



# ***Pemulwuy***

**Modification of  
Concept Approval  
(MP06\_0101 MOD2)**

**State Significant  
Development  
(SSD 8135)**

**Modification of  
Project Approval  
(MP11\_0093 MOD1)**



October 2018

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### **Cover photo**

Perspective view looking east along Caroline Street towards the development (Source: Applicant's RtS)

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# Glossary

Abbreviation	Definition
Applicant	Deicorp Ltd, or anyone else entitled to act on this consent
AR	Acoustic Report prepared by Koikas Acoustics Pty Ltd and dated 7 June 2017
ARH SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009
BEP	Redfern and Waterloo Built Environmental Plan
CIV	Capital investment value
Code of Practice	City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992
Concept approval / concept plan	Approved concept plan for the redevelopment of the site (MP 06_0101)
Commission	Independent Planning Commission
Council	City of Sydney Council
CPTMP	Construction Pedestrian and Traffic Management Plan
Department	Department of Planning and Environment
DIP / DRP	Design Integrity Panel / Design Review Panel
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FEAR	Future Environmental Assessment Requirement
ICNG	Interim Construction Noise Guideline 2009
LEP	Local Environmental Plan
Minister	Minister for Planning
OLS	Obstacle Limitation Surface
Planning Secretary	Secretary of the Department of Planning and Environment
Project approval	Approved project application for Precincts 1, 2 and 3 (MP 11_0093)
RtS	Response to Submissions
RWC Plan	Redfern-Waterloo Contributions Plan 2006
RWAHC Plan	Redfern-Waterloo Affordable Housing Contributions Plan 2006
SEARs	Secretary's Environmental Assessment Requirements
SDCP 2012	City of Sydney Development Control Plan 2012
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



# Executive Summary

This report provides a concurrent assessment of a section 75W modification application to the Pemulwuy concept approval (MP 06\_0101 MOD 2), a State significant development (SSD) application (SSD 8135) for a student accommodation building within Precinct 3 of the Pemulwuy Precinct and a section 4.55(1A) modification application to the Pemulwuy project approval (MP 11\_0089 MOD 1) at 77-123 Eveleigh Street, Redfern. The Applicant is Deicorp Ltd and the proposal is located within the City of Sydney local government area.

As the three applications all relate to the Pemulwuy Precinct and are interrelated and interdependent the Department has considered them concurrently within this report.

The proposal seeks approval for:

- modifications to the concept approval to increase the height of the Precinct 3 building envelope, floor space ratio (FSR), gross floor area (GFA), student accommodation beds and deletion of the land-bridge, dedication of open space and reconfiguration of uses
- SSD consent for the construction of a part three to 24-storey student accommodation building within Precinct 3 providing 596 student beds, student amenities, open space, landscaping and public domain works, bicycle parking, loading dock and services
- modifications to the project approval to delete Precinct 3 buildings / works, the land-bridge and delete/amend related conditions, replace the Precinct 1 retail with gallery use and amend the public domain works and landscaping.

## Engagement

The concept modification and SSD application were publicly exhibited between 14 September 2017 and 27 October 2017. The Department of Planning and Environment (the Department) received a submission from Council, eight submissions from government agencies and 183 public submissions. The Department received a submission from Council and six submissions from government agencies in response to the Applicant's Response to Submissions/Preferred Project Report. The key issues raised in the submissions include height and scale, visual impact, design and heritage impact, density and land use, overshadowing, traffic and car parking, footpath capacity, noise and social/cultural impacts.

The section 4.55(1A) application was submitted after the concept modification and SSD application and was notified between 13 July 2018 and 20 July 2018. The Department received a submission from Council and two submissions from government agencies suggesting conditions relating to the railway corridor and affordable housing and public domain contributions.

The Department has considered the above issues in its assessment, along with consistency with the concept approval (as amended by the concept modification) and student accommodation amenity. The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the

objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these issues.

### **Assessment – concept modification and SSD**

The Department's assessment concludes the increase in height of the Precinct 3 building envelope by 16-storeys (from 8 to 24-storeys) would have acceptable built form and heritage impacts, is consistent with similar developments around Redfern Station and the strategic vision for the area.

The Department supports the increase in density within Precinct 3 as it provides additional student accommodation, is served by public transport, close to educational institutions and will increase the vibrancy of the Pemulwuy Precinct. The provision of student accommodation has strategic merit and is consistent with directions and actions in the Greater Sydney Region Plan, Eastern District Plan and Central to Eveleigh Urban Transformation Strategy.

The Design Review Panel confirmed it supports the overall density of the proposal and does not object to the height and scale of the proposed student accommodation building. The Government Architect NSW similarly supports the built form of the proposal, including the design excellence process. Council raised concern about the impact of the bulk of the proposal on the surrounding locality, however, did not object to the height of the building.

While the Heritage Council has expressed concerns about the height and heritage impact on Redfern Station, the Department concludes the detailed design of the building achieves design excellence and would not have an adverse impact on the setting or heritage significance of Redfern Station or nearby conservation areas. In addition, the DRP and GANSW shares the Department's above conclusions on height and heritage impact.

The development would not have an adverse impact on amenity in terms of overshadowing, overlooking, impact on views. The student accommodation would also be appropriately managed to prevent adverse amenity impacts on the surrounding residential areas. It is also afforded an acceptable standard of internal amenity.

The proposal would not result in adverse traffic or car parking impacts and would not generate additional pedestrian movements that would exceed footpath capacity surrounding the site.

To mitigate and manage noise impacts during construction the Department has recommended conditions to limit constructions hours and secure best practice management measures.

The deletion of the land bridge over the railway corridor facilitates the retention of the culturally significant Aboriginal art walls, which represents a significant public and cultural benefit that outweighs the creation of new views into the site and compensates for the minor reduction of open space (80 m<sup>2</sup>).

The Department supports the public benefits (including the 110 subsidised student rooms (18%) for Aboriginal Torres Strait Island students, dedication of public open space and public art) and recommends affordable housing / public open space contributions or works in kind. The proposal would not have an adverse social or cultural impact.

### **Assessment – project modification**

The modification of the project approval to delete the approved Precinct 3 and revise Precinct 1 and 2 public domain works is supported. The amendments to land uses, including the relocation of the gallery from Precinct 3 to 1 is acceptable as the Pemulwuy Precinct would continue to be provided with sufficient services/facilities. In addition, the deletion of the land-bridge allows for the retention of culturally significant Aboriginal art-walls, the amendments to open space is minor in nature and the increase in the amount of open space dedication to Council is supported. The amendments to the project approval conditions are administrative in nature and acceptable.

### **Summary**

Overall, the proposal provides an acceptable development density and height, would have negligible amenity and traffic impacts and would provide significant public benefits. The Department concludes the proposal is in the public interest and the applications are approvable, subject to conditions.



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# 1. Introduction

## 1.1 Introduction

This report provides a concurrent assessment of a section 75W modification application to the Pemulwuy concept approval (MP 06\_0101 MOD 2), a State significant development (SSD) application (SSD 8135) for a student accommodation building within Precinct 3 of the Pemulwuy Precinct and a section 4.55(1A) modification application to the Pemulwuy project approval (MP 11\_0089 MOD 1) at 77-123 Eveleigh Street, Redfern (the proposal).

The proposal seeks approval for:

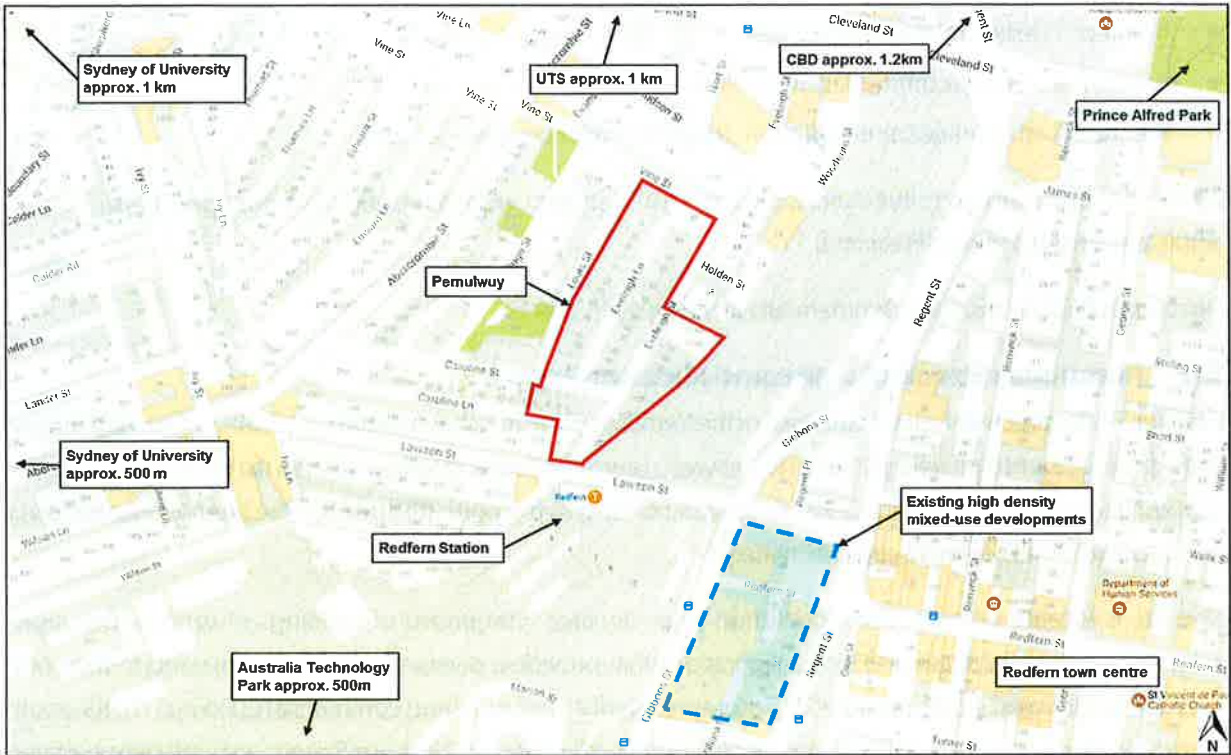
- modifications to the Precinct 3 building envelope in the concept approval to increase height, floor space ratio (FSR), gross floor area (GFA), student accommodation beds, delete the land-bridge, dedicate open space to Council and reconfigure uses
- SSD consent for the construction of a three to 24-storey student accommodation building within Precinct 3 providing 596 student beds, student amenities, open space, landscaping and public domain works, bicycle parking, loading dock and services
- modifications to the project approval to delete Precinct 3 buildings / works, the land-bridge and delete/amend related conditions, replace the Precinct 1 retail with gallery use and amend the public domain works and landscaping.

The applications have been lodged by Deicorp Ltd (the Applicant). The site is located within the City of Sydney local government area (LGA).

