tr> </table>	Habitable rooms	Non-habitable rooms		
Habitable rooms	Non-habitable rooms				

Mixed Use Hotel, Residential and Retail Development

Up to 12m (4 storeys)	6 m	3 m
Up to 25m (5-8 storeys)	9 m	4.5 m
Over 25m (9+ storeys)	12 m	6 m

Separation distances between buildings on the same site should combine required building separations depending on the type of room.

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space

- Separation distances don't comply for hotel building to the east (approx. 10.5 m separation) or between the residential and hotel uses within the site (7.2 - 9 m separation).

- Direct overlooking between the residential and hotel components is avoided by offsetting floor levels and the use of privacy screens, high level windows and the angle of windows.
- The apartments do not rely on the screened windows for light (i.e. they already meet the minimum requirement) and the louvres and high windows allow natural ventilation.

3G Pedestrian access and entries

Building entries and pedestrian access connects to and addresses the public domain

Access, entries and pathways are accessible and easy to identify

- All of the units on ground level provide direct street access. Pedestrian access to the residential component of the building is directly from the Woodburn Street footpath.

- The residential entrance is on Woodburn Street. While this is not the main street frontage, the division of the building into residential and hotel components requires this entry location. The entry is differentiated from the ground floor apartments through the façade articulation and use of materials.

Large sites provide pedestrian links for access to streets and connection to destinations

3H Vehicle access

Vehicle access points are to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

- No through-link is proposed. This is appropriate given the site is small and is on the end of a block.

N/A

3J Bicycle and car parking

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

Apply the minimum car parking requirement in RMS' A Guide to Traffic Generating Developments or the relevant local standards, whichever is less.

Parking and facilities are provided for other modes of transport.

Yes

- The RMS guide requires a minimum of 11 car parking spaces. Note that the City of Sydney LEP does not apply to this site but if it did the maximum parking rates would be 10.4 spaces. The City of Sydney LEP does not set minimum parking rates.
- The application proposes 13 residential parking spaces, which slightly exceeds the RMS minimum rate.

- 86 bicycle spaces are provided in the basement, in response to Transport for NSW recommendations.

Yes

Car park design and access is safe and secure	<ul style="list-style-type: none"> The car park will have secure entry and there are no obscured areas of the car park. 	Yes
Visual and environmental impacts of underground car parking are minimised	<ul style="list-style-type: none"> The proposed car parking appears well organised with a logical and efficient structural grid. The car park does not protrude above existing ground level. 	Yes
Visual and environmental impacts of on-grade car parking are minimised.	<ul style="list-style-type: none"> At grade car parking is not proposed. 	Yes
Visual and environmental impacts of above ground enclosed car parking are minimised.	<ul style="list-style-type: none"> The car parking is proposed within the basement. Access to the driveway is located on Eveleigh Street and allows for activation of Cleveland Street (i.e. the main street). 	Yes
Positive street address and active frontages should be provided at ground level.		
Part 4: Building		
4A: Solar and daylight access		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space: <ul style="list-style-type: none"> At least 70% of apartments' living rooms and private open spaces receive a minimum of 2 hours direct sunlight between 9 am-3 pm in mid-winter A maximum of 15% of apartments receive no direct sunlight between 9 am-3 pm in midwinter 	<ul style="list-style-type: none"> 16 of 19 apartments (84%) have living rooms and private open space that receive a minimum of two hours direct sunlight between 9 am and 3 pm in mid-winter All apartments receive some solar access between 9 am and 3 pm in mid-winter. 	Yes
Daylight access is maximised where sunlight is limited		Yes
Design incorporates shading and glare control, particularly for warmer months	<ul style="list-style-type: none"> The proposal meets the solar access benchmark. The apartments' location on and solar access from the eastern side of the building means afternoon sun will be avoided. 	Yes
4B Natural ventilation		
All habitable rooms are naturally ventilated	<ul style="list-style-type: none"> All habitable rooms are naturally ventilated. 	Yes
The layout and design of single aspect apartments maximises natural ventilation.	<ul style="list-style-type: none"> The location of the apartments on the eastern side of the building is oriented to the prevailing easterly afternoon wind direction through much of the year. Ventilation to single aspect apartments is supplemented by plenums. 	Yes
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents: <ul style="list-style-type: none"> at least 60% of apartments are naturally cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) 	<ul style="list-style-type: none"> 15 of the 19 apartments are naturally cross ventilated No apartments exceed 18 m in depth. The deepest apartment is 13 m deep. 	Yes

- Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured from glass to glass

4C Ceiling heights

Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

Habitable rooms	2.7 m
Non-habitable rooms	2.4 m
2 storey apartments	2.7 m for main living area floor 2.4 m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8 m at edge of room with a 30 degree minimum ceiling slope
If located in mixed use areas	3.3 m for ground and first floor to promote future flexibility of use

Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms

Ceiling heights contribute to the flexibility of building use over the life of the building

4D Apartment size and layout

The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

- Apartments are required to have the following minimum internal areas:

Apartment type	Minimum internal area
Studio	35 m ²
1 bedroom	50 m ²
2 bedroom	70 m ²
3 bedroom	90 m ²
Additional bathrooms	+5 m ² per bathroom
Additional bedrooms	+12 m ² per bedroom

- All apartments meet the minimum habitable room ceiling height.

- However, the four ground floor apartments have 2.7 m ceiling heights rather than the 3.3 m specified in the guideline. This is acceptable given the location of the ground floor units on a secondary street frontage. The Department notes that commercial and retail tenancies are proposed on the active Cleveland and Eveleigh Street frontages.

Partial,
refer to
Section 5

- The hierarchy of internal spaces is emphasised through higher ceilings to habitable rooms and lower ceilings (e.g. bulkheads) to non-habitable rooms.

Yes

- All apartments comply with the minimum internal area.

- Habitable rooms have a window on an external wall or a door / window onto the balcony and windows exceed the 10% requirement.

Yes

<ul style="list-style-type: none"> Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms. <p>Environmental performance of the apartment is maximised:</p> <ul style="list-style-type: none"> Habitable room depths are limited to a maximum of 2.5 x the ceiling height (6.75 m) In open plan layouts the maximum habitable room depth is 8 m from a window 	<ul style="list-style-type: none"> The open plan layouts (living rooms and kitchens) of two of the 19 apartments (three studios and three two bedrooms) exceed the maximum room depth. These variations are minor and acceptable as the non-compliant apartments provide sufficient natural light and ventilation. This is discussed further in Section 5.4.3. 	<p>Partial, refer to Section 5</p>															
<p>Apartment layouts are designed to accommodate a variety of household activities and needs:</p> <ul style="list-style-type: none"> Master bedrooms have a minimum area of 10 m² and other bedrooms have 9 m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3 m (excluding wardrobe space) Living rooms or combined living / dining rooms have a minimum width of 3.6 m for studio and 1 bed apartments and 4 m for 2 and 3 bed apartments The width of cross-over or cross-through apartments are at least 4 m internally to avoid deep narrow apartment layouts 	<ul style="list-style-type: none"> Bedrooms in the one bedroom apartments are 9m² rather than the 10m² recommended by the guidelines. This is a minor non-compliance that would not affect the utility of the bedrooms. In the two and three bedroom apartments master bedrooms have a minimum area of 10m² and other bedrooms have a minimum area of 9 m² Bedrooms have minimum dimensions of 3 m. Four 2 or 3 bed apartments have widths less than 4 m. Two are marginally narrower at 3.9 m. The other two are acceptable as the rooms maintain acceptable natural light and ventilation and have demonstrated they can accommodate a functional furniture layout. 	<p>Partial, refer to Section 5</p>															
4E Private open space and balconies																	
<p>Apartments provide appropriately sized principal private open space and balconies to enhance residential amenity:</p>	<ul style="list-style-type: none"> All apartments provide open space in the form of balconies or private gardens or winter gardens. Apartment G.1 has 9.5m² of private open space, when 10m² is required. Apartments G.1, G.2 and G.3 don't meet the minimum depth requirement for 2 and 3 bedroom apartments. The Department recommends a condition to increase this depth. This would also increase the Apartment G.1's total open space size beyond 10m². 	<p>No, refer to Section 5</p>															
<table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8 m²</td> <td>2 m</td> </tr> <tr> <td>2 bedroom</td> <td>10 m²</td> <td>2 m</td> </tr> <tr> <td>3+ bedroom</td> <td>12 m²</td> <td>2.4 m</td> </tr> </tbody> </table> <p>Minimum depth to count towards area is 1 m.</p>	Dwelling type	Minimum area	Minimum depth	Studio	4 m ²	-	1 bedroom	8 m ²	2 m	2 bedroom	10 m ²	2 m	3+ bedroom	12 m ²	2.4 m		
Dwelling type	Minimum area	Minimum depth															
Studio	4 m ²	-															
1 bedroom	8 m ²	2 m															
2 bedroom	10 m ²	2 m															
3+ bedroom	12 m ²	2.4 m															
<p>Private open space on the ground level has a minimum area of 15 m² and a minimum depth of 3 m</p>																	