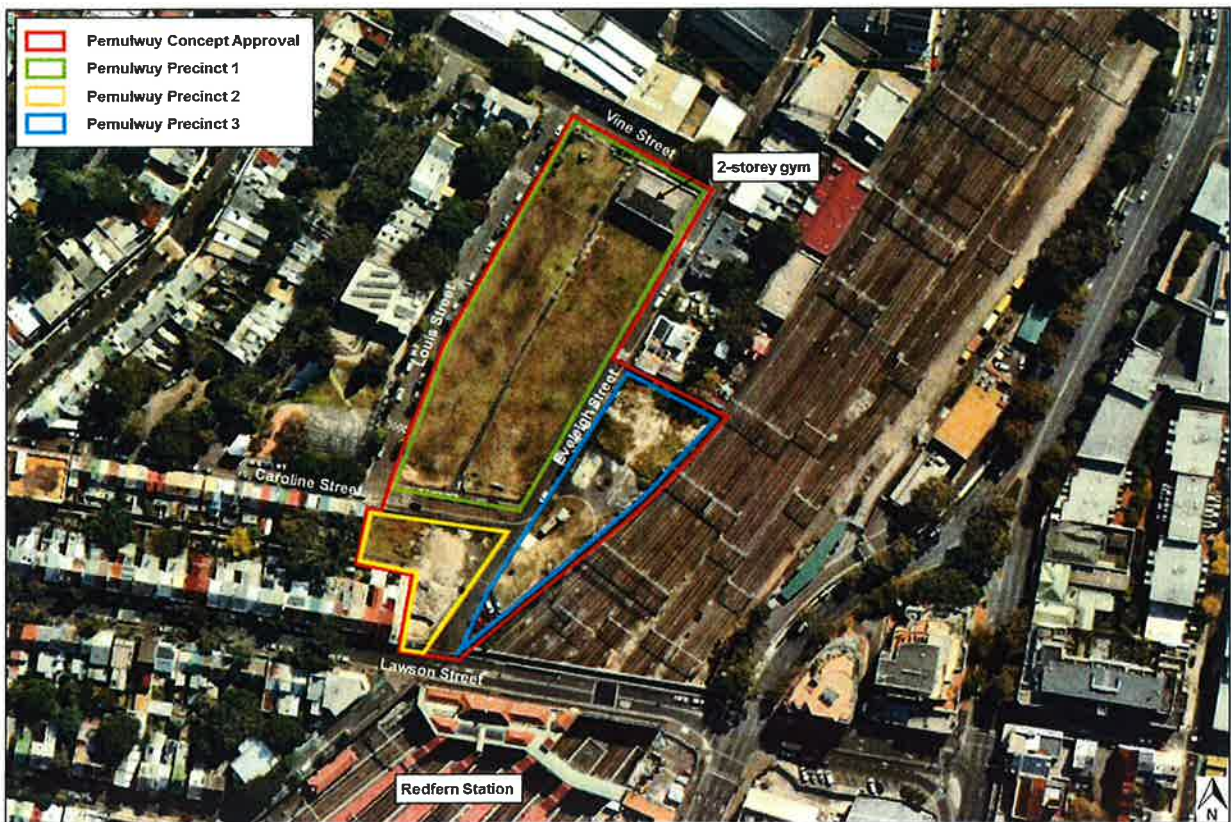
## 1.2 Pemulwuy Precinct

The Pemulwuy Precinct is located approximately 1.2 km south-west of Sydney Central Business District (CBD) and to the north of Redfern Station. The site has a total area of approximately 10.37 hectares and is bound by Lawson Street to the south, Louis Street to the west, Vine Street to the north and Eveleigh Street and the railway corridor to the east (**Figures 1 and 2**)

Historically, the majority of the site contained several 2-storey residential terraces, administered by the Aboriginal Housing Company (AHC), providing affordable residential accommodation to the Aboriginal and Torres Strait Islander (ATSI) community. Most buildings on the site were demolished between 1990 and 2004 and now the site is largely vacant, comprising grassed areas secured with chain-link fencing and hoardings. A 2-storey gym building remains on the site at the corner of Vine and Eveleigh Streets (**Figure 2**).



**Figure 1** | The Pemulwuy Precinct site location (outlined in red) (Base source: Nearmap)



**Figure 2** | Aerial view of the site showing the site, the three Pemulwuy Precinct boundaries and the surrounding site context (Base source: Nearmap)

Concept approval was granted for a mixed use development on the site comprising residential, student, retail and community uses (**Section 1.4.1**). The concept approval is divided into three precincts (**Figure 2**), separated by Eveleigh Street and Caroline Street, comprising:

- Precinct 1: residential and retail uses
- Precinct 2: retail / commercial and childcare uses
- Precinct 3: student accommodation, art gallery and commercial uses.

While the modifications to the concept approval and project approval relate to all three precincts, the SSD application relates only to Precinct 3.

No construction works have commenced on Precincts 1, 2 or 3.

### 1.3 Pemulwuy Precinct 3 site and surroundings

Precinct 3 is located within the south-east of the Pemulwuy Precinct, has a site area of 2,380 m<sup>2</sup> and is triangular in shape. It is bound by Eveleigh Street to the west, Lawson Street and Redfern Station to the south, the railway corridor to the east and existing 2-storey terrace housing to the north (**Figure 2**). The site has a steady slope from north to south, falling by approximately 5 m.

The site is located within a well established inner-city area, comprised of buildings of various uses, ages, heights, architectural styles and lot configurations that provide a diverse streetscape. The land to the north, west and south-west is comprised of 2/3-storey residential, industrial and commercial buildings. To the south-east of the site, opposite the railway corridor and fronting Regent and Gibbons Streets, are high density mixed-use developments up to 18-storeys, comprising residential, student, retail/commercial uses (**Figure 1**).

The site is well located to nearby universities (**Figure 1**), being:

- approximately 500 m west of University of Sydney on Shepherd Street
- 1 km west of University of Sydney on City Road and Butlin Avenue
- 1 km south of University of Technology Sydney (UTS) on Abercrombie Street and Broadway.

In addition, the site is also closely located to:

- Prince Alfred Park, approximately 300 m to the north-east
- Central Park Precinct, approximately 350 m to the north
- Australian Technology Park, approximately 500 m to the south-west.

The site does not contain any heritage listed items. However, it is located opposite Redfern Station, which is listed on the State Heritage Register and is also a heritage item under the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP). The site is also located east of the Darlington conservation area and west of the Redfern Estate conservation area (on the opposite side of the railway corridor) as defined by the Sydney Local Environmental Plan 2012 (SLEP).

An existing brick wall containing Aboriginal art is located along the rail corridor at the southern end of Precinct 3 and along Lawson Street on the bridge over the railway corridor (**Figure 18**).

### 1.4 Previous approvals and other relevant applications

#### 1.4.1 Concept plan approval (MP 06\_0101)

On 30 June 2009, the Minister for Planning approved a Part 3A concept plan (MP 06\_0101) for the redevelopment of the site into three precincts for a new mixed-use neighbourhood, comprising

retail/commercial, residential (including student accommodation), cultural and community uses and open space.

The concept approval has been modified once, providing (**Figure 3**):

- a maximum of 17,380 m<sup>2</sup> of GFA comprising:
  - 2,655 m<sup>2</sup> retail/commercial GFA
  - 12,720 m<sup>2</sup> residential GFA
  - 3,095 m<sup>2</sup> cultural/community GFA, including gym, gallery, child care (60 places) and offices
- maximum building envelope heights, FSR and GFA, including:

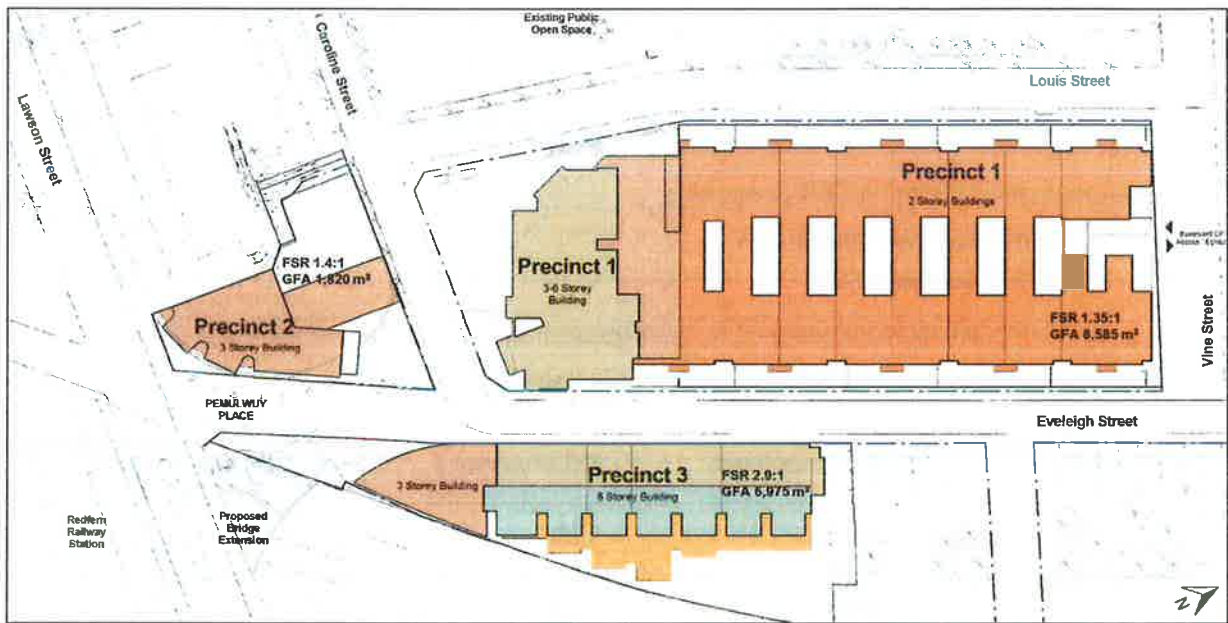
Precinct	Height (maximum)	FSR (maximum)	GFA (maximum)
1	6-storeys	1.35:1	8,585 m <sup>2</sup>
2	3-storeys	1.40:1	1,820 m <sup>2</sup>
3	8-storeys	2.90:1	6,975m <sup>2</sup>

- maximum of 123 car parking spaces within Precinct 1 including:
  - 115 spaces at basement level
  - eight spaces at ground level (on the northern side of Caroline Street)
- a bridge extension over the railway corridor on the northern side of Lawson Street, east of Eveleigh Street
- public open space, landscaping and public domain works.