<p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<ul style="list-style-type: none"> Primary private open space areas are located adjacent to the living space and face east or west. Secondary balconies are provided to some bedrooms. 	Yes										
<p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<ul style="list-style-type: none"> The design of the private open space is well designed to be integrated within the building architecture. Balconies are integrated into the building façade through openings that present as windows from the street (i.e. they are recessed behind the main building façade). 	Yes										
<p>Private open space and balcony design maximises safety.</p>	<ul style="list-style-type: none"> Private open space on the eastern side faces Woodburn Street, which allows for passive surveillance. Private open space on the eastern side is screened for safety and privacy (i.e. the screening would prevent unauthorised access). 	Yes										
4F Common circulation and spaces												
<p>Common circulation spaces achieve good amenity and properly service the number of apartments:</p> <ul style="list-style-type: none"> Maximum number of apartments off a circulation core is eight (or no more than 12 apartments). For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. 	<ul style="list-style-type: none"> The maximum number of apartments off a circulation core is four. Corridors will receive natural light and ventilation. 	Yes										
<p>Common circulation spaces promote safety and provide for social interaction between residents.</p>												
4G Storage												
<p>Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p>	<ul style="list-style-type: none"> The architectural plans show internal storage at a rate specified in the ADG. The plans also show storage areas in the basement car park, but these do not indicate the allocation of storage to individual apartments. It is therefore unclear whether each apartment receives the required quantum. The Department recommends a condition requiring amended basement plans showing every apartment has a designated storage cage of a volume required by the ADG. 	Partial, refer to Section 5										
<table border="1" data-bbox="1134 1464 1334 2074"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m³</td> </tr> <tr> <td>1 bedroom</td> <td>6 m³</td> </tr> <tr> <td>2 bedroom</td> <td>8 m³</td> </tr> <tr> <td>3+ bedroom</td> <td>10 m³</td> </tr> </tbody> </table> <p>With at least 50% located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments.</p>	Dwelling type	Storage size volume	Studio	4 m ³	1 bedroom	6 m ³	2 bedroom	8 m ³	3+ bedroom	10 m ³		
Dwelling type	Storage size volume											
Studio	4 m ³											
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2 bedroom	8 m ³											
3+ bedroom	10 m ³											