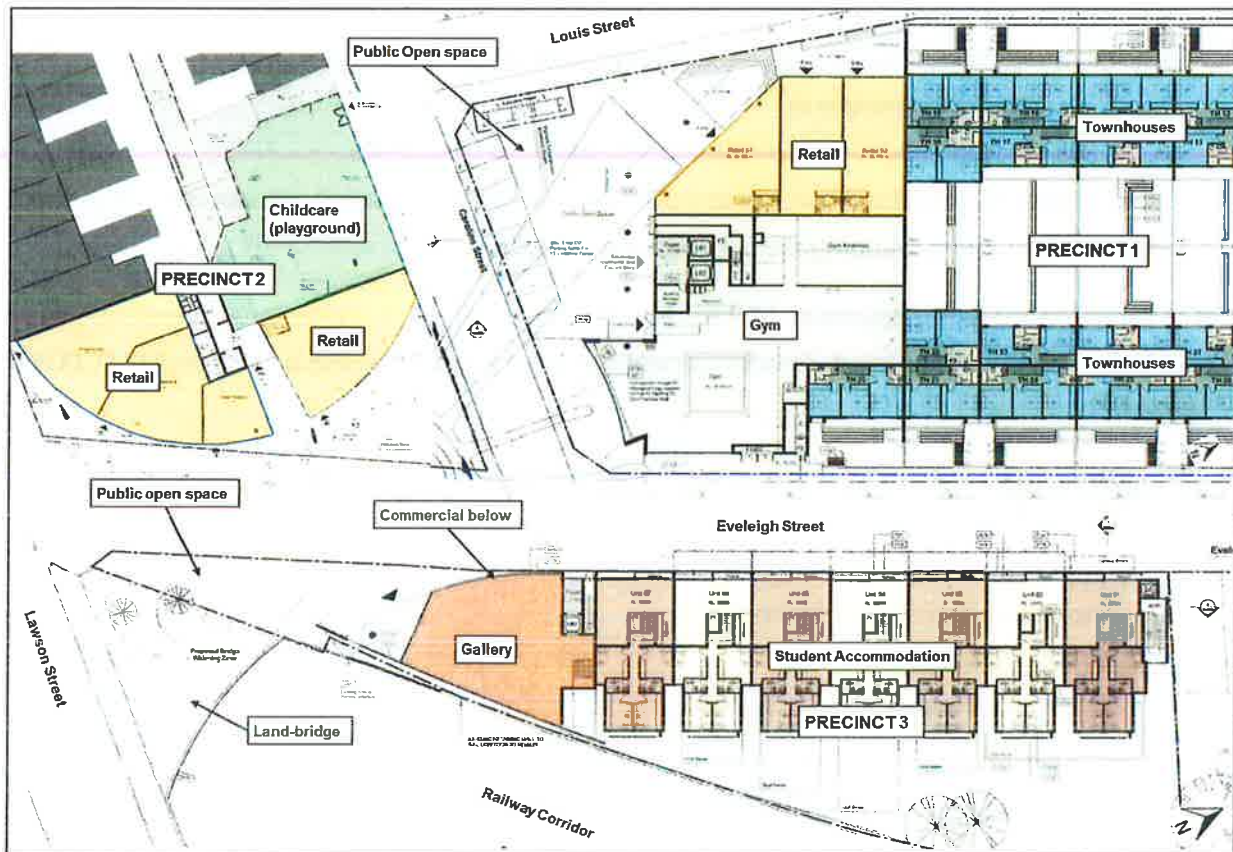
#### 1.4.2 Project application approval (MP 11\_0093)

On 21 December 2012, the Deputy Director-General approved a Part 3A project application (MP 11\_0093) (**Figure 4**) for:

- construction of:
  - 2 to 6-storey buildings within Precinct 1
  - a 3-storey building within Precinct 2
  - 3 to 8-storey building within Precinct 3
- 17,370 m<sup>2</sup> of GFA comprising:
  - 12,730 m<sup>2</sup> of residential GFA, including:
    - 36 townhouses and 26 apartments within Precinct 1
    - 42 student housing units (2-bed, 4-bed and 6-bed cluster units) providing 154 beds within Precinct 3
  - 2,610 m<sup>2</sup> of community GFA, including a gym, child care centre (60 places) and offices
  - 2,655 m<sup>2</sup> of retail/commercial GFA
  - 485 m<sup>2</sup> cultural GFA comprising a gallery
- basement car park for 115 vehicles, including 10 accessible spaces within Precinct 1
- eight ground level car parking spaces on the northern side of Caroline Street
- landscaping and public domain improvement works.

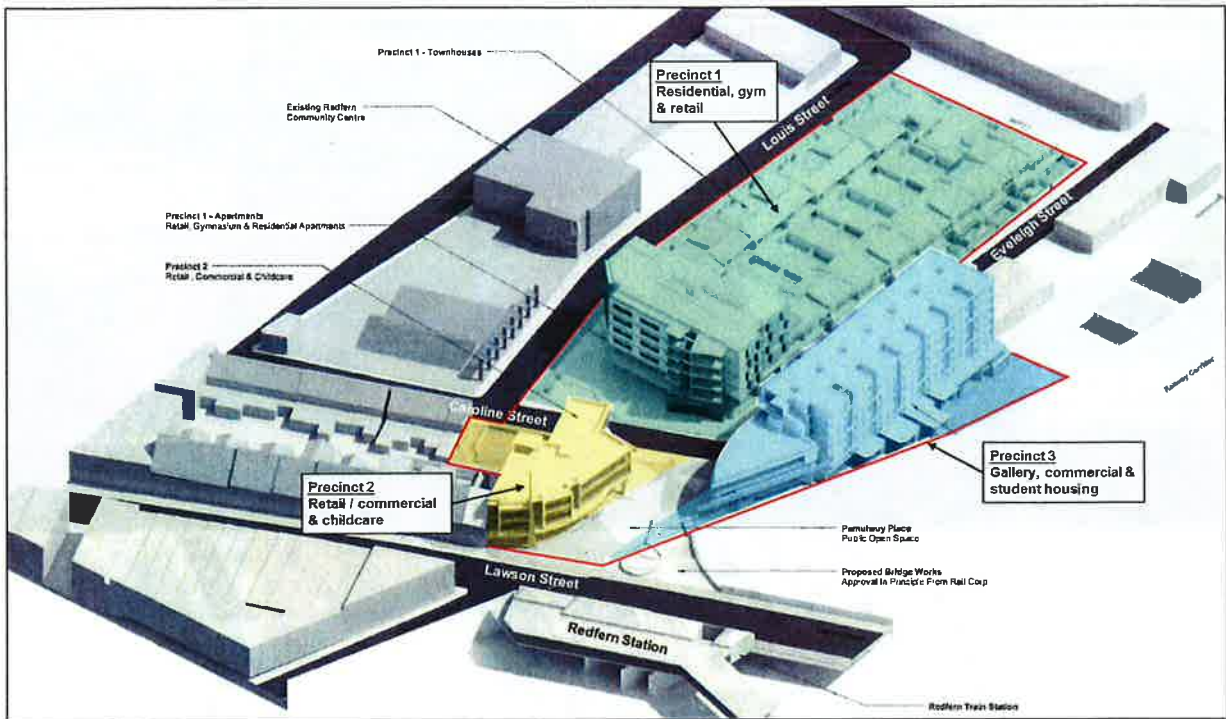


**Figure 3** | Concept approval building envelope heights, FSR and GFA (Base source: MP 06\_0101 MOD 1)



**Figure 4** | Project approval ground / upper ground floor levels (Base source: MP 11\_0093)

Aerial views and perspectives of the concept and project approval are provided at **Figures 5** and **6**.



**Figure 5** | Aerial view of the concept and project approval (Base source: MP 11\_0093)



**Figure 6** | Perspective of the project approval from the Lawson / Eveleigh Street intersection looking north along Eveleigh Street (Base source: MP 11\_0093)

### 1.4.3 Other relevant approvals relating to nearby sites

To the south-east of the site, on the opposite side of the railway corridor and Redfern Station, are five high density mixed-use developments. The developments are shown at **Figure 7** and summarised at **Table 1**.



**Figure 7** | Street view, plan and section showing the location and height of nearby high-density developments  
(Base source: Proponent's EA and Department's site visit)

**Table 1** | Summary of other relevant approvals relating to nearby sites

	Site / Ref	Description of Development	Approval Date
B1	80-88 Regent St (SSD 7080)	<ul style="list-style-type: none"> <li>18-storey mixed use development</li> <li>56 apartments, commercial, retail and childcare uses.</li> </ul>	27 Nov 2017
B2	60-78 Regent St (SSD 6724)	<ul style="list-style-type: none"> <li>18-storey mixed use development</li> </ul>	25 Aug 2015



		<ul style="list-style-type: none"> <li>• student accommodation (370 beds), retail and commercial uses.</li> </ul>	
B3	1 Lawson St (SSD 5249)	<ul style="list-style-type: none"> <li>• 6-storey extension to a 12-storey building (total 18-storeys)</li> <li>• 174 residential apartments, retail and commercial uses.</li> </ul>	18 Dec 2014
B4	157 Redfern St (MP 09_0039)	<ul style="list-style-type: none"> <li>• 18-storey mixed use development</li> <li>• 85 apartments, RSL Club, retail and office uses.</li> </ul>	15 Nov 2011
B5	7-9 Gibbons St (MP 08_0112)	<ul style="list-style-type: none"> <li>• 18-storey mixed use development</li> <li>• 135 apartments, retail and supermarket use.</li> </ul>	22 Oct 2010



## 2. Project

### 2.1 Description of proposal

The key components of the proposal (as amended by the Response to Submissions Preferred Project Report (RtS)), refer to **Section 6** are summarised at **Table 2. Appendix B** contains a link to the Applicant's modification requests, SSD documents and RtS.

**Table 2** | Main components of the modification to the concept and project approvals and the SSD application

#### CONCEPT PLAN MODIFICATION (MP 06\_0101 MOD 2)

Component	Description
Built form	<ul style="list-style-type: none"><li>• Amend the footprint, shape and dimensions of the Precinct 3 building envelope</li><li>• Increase the maximum height of the Precinct 3 building envelope by 16-storeys (from eight to 24-storeys) up to RL 96.57</li><li>• Delete the 235 m<sup>2</sup> bridge extension over the railway corridor.</li></ul>
Uses	<ul style="list-style-type: none"><li>• Increase of 442 student beds (from 154 to 596 beds)</li><li>• Replace retail use within Precinct 1 with gallery use</li><li>• Relocate gallery use from Precinct 3 to Precinct 1, including a 145 m<sup>2</sup> reduction in GFA.</li></ul>
GFA	<ul style="list-style-type: none"><li>• Increase the total GFA by 9,555 m<sup>2</sup> (to 26,935 m<sup>2</sup>), including:<ul style="list-style-type: none"><li>○ increase of 11,140 m<sup>2</sup> student accommodation GFA (from 5,390 m<sup>2</sup> to 16,530 m<sup>2</sup>)</li><li>○ reduce 145 m<sup>2</sup> gallery GFA (from 485 m<sup>2</sup> to 340 m<sup>2</sup>)</li><li>○ reduce 1,440 m<sup>2</sup> retail/commercial GFA (from 2,655 m<sup>2</sup> to 1,215 m<sup>2</sup>).</li></ul></li></ul>
FSR	<ul style="list-style-type: none"><li>• Increase of the FSR for Precinct 3 by 4.05:1 (from 2.9:1 to 6.95:1).</li></ul>
Open space	<ul style="list-style-type: none"><li>• Reduce 80 m<sup>2</sup> public open space in Precinct 3 (from 230 m<sup>2</sup> to 150 m<sup>2</sup>)</li><li>• Increase the open space to be dedicated to Council by 438 m<sup>2</sup> (from 700 m<sup>2</sup> to 1,138 m<sup>2</sup>).</li></ul>
Statement of Commitments (SoCs)	<ul style="list-style-type: none"><li>• Delete and amend conditions and SoCs to take account of the changes to Precinct 3 and reflect changes to the concept approval.</li></ul>

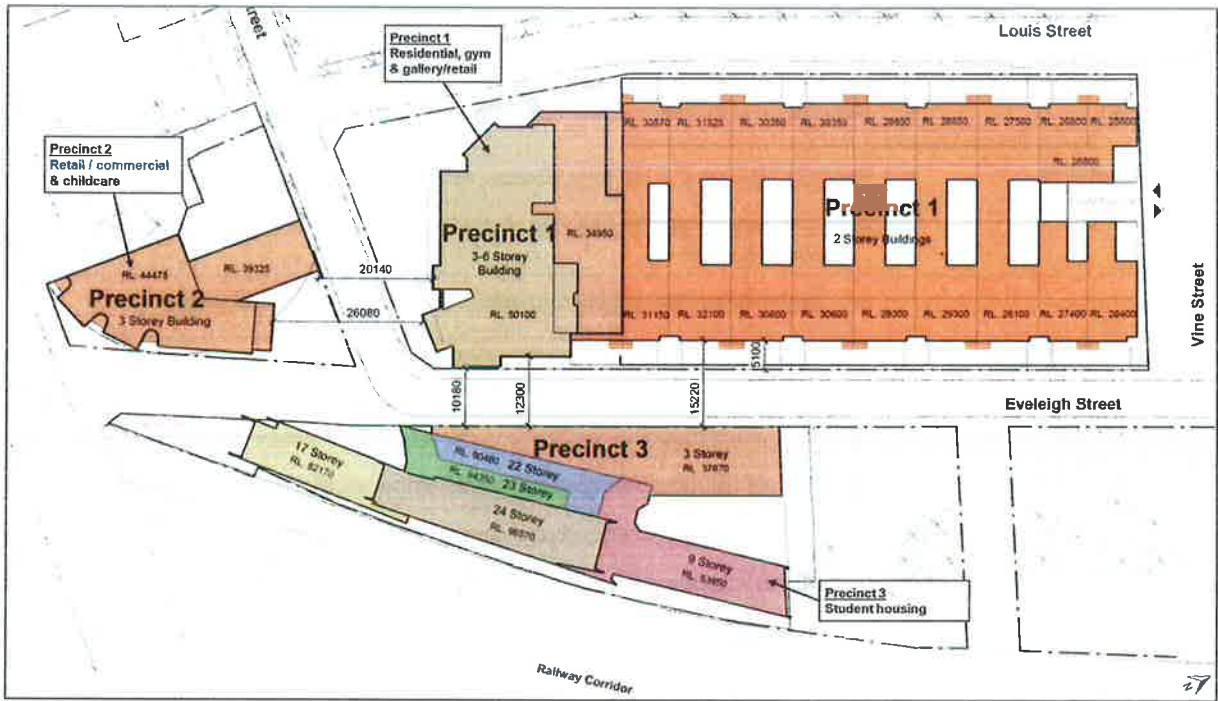
#### SSD APPLICATION (SSD 8135) – PRECINCT 3

Component	Description
Built form	<ul style="list-style-type: none"><li>• Construct a 3 to 24-storey building, to a maximum height of RL 96.57</li></ul>
GFA	<ul style="list-style-type: none"><li>• Provide a total GFA of 16,530 m<sup>2</sup> in Precinct 3</li></ul>
Uses	<ul style="list-style-type: none"><li>• Provide 596 student beds (in 350 units) comprising:<ul style="list-style-type: none"><li>○ 233 studio rooms</li></ul></li></ul>

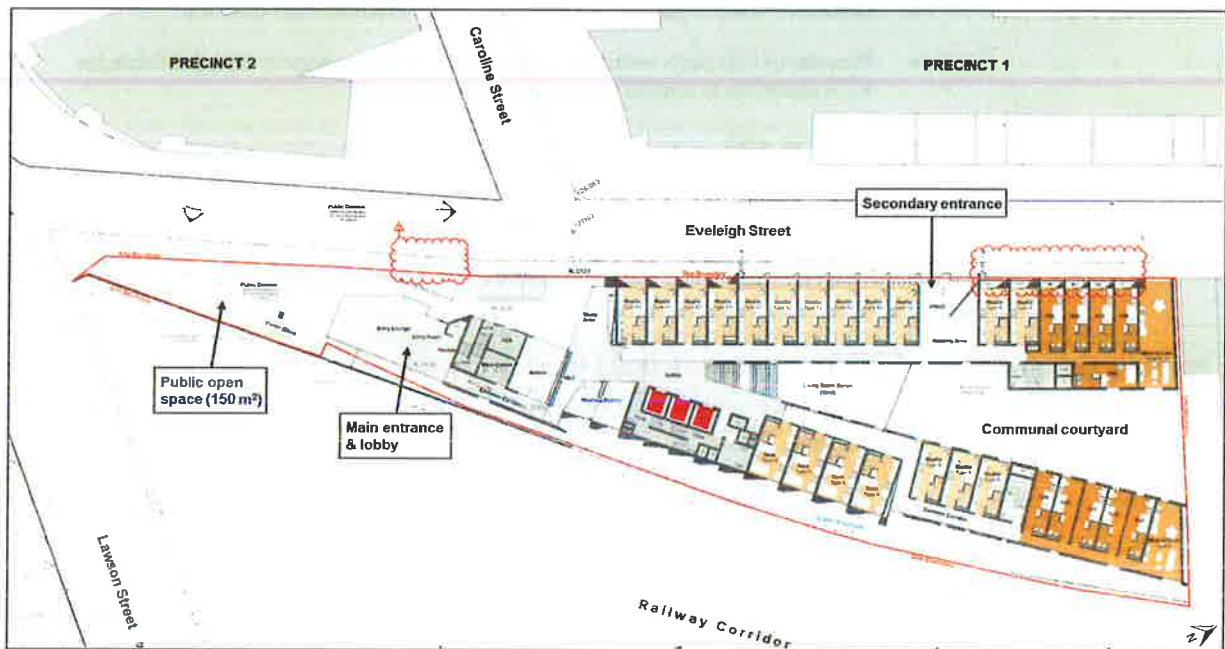
	<ul style="list-style-type: none"> <li>o 74 twin rooms</li> <li>o 43 5-bedroom cluster units, with shared living/kitchen.</li> </ul>
Servicing	<ul style="list-style-type: none"> <li>• Provide one on-site loading bay accessed from Eveleigh Street.</li> </ul>
Bicycle parking	<ul style="list-style-type: none"> <li>• Provide 184 bicycle parking spaces, including: <ul style="list-style-type: none"> <li>o 176 bicycle parking spaces at ground floor level including 20 bicycle-share spaces</li> <li>o eight visitor bicycle parking spaces within the public domain.</li> </ul> </li> </ul>
Student amenities	<ul style="list-style-type: none"> <li>• Provide student amenities, such as cinema, meeting rooms, communal rooms, gym, laundry and communal landscaped courtyard and rooftop terrace.</li> </ul>
Public domain, open space and landscaping	<ul style="list-style-type: none"> <li>• Public domain improvements and communal open space including: <ul style="list-style-type: none"> <li>o 150 m<sup>2</sup> public open space, located at the southern tip of the site</li> <li>o 340 m<sup>2</sup> communal courtyard at ground level</li> <li>o 195 m<sup>2</sup> communal terrace at Level 21</li> </ul> </li> <li>• 503 m<sup>2</sup> (inaccessible) green roof at Level 2 and decorative gravel roofs at Levels 8 and 18.</li> </ul>
Remediation	<ul style="list-style-type: none"> <li>• Remediation (as required).</li> </ul>
Public Benefits	<ul style="list-style-type: none"> <li>• Dedicate 150 m<sup>2</sup> public open space within Precinct 3 to Council</li> <li>• Provide of 110 beds within the student accommodation made available for ATSI students at subsidised rates.</li> </ul>
Capital investment value (CIV)	<ul style="list-style-type: none"> <li>• \$65,791,450.</li> </ul>
Jobs	<ul style="list-style-type: none"> <li>• 150 construction jobs</li> <li>• 13 operational jobs once fully developed.</li> </ul>

### PROJECT APPLICATION MODIFICATION (MP 11\_0093 MOD 1)

Component	Description
Built form	<ul style="list-style-type: none"> <li>• Delete all buildings and works relating to Precinct 3 from the project approval</li> <li>• Delete the 235 m<sup>2</sup> bridge extension over the railway corridor.</li> </ul>
Uses	<ul style="list-style-type: none"> <li>• Relocate gallery use from Precinct 3 to Precinct 1, including a 145 m<sup>2</sup> reduction in GFA.</li> </ul>
Public domain	<ul style="list-style-type: none"> <li>• Amend the design, layout and landscaping of the public domain for Precincts 1 and 2, including: <ul style="list-style-type: none"> <li>o upgrade pavement system from concrete to granite finishes</li> <li>o removal of the 'Pemulwuy-Meeting Place' graphic from the shared-zone and public domain surface</li> <li>o amendments to outdoor seating within Precinct 2.</li> </ul> </li> </ul>
Conditions and SoCs	<ul style="list-style-type: none"> <li>• Delete and amend conditions and SoCs to take account of the deletion of Precinct 3 and reflect changes to the project approval.</li> </ul>



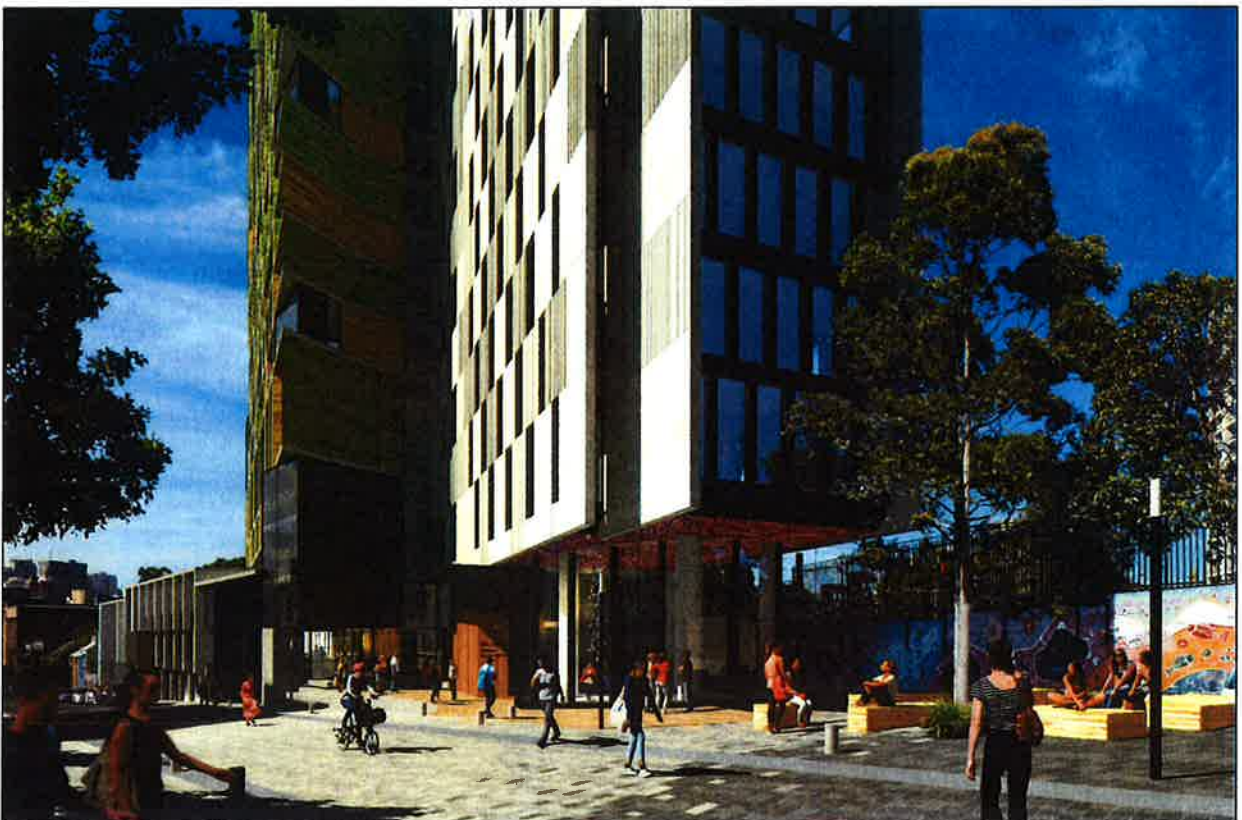
**Figure 8** | Proposed modified concept building envelope heights (Base source: Applicant's RtS)