<p>4H Acoustic privacy</p> <p>Noise transfer is minimised through the siting of buildings and building layout</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<ul style="list-style-type: none"> • With the exception of the upper level of the townhouse type apartments, similar uses (e.g. bedrooms, living rooms) are generally located on top of each other. • The residential building is located within 7 m of the hotel building. However, the design of the residential apartments (with high windows) and the hotel suites (with fixed windows) will minimise noise impacts. 	Yes
<p>4K Apartment mix</p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<ul style="list-style-type: none"> • A variety of apartment sizes and types suitable for the housing needs of the area are accommodated and appropriately located within the building. 	Yes
<p>4L Ground floor apartments</p> <p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	<ul style="list-style-type: none"> • Ground floor apartments address their relevant frontage and all of the ground floor apartments have direct access from the street. • The orientation of the buildings allow for surveillance of the public domain. 	Yes
<p>4M Facades</p> <p>Building facades provide visual interest along the street while respecting the character of the local area.</p> <p>Building functions are expressed by the façade.</p>	<ul style="list-style-type: none"> • The design of the façade is discussed in further detail in Section 5 above, but the residential component provides visual interest and respects the character of the local area. • The hotel and residential uses (and the residential entry) are externally expressed in the design of the building. 	Yes
<p>4N Roof design</p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p>	<ul style="list-style-type: none"> • The roof treatment is defined by the landscaped roof garden. This adds visual interest to the roof form. 	Yes
<p>4O Landscape design</p> <p>Landscape design is viable and sustainable.</p>	<ul style="list-style-type: none"> • Landscaping includes a mixture of native and non-native plants and small trees. • Planting and furniture is provided on the rooftop garden and the internal lightwell area, as well as limited planting around the perimeter of the site. 	Yes

<p>Landscape design contributes to the streetscape and amenity.</p>	<ul style="list-style-type: none"> Plants have been selected for their hardiness and ability to be maintained, and tolerance of shade (in the courtyard) and direct light (on the roof). 	
4P Planting on structures		
<p>Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces.</p>	<ul style="list-style-type: none"> Planting is within 1000mm deep planters on slab planters. Selected plants are tolerant for growing in planters. 	Yes
4Q Universal design		
<p>Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design features) A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<ul style="list-style-type: none"> The proposal provides a total of two adaptable dwellings. Both are studio apartments. 	Yes
4S Mixed use		
<p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	<ul style="list-style-type: none"> The development addresses the street and active frontages are provided. 	Yes
<p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</p>	<ul style="list-style-type: none"> Residential circulation areas are clearly defined and access to communal open space is provided. 	Yes
4T Awning and signage		
<p>Awnings are well located and complement and integrate with the building design.</p>	<ul style="list-style-type: none"> Awnings are not provided as the proposal is generally built to the street boundary. This is consistent with the surrounding built form. 	Yes

<p>4U Energy efficiency</p> <p>Development incorporates passive environmental design.</p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<ul style="list-style-type: none"> The development meets BASIX water, thermal and energy efficiency targets. Buildings have been orientated to maximise solar access and achieve natural ventilation. 	Yes
<p>4V Water management and conservation</p> <p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into site design.</p>	<ul style="list-style-type: none"> Water efficient fittings and appliances will be installed. A Stormwater Management Strategy has been prepared which considers the water sensitive design initiatives such as rainwater tanks, harvested roof areas and native planting. 	Yes
<p>4W Waste management</p> <p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<ul style="list-style-type: none"> Waste storage is provided at ground floor level. No waste chutes are proposed. This is acceptable given the modest size of the residential building and the limited number of units accessing the lift. The EIS included a Waste Management Plan which detailed separate waste and recycling containers will be provided for residential use, retail use and bulky goods. 	Yes
<p>4X Building maintenance</p> <p>Building design detail provides protection from weathering.</p> <p>Systems and access enable ease of maintenance.</p> <p>Material selection reduces ongoing maintenance costs.</p>	<ul style="list-style-type: none"> The building has been appropriately designed to allow ease of maintenance. The materials are robust. 	Yes

State Environmental Planning Policy (Urban Renewal) 2010

The site is located within the Redfern-Waterloo Potential Precinct, identified in the Urban Renewal SEPP 2010. Clause 10 of the SEPP requires that development consent must not be granted unless the consent authority is satisfied that the proposed development is consistent with the objective of developing the precinct for the purposes of urban renewal. Specifically, development must not prevent the provision of higher density housing or commercial or mixed use development or opportunities for the future amalgamation of sites, or access to or the development of infrastructure, other facilities and public domain areas associated with public transport.