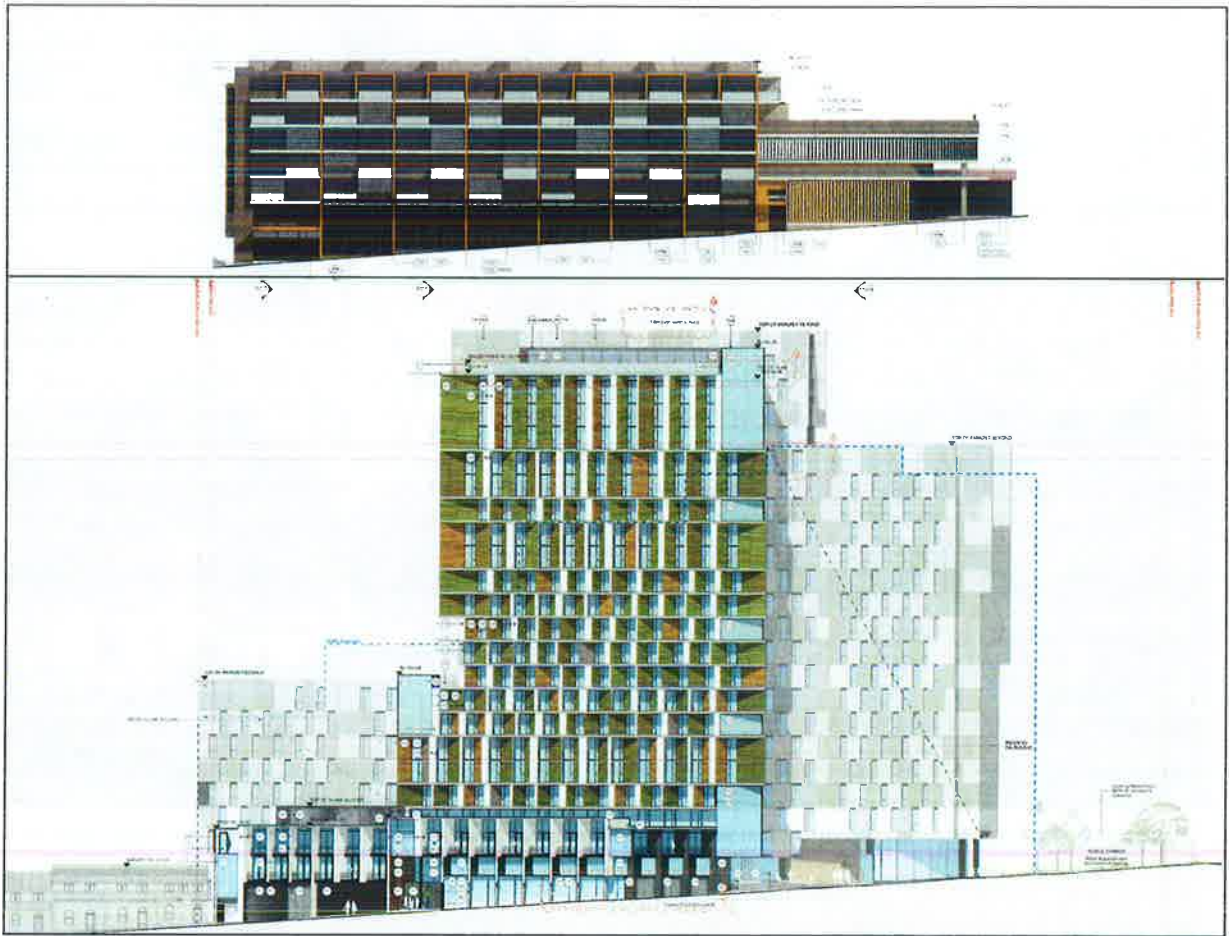
**Figure 9** | Proposed upper ground floor student accommodation layout (SSD Application) (Base source: Applicant's RtS)



**Figure 10** | Perspective view looking east along Caroline Street towards the development (SSD Application)  
(Source: Applicant's RTS)



**Figure 11** | Street view perspective looking north along Eveleigh Street (SSD Application) and towards the main entrance to the building (Base source: Applicant's RTS)



**Figure 12** | Approved (top) and proposed (bottom) Precinct 3 Eveleigh Street elevation (Base source: Applicant's RtS and MP 11\_0093 MOD 1)



## 3. Strategic Context

### 3.1 NSW State Priorities

The Premier has set 12 Priorities to improve outcomes for the people of NSW. Of the 12 priorities, creating jobs is relevant to this application.

While the Premier's target of creating 150,000 new jobs by 2019 has already been met, the proposal will accommodate a further 150 construction jobs and 13 operational jobs once fully developed.

The NSW Government has also identified 18 State priorities in relation to the economy, infrastructure and housing, social welfare, cultural participation, services and safer communities.

The proposal will contribute to encouraging business investment through the delivery of significant new student accommodation within the heart of Redfern and creating new jobs.

The proposal will help to position NSW as Australia's prime location for education. The project increases the supply of affordable student accommodation in close proximity to existing University's campuses and other educational facilities, and reduces pressure associated with overcrowding of rental accommodation.

### 3.2 Greater Sydney Regional Plan and Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and associated District Plans.

The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

The Region Plan's overriding vision for Greater Sydney is to rebalance Sydney into a metropolis of three unique but connected cities; an Eastern Harbour City, the Western Parkland City (west of the M7) and the Central River City (with Greater Parramatta at its heart).

Historically, Greater Sydney's jobs and transport have been focused to the east, requiring people to make long journeys to and from work and other services. The three cities vision allows opportunities and resources to be shared more equitably while enhancing the local character we value in our communities. By integrating land use, transport links and infrastructure across the three cities, more people will have access to jobs, schools, hospitals and services within 30 minutes.

The proposal is consistent with the Region Plan, as it supports productivity through the growth in jobs and student accommodation within the Harbour City. In doing so, it supports integrating land use and transport contributing to a walkable '30-minute city' and through an increase in student accommodation within a highly accessible part of the Harbour City.

The Pemulwuy Precinct is located within the Eastern City District area. The proposal is consistent with the objectives of the Eastern City District Plan, as it will:

- provide services and social infrastructure (Planning Priority E3)
- provide student housing to increase housing supply, choice and affordability (Planning Priority E5)
- contribute to a stronger and more competitive Harbour CBD (Planning Priority E7)
- deliver integrated land use and transport planning and a '30-minute city' (Planning Priority E10)
- provide public and private open spaces and increase the urban tree canopy (Planning Priorities E17 and E18).

### 3.3 Future Transport Strategy 2056

The Future Transport Strategy 2056 is an update to the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.

The proposed development is consistent with the six key outcomes of the Plan as:

- the site is located within walking distance to a number of public transport services
- it provides active transport travel options by providing bicycle parking spaces and end-of-trip facilities
- it does not include on-site car parking spaces which will encourage the use of public transport.

### 3.4 Sustainable Sydney 2030

Sustainable Sydney 2030 sets out the City of Sydney's vision to make Sydney a more global, green and connected metropolis by 2030.

The proposal will contribute to several strategic directions in Sustainable Sydney 2030, as it will:

- include public open spaces, cultural uses and gathering spaces and therefore contribute to a cultural and creative city (Strategic Direction 6)
- provide student accommodation which will provide an affordable alternative accommodation for students in an area with excellent access to public transport (Strategic Direction 8).

### 3.5 Redfern-Waterloo Built Environment Plan (Stage One) August 2006

The Redfern-Waterloo Built Environment Plan (Stage One) August 2006 (BEP) was developed as a key driver for the former Redfern Waterloo Authority (RWA), now known as UrbanGrowth NSW Development Corporation (UGDC). It was prepared to assist in the social and economic revitalisation of the Redfern-Waterloo area. The BEP forecasts the Redfern Waterloo area to provide 2,000 new dwellings and 18,000 jobs.

The BEP provided a planning framework for the redevelopment of several strategic sites in the Redfern Waterloo area, including the Pemulwuy Precinct. The BEP was used to inform the planning controls within the SSP SEPP, which applies to the site and are discussed at **Section 4.4**.

The BEP identifies the Pemulwuy Precinct, and surrounding land, as a location for employment growth and the creation of a vibrant sustainable business and residential community, providing opportunities for Aboriginal enterprise and housing and community and cultural facilities.



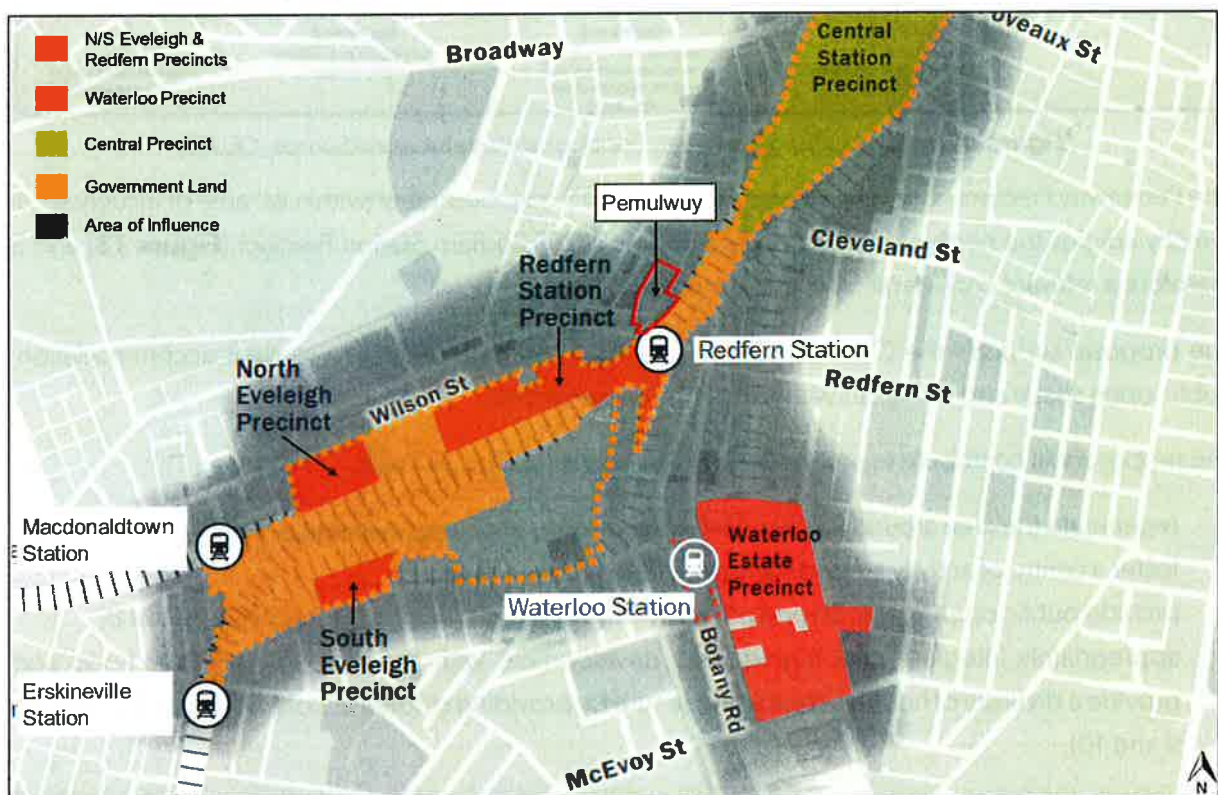
The proposal will contribute to the revitalisation of the area through the redevelopment of currently vacant land to provide a vibrant new neighbourhood comprising open spaces, commercial, cultural and community uses and residential and student accommodation. The provision of student accommodation will meet the needs of international and local (including ATSI) students attending nearby tertiary education establishments.