The proposed development maximises the core building height and floor space ratio controls. The proposal amalgamates two sites (175-177 Cleveland Street and 1-5 Woodburn Street) and provides higher density residential and commercial development than is currently provided on either site.

The Department is satisfied that the proposal will not hinder the attainment of any of the requirements of Clause 10 of the Urban Renewal SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water and energy use and thermal comfort. SEPP BASIX requires all new dwellings meet sustainability targets of a 20% reduction in energy use (building size dependent) and a 40% reduction in potable water.

There has been a commitment to use the requirements of BASIX as a minimum requirement and a BASIX report has been submitted for the building demonstrating satisfactory compliance with BASIX targets. The resulting BASIX scores for the building are:

- Energy - 20
- Water - 41
- Thermal Comfort – Pass

Section J(B)1 Compliance with Building Code of Australia (BCA) Provisions requires Class 3 buildings (including boarding houses) to comply with all provisions of the national Section J that are applicable. The applicant has submitted a BCA Compliance Report which confirms compliance with the relevant sections of the BCA. A condition requiring as much has also been imposed.

Other Policies

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

City of Sydney Development Control Plan 2012 – Section 4.4.8

An assessment of the proposal against the relevant tourist and visitor accommodation controls within the City of Sydney Development Control Plan 2012 is set out below.

Controls	Compliance
Section 4.4.8.1 – General Provisions	
(1) New development must be self-contained with no common access ways with adjoining properties.	The hotel component has a separate entrance to the residential component and does not share any common access ways for guests.
(2) A site manager must be on site when guests have access to the premises. For premises with less than 20 residents, a resident caretaker may be acceptable.	The hotel will be staffed at all times.
(3) For safety reasons, sleeping rooms are not to include triple-tier bunks and cooking facilities in sleeping rooms.	No triple-tier bunks or cooking facilities are proposed in rooms.

Mixed Use Hotel, Residential and Retail Development

(4) Internal partitions must be considered within sleeping rooms to provide privacy between beds.	While a general control, this control is most relevant to backpackers' accommodation or other accommodation in which strangers share rooms. The proposal includes a range of hotel rooms and suites, which would not conventionally include room partitions.
(5) All toilet and shower facilities, including communal facilities, are to be screened for privacy.	All rooms have separate ensuites.
(6) A Plan of Management and a Noise Management Plan must be submitted with the development application.	A Plan of Management including noise mitigation measures was submitted with the application.
Section 4.4.8.3 Additional provisions for hotels, private hotels and motels	
(1) The maximum number of persons accommodated in a bedroom or dormitory is to be determined on the basis of a minimum of: (a) 3.25sqm per person per sleeping room; and (b) 5.5sqm per person for rooms occupied by guests staying longer than 28 days.	Bedrooms exceed the minimum size and could each sleep at least three people.
(2) The maximum permitted length of stay is 3 months.	Conditions are recommended to this effect.
(3) Where accommodation is provided for more than 28 consecutive days, no more than two adults and one child are permitted per room.	Conditions are recommended to this effect.
(4) Individual, secure, lockable storage facilities of a minimum capacity of 0.6 cubic metres per person is to be provided to allow guests to individually store baggage and travel items within the sleeping room.	Conditions are recommended to this effect.
(5) Where rooms include a small kitchenette, provide adequate cupboards and shelves	Rooms do not include kitchenettes.