The proposal is also considered to respond appropriately to the surrounding built form and site context, as discussed at **Sections 6.2.2** and **6.3.2**.

### 3.6 Central to Eveleigh Urban Transformation Strategy

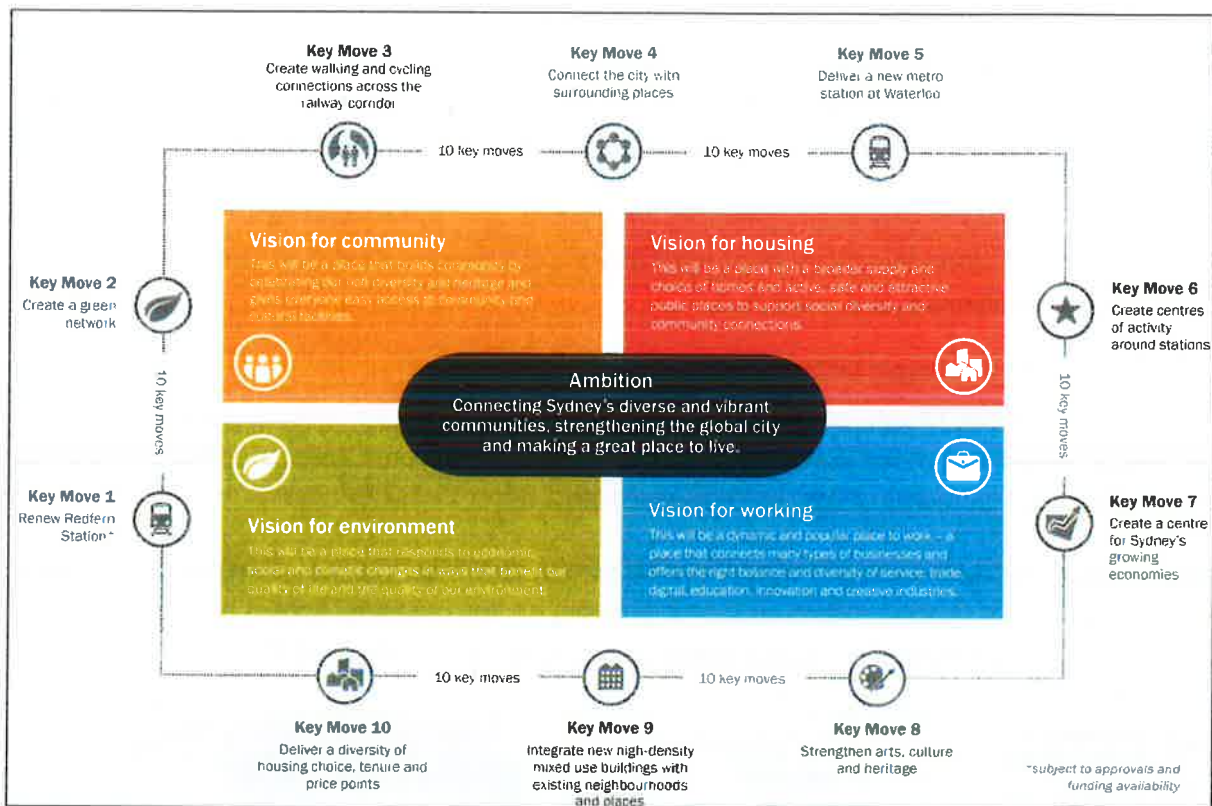
The Central to Eveleigh Urban Transformation Strategy (CEUTS) guides the renewal of approximately 50 hectares of government-owned land in and around the rail corridor from Central to Erskineville stations. The Strategy was released by UGDC in November 2016.

The Strategy is not a statutory planning document nor a rezoning proposal. However, it is a useful reference document guiding district and local planning for five precincts, known as North Eveleigh, South Eveleigh, Redfern Station, Central Station and Waterloo Estate (**Figure 13**).



**Figure 13** | Central to Eveleigh Urban Transformation precinct plan (the corridor boundary outlined in orange dashed line) (Base source: Central to Eveleigh Urban Transformation Strategy)

The Strategy's ambition is to connect Sydney's diverse and vibrant communities, strengthen the global city and create a great place to live. The Strategy contains a vision and 10 'key moves' (**Figure 14**), which make up a framework for the future delivery of housing growth alongside better public transport, new parks and community facilities.



**Figure 14** | Central to Eveleigh Urban Transformation framework (Source: CEUTS)

The Pemulwuy Precinct is located adjacent to the CEUTS core boundary (within its 'area of influence'). It directly adjoins the north-western boundary of the CEUTS Redfern Station Precinct (**Figure 13**) and is therefore a relevant consideration in the assessment of the proposal.

The proposal supports the CEUTS ambition and vision by providing new student accommodation, public open space and public art within the Pemulwuy Precinct.

The proposal will contribute to several 'key moves' in the CEUTS, as it will:

- regenerate the area around Redfern Station, providing improved pedestrian link to the station and foster a centre of activity around the station (Key Moves 1, 3 and 6)
- provide public open space, art and not adversely impact on existing heritage (Key Move 8)
- appropriately integrate new high-density development with the existing neighbourhood and provide a diversity of housing choice and tenure by providing student accommodation (Key Moves 9 and 10).

The Proposal is considered consistent with the six CEUTS design principles as summarised at **Table 3**.

**Table 3** | CEUTS six design principles

CEUTS Key Design Principle	Consistency
1. Locate tall buildings where they have the least impact and taper down as they meet existing neighbourhoods	The student accommodation building location would not have adverse amenity impacts and is stepped down where it meets the existing neighbourhood to the north ( <b>Section 6.2.2</b> ).

2. Provide a variety of building designs, facades and articulation	The student accommodation building is articulated, stepped in height and includes a variety of building materials ( <b>Section 6.3.2</b> ).
3. Provide for active streetscapes	The student accommodation building includes appropriate uses to provide for an active streetscape to Eveleigh Street ( <b>Section 6.3.2</b> ).
4. Provide community facilities near areas of community activity	The concept approval includes publicly accessible open space located adjacent to the principal entrance to the Pemulwuy Precinct near the station, the building entrance and opposite Precinct 2 open space and retail uses.
5. Accessible public spaces	Public open spaces within the concept approval are provided at ground level and located outside Precinct 1, 2 and at the southern tip of Precinct 3. The Department has recommended a FEAR C7 be amended to require public open spaces be accessible.



## 4. Statutory Context

### 4.1 Modification of the Minister's approval

The concept plan and project application were originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the *Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (ST&OP Regulation), which came into effect on 1 March 2018.

Under the ST&OP Regulation, projects subject of existing Part 3A approvals remain transitional Part 3A projects until they are transitioned to SSD (clause 3(1)-(2), Schedule 2). A Part 3A approval may be modified under section 75W of the EP&A Act in certain circumstances if the request was made before the 'cut-off date' of 1 March 2018. On and from 1 March 2018, new proposals to modify existing Part 3A projects can only be determined once the approved project has been declared to be SSD (or SSI) and the relevant provisions to modify such an approval will then apply.

#### 4.1.1 Modification of the concept approval (MP 06\_0101 MOD 2)

As the request to modify the concept approval was submitted before the 1 March 2018, the provisions of clause 3 of Schedule 2 to the ST&OP Regulation apply. Consequently, the assessment of this request has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Minister's approval for a modification is not required if the proposal as modified is consistent with the existing approval. However, in this instance the proposal seeks to amend Precinct 3 building envelope, land-uses, GFA, FSR and public domain and approval to modify the concept approval is therefore required.

The Department considers the proposal does not warrant a new application and it may be considered and approved as an application to modify under section 75W of the EP&A Act as it has limited environmental consequences beyond the concept approval having regard to the following matters:

- the modified concept plan is for a mixed-use precinct comprising residential, student accommodation, commercial/retail, cultural/community uses and open space, landscaping and public domain improvements, and therefore does not change the nature of the concept approval
- while new issues have arisen from the consideration of the modification request, the issues are generally variants on issues considered during the assessment of the concept approval
- the modified height of the student accommodation building within Precinct 3 is stepped to provide a built form transition to the existing surrounding developments located adjacent to the rail corridor and opposite an existing high-density area with tower forms. The height of the building is therefore appropriate within this context and would have limited visual and heritage impacts, as discussed at

#### **Sections 6.2.2 and 6.3.2**

- the provision of an additional 9,555 m<sup>2</sup> GFA (an increase of 55% above the approved GFA) would have limited amenity and traffic impacts, as discussed at **Section 6.2.4** and **6.3.3**
- no changes are proposed to the GFA or building envelopes of Precincts 1 and 2
- environmental impacts can be managed in mitigated generally in accordance with the parameters set by the concept approval.

The Department concludes the Minister could reasonably form the view that the modification request is within the scope of section 75W of the EP&A Act and is capable of being determined as a modification under section 75W of the EP&A Act.

#### 4.1.2 Modification of the project approval (MP 11\_0089 MOD 1)

On 7 June 2018, the Director, Key Sites Assessments (as delegate of the Minister for Planning) declared the Part 3A Pemulwuy project approval to be SSD by order under clause 6 of Schedule 2 to the ST&OP Regulation. The order was published in the NSW Government Gazette on 15 June 2018.

Under clause 6, Schedule 2 to the ST&OP Regulation, the effect of the order was that, from the publication date, the project is taken to be SSD declared under the former section 89C(3) of the EP&A Act and its approval is taken to be development consent under Part 4 of the EP&A Act.

On 10 July 2018, the Proponent lodged a modification application (MP 11\_0089 MOD 1) to modify the consent involving minimal environmental impact. This modification was sought pursuant to s 4.55(1A) of the EP&A Act which applies in respect of Part 4 development.

## 4.2 State significant development (SSD 8135)

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$10 million (\$65,791,450) and is located within the Redfern-Waterloo Authority Sites, which is identified as a SSD site under clauses 2(g) and 8(1)(b) of Schedule 2 of the SRD SEPP.

## 4.3 Approval / consent authority

In accordance with Clause 8A of the SRD SEPP, section 4.5 of the EP&A Act and the Minister's delegation, the Independent Planning Commission (Commission) is the consent authority for SSD applications and the approval authority for section 75W applications when the following requirements are met:

- Council has made an objection
- a political disclosure statement has been made
- there are more than 25 public submissions.

Council has not made an objection and the Proponent has not disclosed a political donation in relation to the applications. However, more than 25 public submissions were received objecting to the concept modification and the SSD application. No submissions were received objecting to the project modification.

Noting the above, the following are applicable:

- the Commission, as the Minister's delegate, is the approval authority for the concept modification (MP 06\_0101 MOD 2)
- the Commission is the consent authority for the SSD application (SSD 8135)
- the project modification (MP 11\_0093 MOD 1) could be determined by the Director, Key Sites Assessments under delegation (there is no objection from Council or political disclosure statement)

or any public submissions have been received). However, given the interrelationship between this application and the other applications, the Department considers there is sufficient justification for one decision maker to determine all three applications.

The Department therefore has referred all three applications to the Commission for determination.

## 4.4 Permissibility and development standards

### 4.4.1 Permissibility

The site is zoned Business – Mixed Use under clause 10 of the SSP SEPP. A range of land-uses are permissible with consent within this zone, including a mix of employment, educational, community, cultural, residential (including student accommodation), retail, business/office and open space uses. The concept approval also allows the provision of student accommodation within Precinct 3.

Student accommodation is permissible with consent and the Commission may determine the carrying out of the development.

### 4.4.2 Variation to Development Standard contained within the SSP SEPP

The SSP SEPP applies height and FSR development standards to the Pemulwuy Precinct and the modification to the concept approval seeks to vary these development standards for Precinct 3, as summarised in **Table 4**.

**Table 4** | SSP SEPP height and FSR requirements for Precinct 3

Development Standard	SSP SEPP Control	Concept Approval	Modification	Complies
Height	Maximum 5-storeys	Maximum 8-storeys	Maximum 24-storeys	No
FSR	Maximum 2:1 overall and 1:1 for residential	Maximum 2.9:1	Maximum 6.95:1	No

Clause 21(3) of Part 5 to Schedule 3 of the SSP SEPP provides that the development standards at **Table 4** only apply where the Minister has not already approved a concept approval which exceeds the maximum development standards. As the concept approval already exceeds the development standards, the SSP SEPP height and FSR controls do not apply.

Notwithstanding, the Department has considered the variation to the Development Standards in this report and concludes the variation is reasonable and justified as:

- the increase in height would not have adverse visual or heritage impacts, as discussed at **Sections 6.2.2 and 6.3.2**
- the increase of 9,995 m<sup>2</sup> GFA and the corresponding increase in FSR has strategic merit and is appropriate within the site, as discussed at **Section 3**
- the increase in student beds would not have adverse traffic impacts, as discussed at **Section 6.3.3**
- the modification to the concept approval and SSD application includes appropriate public benefits, as discussed at **Section 6.3.5**.

## 4.5 Secretary's Environmental Assessment Requirements

On 6 October 2016, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the section 75W modification (MP 06\_0101 MOD 2) and SSD (SSD 8135) applications. The Department is satisfied that Appendix 1 of the Applicant's combined EIS and modification report adequately addresses compliance with the SEARs to enable the assessment and determination of the applications.

SEARs were not required for the proposed modification to the project approval (MP 11\_0093 MOD 1).

## 4.6 Mandatory / Relevant Matters for Consideration

The following are the mandatory / relevant matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- the matters in section 4.55(1A) of the EP&A Act
- relevant environmental planning instruments, development control plans and planning agreements
- objects of the EP&A Act
- Ecologically Sustainable Development.

These matters are considered below.

### 4.6.1 Section 4.15(1) Matters for Consideration (SSD 8135)

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been considered in **Table 5**. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report, referenced in the table.

**Table 5** | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in <b>Section 4.6</b> and <b>Appendix C</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to the Sydney Development Control Plan 2012 (SDCP) at <b>Appendix C</b> , which demonstrates the proposal satisfactorily complies.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The SSD application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation), including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation

	procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the development are considered at <b>Section 6</b> and appropriately mitigated or conditioned.
(c) the suitability of the site for the development	The site is suitable for the development as approval for the mixed-use redevelopment of the precinct already exists, as discussed in <b>Section 6</b> of this report.
(d) any submissions	Consideration has been given to all submissions received. See <b>Sections 5</b> of this report.
(e) the public interest	The proposal is in the public interest. Refer to <b>Section 6</b> of this report.

#### 4.6.2 Section 4.55(1A) Matters for Consideration (MP 11\_0093 MOD 2)

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 EP&A Act that apply to the modification of the project approval (MP 11\_0093 MOD 2) have been considered in **Table 6**.

**Table 6** | 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	<b>Section 6.4</b> of this report provides an assessment of the impacts associated with the modification of the project approval. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
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 modified 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 application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in <b>Section 5.2.5</b> of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received three submissions on the proposal from Council, UGDC and Sydney Trains. The



issues raised in submissions have been considered in **Section 6.4** of this report.

#### 4.6.3 Environmental Planning Instruments (EPIs)

##### Applicable EPIs

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The following EPI's apply to the SSD application, concept modification and project modification:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- Redfern-Waterloo Contributions Plan 2006 (RWC Plan)
- Redfern-Waterloo Affordable Housing Contributions Plan 2006 (RWAHC Plan).

The Department has undertaken a detailed assessment of these EPIs in **Appendix C** and is satisfied the three applications are consistent with the requirements of the EPIs, and any inconsistencies in respect of the height and FSR development standards, are discussed in **Section 6**.

##### Other EPIs taken into consideration

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) does not apply to the SSD application as the site is not located within an equivalent zone, as per clause 26 of the ARH SEPP. In addition, in accordance with clause 11 of the SRD SEPP, the City of Sydney Development Control Plan 2012 (SDCP 2012) does not apply to SSD.

Notwithstanding, the Department notes the ARH SEPP provides useful guidance on appropriate room size, communal facilities, open space and solar access for student accommodation. Further, the SDCP 2012 provides guidance for the design and layout of student accommodation within the LGA.

In the absence of planning controls guiding the internal design/layout of student accommodation on the site, the Department considers the ARH SEPP and SDCP 2012 provide useful guidelines to inform the assessment of the SSD application.

The proposal is considered to adequately meet the requirements of the ARH SEPP and the SDCP 2012 (**Appendix C**).

#### 4.6.4 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by

reference to those objects. Therefore, in making an assessment the objects should be considered to the extent they are relevant.

Consideration of the Objects of the EP&A Act, as they relate to the SSD application, concept modification and project modification, is provided at **Table 7**.

**Table 7** | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources	The proposal redevelops an existing inner-city site that is close to existing services and has excellent public transport access. The proposal maximises the efficient use of the site and provides for appropriate social benefits. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas. The provision of affordable accommodation options for students contributes to the social and economic welfare of the community.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal includes measures to deliver ESD ( <b>Section 4.6.4</b> ).
(c) to promote the orderly and economic use and development of land	The proposal forms part of the broader Pemulwuy Precinct project, which delivers significant economic and social benefits. The proposal will facilitate the redevelopment of Precinct 3 for student accommodation and associated ancillary uses, the merits of which are considered in <b>Section 6</b> .
(d) to promote the delivery and maintenance of affordable housing	The Pemulwuy Precinct includes the provision of affordable housing and the proposal seeks to provide affordable accommodation options for students.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The project involves redevelopment of a previously developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal would not have an adverse impact on nearby heritage items or conservation areas as discussed at <b>Sections 6.2.2</b> and <b>6.3.2</b> . The development includes public art, which will draw on the Aboriginal heritage of the area. In addition, the existing brick art-wall along the railway corridor will be renewed.

(g) to promote good design and amenity of the built environment	The proposal achieves a high standard of design and amenity as discussed at <b>Section 6</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposal is supported by a National Code of Construction (NCC) report, which concludes the development is capable of meeting relevant construction standards. As discussed at <b>Section 6.3.4</b> and <b>Appendix C</b> , the student accommodation is considered to provide appropriate internal space standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the concept modification and SSD application, which included consultation with Council and other government agencies, as outlined in <b>Section 5</b> , and consideration of their responses as outlined in <b>Section 6</b> .
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the concept modification and SSD application as outlined in <b>Section 5</b> , which included notifying adjoining landowners, placing a notice in the newspaper and displaying the applications on the Department's website and at Council's office.

#### 4.6.5 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1997*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The concept modification has been designed in accordance with ESD principles and demonstrates the Pemulwuy Precinct is capable of implementing ESD as part of future detailed DA(s).

The SSD application has been designed to achieve a 3-star Green Star rating and also includes the following ESD initiatives and sustainability measures:

- adoption of best practice energy and water conservation measures
- optimisation of the use of the site's orientation to maximise solar access
- minimisation of the depth of the building to allow daylight penetration and the use of less intense internal illumination
- installation of energy efficient LED lighting and occupancy sensing and switching of lighting
- a mixed-mode ventilation arrangement to improve ventilation efficiency
- centralised air-conditioning controls to time-limit air-conditioning systems and limit temperatures
- water efficient fixtures
- high efficiency instantaneous gas hot water systems.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act. However, the Department considers the development could be designed to achieve a higher Green Star rating and recommends a condition requiring the Applicant to explore the potential for increasing the minimum Green Star rating (Green Star Design and As-Built V.1 tool).

#### 4.6.6 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the relevant requirements for Notification and Fees have been complied with.



# 5. Engagement

## 5.1 Department's Engagement

In accordance with section 75X(2)(f) of the EP&A Act and Schedule 1 of the EP&A Act, the Department publicly exhibited the proposed concept modification and SSD application from 14 September 2017 until 27 October 2017 (43 days). The applications were exhibited on the Department's website, at the NSW Service Centre and the City of Sydney Council's office.

The Department placed a public exhibition notice in the Central Courier on 13 September 2017 and notified adjoining landholders and relevant State and local government agencies in writing.

The Department considered the comments raised in Council, government agencies and public submissions during the assessment of the applications (**Section 6**) and by recommended conditions in the relevant modification of Minister's Approval at **Appendix G** or consent at **Appendix H**.

## 5.2 Summary of Submissions

The Department received a total of 192 submissions, comprising a submission from Council, eight submissions from government agencies and 183 submissions from the general public. A summary of the submissions is provided at **Table 8** and a summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix B**.

**Table 8** | Summary of submissions

Submitters	Number	Position
<b>Government agencies</b>	<b>8</b>	
• Heritage Council	✓	
• Transport for NSW (TfNSW)	✓	
• UrbanGrowth NSW Development Corporation (UGDC)	✓	
• Road and Maritime Services (RMS)	✓	
• Environmental Project Authority (EPA)	✓	Comment
• Office of Heritage and Environmental Regional Operations Division (OEH)	✓	
• Sydney Water	✓	
• NSW Police	✓	
<b>City of Sydney Council (Council)</b>	✓	Comment
<b>Community</b>	<b>183</b>	
	159	Object
• < 5 km from the site	8	Support
	4	Comment
• 5 – 10 km from the site	9	Object
• < 10 km from the site	15	Object
<b>TOTAL</b>	<b>192</b>	

### 5.3 Key issues – Government agencies

A total of eight government agency submissions were received in response to the exhibition of the concept modification and SSD application all of which provided comments on the proposal. The key issues raised in submissions are summarised in **Table 9**.

**Table 9** | Government agency submissions to the exhibition of the proposed concept modification and SSD proposal

#### Heritage Council

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The Heritage Council does not object to the concept modification and SSD application. However, it has raised the following concerns:

- the height of the building would have an adverse visual impact on the setting of Redfern Station
- the design of the building has the effect of appearing closer to the station
- the height of Precinct 3 should be no greater than approved (8-storeys).

The Heritage Council confirmed the site does not have potential to contain non-Aboriginal archaeological relics and recommends archaeological conditions to address any unexpected finds.

#### TfNSW

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TfNSW does not object to the concept modification and SSD application and provided the following comments:

- detail of the proposed bicycle route between Lawson and Abercrombie Streets is required
- wayfinding strategies and travel access guides should be prepared to increase the mode-share of walking and cycling for students, staff and visitors.

TfNSW recommended conditions requiring the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP) and the protection of rail infrastructure.

#### UGDC

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UGDC does not object to the concept modification and SSD application, but requested further justification for the proposal to waive contributions under the RWC Plan and the RWAHC Plan. UGDC recommended conditions requiring the payment of contributions towards public domain improvements and affordable housing or works-in-kind to an equivalent value.

#### RMS

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RMS does not object to the concept modification and SSD application and confirmed the proposal would not have a significant impact on the classified road network.

#### EPA

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The EPA does not object to the concept modification and SSD application and provided the following comments:

- appropriate noise and vibration mitigation and management measures should be implemented to address construction noise impacts
- the development does not require an Environmental Protection Licence.

## OEH

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OEH does not object to the concept modification and SSD application and confirmed the proposal would not result in adverse impacts on biodiversity, natural hazards or Aboriginal archaeology.

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## Sydney Water

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Sydney Water does not object to the concept modification and SSD application and provided comments on amplification of Sydney Water's systems. Sydney Water also requested the Applicant make a Section 73 Application.

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## NSW Police

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NSW Police does not object to the concept modification and SSD application. However, it raised concern about potential impact on existing car parking within the vicinity of the site.

## 5.4 Key issues – Council / community

### 5.4.1 Council's submission

Council does not object to the concept modification and SSD application and has provided the following comments:

- further consideration should be given to the relationship of the building to the adjacent surrounding urban context
- northern and southern 'wings' of the development are prominent in perspective views
- relocation of the gallery from Precinct 3 to Precinct 1 requires modification of the concept approval and deletion of the gallery from the project would be contrary to the Deed of Agreement between Council and the AHC
- ground floor elevation should be amended to increase activation and surveillance
- the proposal should be amended to address the student accommodation space and amenity standards contained within the SDCP
- justification should be provided for the decrease in public open space and the public open space should be dedicated to Council as agreed within the project approval
- further details are required of the treatment, design and safety of public open space areas
- consideration should be given to using the inaccessible green roof as an outdoor common area
- wind assessment should include wind-tunnel testing to quantify predicted impacts including details of tree planting where this is suggested to address wind impacts
- provision of a drop-off zone on Eveleigh Street is not supported
- an assessment of footpath width and capacity should be undertaken
- proposal should provide 20% of all rooms as 'affordable student accommodation' for use by ATSI and other disadvantaged students
- the Applicant should engage with the Council's Public Art Advisory Panel and further improvements should be made to the Public Art Strategy submitted with the application
- funding of the proposal is not a relevant planning consideration in assessing the merits of the proposal.

### 5.4.2 Community submissions

A total of 183 public submissions were received in response to the exhibition of the concept modification and SSD application, comprised of 171 objections, four providing comments and eight supporting the proposal. The key issues raised in submissions are summarised in **Table 10**.

**Table 10** | Public submissions to the exhibition of the concept modification and SSD proposals

Public Submission	Percentage
<b>Objections and Comments</b>	
Out of character with surrounding area	59.6%
Inappropriate height and scale of development and visual impact	54.6%
Amount of student accommodation disproportionate to affordable housing for the Aboriginal community	32.2%
Overshadowing	30.6%
Traffic impacts	30.1%
Insufficient car parking provision	28.4%
Noise and antisocial behaviour	16.9%
Poor design / does not achieve design excellence	16.4%
Already a high proportion of student accommodation in the immediate area	15.3%
Inadequate public consultation	14.8%
Adverse impact on cultural significance of land to Aboriginal people	14.8%
Pedestrian traffic / insufficient footpath capacity	13.1%
Proposal sets a precedent for other high-rise developments	13.1%
Adverse increase in density / FSR / student rooms	12%
Adverse impact on heritage items and archaeology	12%
Sub-standard accommodation	11.5%
Not in the public interest	9.3%
Inconsistent with existing land-uses	8.7%
Inadequate open / recreational space provided	8.2%
Insufficient public benefits	7.1%
Overlooking / loss of privacy	7.1%
Wind impacts	6%



## Support

Project is crucial to fund affordable housing within the Precinct	7%
General support	6%

Other issues raised (less than 5%) in public submissions included:

### Objection

- financial viability is not a valid planning consideration
- proposed removal of ground floor level shops from Precinct 3
- impact on property values
- insufficient public transport capacity
- inconsistency with the SLEP and SDCP controls
- insufficient bicycle parking
- modifications should be subject to a new planning application
- inadequate internal waste storage
- student accommodation is likely to be too expensive
- loss of views
- amenity impacts during construction
- deletion of the pedestrian bridge
- no indication of when affordable housing will be provided

### Support

- the site has been vacant for too long
- the development achieves a high standard of design and is an appropriate height
- addresses student accommodation shortage in Sydney.

## 5.5 Response to Submissions Preferred Project Report

Following the exhibition of the applications, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 10 May 2018, the Applicant provided a Response to Submissions Preferred Project Report (RtS) (**Appendix B**), which includes the following amendments to the proposal:

- commitment to dedicate open space in Precinct 1 to Council
- reconfiguration of student rooms and amenities throughout the building and associated amendments to the building's facades
- reconfiguration of lower ground level services and provision of a gym
- increase bicycle parking spaces (from 180 to 184 spaces)
- installation of louvres to the Level 2 outdoor plant room

- deletion of the Level 17 courtyard
- deletion of the on-street vehicle drop-off zone
- provision of decorative gravel roofs to flat roofs at Level 8 and 18
- replacement of retail use within Precinct 1 with gallery use
- installation of a wind screen at Level 21.

The Department made the RtS publicly available on its website and re-notified Council and relevant government agencies. An additional submission was received from Council and six submissions were received from government agencies. A summary of the issues raised in the submissions is provided at **Table 11** and copies of the submissions may be viewed at **Appendix B**. No public submissions were received.

**Table 11** | Summary of Council's and government agency submissions to the RtS

### Council

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Council confirmed the RtS has addressed some aspects of its original submission. However, reiterated its previous comments as follows:

- urban design analysis does not adequately consider the visual bulk impacts on the immediate locality west of the railway corridor
- funding of the proposal is not a relevant planning consideration
- confirmation is required of the number of subsidised student rooms for ATSI students and that they constitute 'affordable student accommodation'
- a concurrent application, or other mechanism, is required to relocate the gallery (from Precinct 3 to 1)
- the extent of public domain works should be clarified and the Applicant should enter into a planning agreement for the dedication of open space
- the wind assessment recommendations should be incorporated into the design of the open space
- Council provided recommended conditions relating to public domain works should the application be recommended for approval.

### Heritage Council

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The Heritage Council reiterated concerns raised in its previous submission and raised the following additional concerns:

- the tower is excessively detailed and overly articulated
- the design should draw on existing buildings
- the proposal fails to engage appropriately with its context and impacts negatively on Redfern station.

### Sydney Airport Corporation (SAC)

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SAC does not object to the concept modification and SSD application. However, it has confirmed the:

- proposal is a controlled activity as the proposed building penetrates the Obstacle Limitation Surface (OLS) height limit (96.57 AHD m) by 870 mm
- separate approval of the Department of Infrastructure, Regional Development and Cities (DIRDC) is required
- SAC's recommendation to the DIRDC does not to support the penetration of the OLS.

## UGDC

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UGDC considered the RtS and provided updated affordable housing and public domain contributions calculations.

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## Sydney Trains

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Sydney Trains considered the RtS and confirmed it has no objection to the concept modification and SSD application provided the detailed construction requirements for the protection of the railway corridor, be deleted and transferred from the concept approval (FEAR C11) to the SSD development consent.

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## TfNSW

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TfNSW considered the RtS and confirmed it had no further comments to make.

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## EPA

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EPA considered the RtS and confirmed it had no further comments to make.

### 5.5.1 Supplementary information and amendments

Following notification of the RtS, the Department placed copies of all submissions (on the RtS) on its website and requested the Applicant respond to the issues raised in the submissions.

On 10 July 2018, the Applicant provided a supplementary response / information (**Appendix B**) including additional justification on the issues raised in submissions and the following amendments:

- confirmation that a maximum of 50 people shall be permitted on the Level 21 rooftop terrace at any one time
- deletion of three car parking spaces for student accommodation from the basement of Precinct 1
- deletion of the requirement that bicycle parking be provided within Precinct 1 for use by students within Precinct 3
- an updated Operational Management Plan, including complaints management.

The Applicant also lodged a section 4.55(1A) modification application to amend the project approval (MP 11\_0093) to facilitate the proposal, including:

- delete approved Precinct 3 buildings / works, the land-bridge and related conditions
- replace Precinct 1 retail use with gallery use
- amend the site-wide public domain works and landscaping.

### 5.6 Notification of project approval modification application (MP 11\_0089 MOD 1)

The section 4.55(1A) modification application was notified in accordance with the EP&A Regulation. The modification request was made publicly available on the Department's website and referred to Council, Sydney Trains and UGDC. No public submissions were received.

**Council** does not object to the modification and recommended:

- Precinct 1 drawings be updated to reference the gallery
- the gallery size should be as close as practical to the previous approval (485 m<sup>2</sup>)
- the removal of the land-bridge should be discussed with TfNSW (Sydney Trains).

**Sydney Trains** does not object to the modification. However, due to the proximity of Precinct 2 to the railway corridor, it recommended some of the conditions proposed to be deleted be retained. Sydney Trains also raised no objection to the deletion of the land-bridge.

**UGDC** does not object to the modification and recommended the contribution requirements (in conditions E16 and E17) be updated to reflect the modification and UGDC's updated affordable housing contribution rates.

### **5.7 Design Review Panel / Government Architect NSW**

The Applicant established a Design Review Panel (DRP) to provide independent expert design advice throughout the design evolution of the project.

The Government Architect NSW (GANSW) has confirmed it supports the establishment and involvement of a DRP and its ongoing involvement in the project following determination.

The DRP comprises the following three architects / urban design experts, including a representative of the GANSW:

- Olivia Hyde / Dillon Kombumerri (NSW Government Architect)
- Tony Caro, Tony Caro Architecture
- Kim Crestani, Order Architects.

The DRP met on six occasions being on 24 January, 13 and 27 February, 21 March and 10 April 2017 and on 12 March 2018.

GANSW prepared preliminary and final minutes confirming the DRP's advice following its consideration of the initial proposal and the Applicant's Response to Submissions, respectively. The DRP supports the following key aspects of the proposal:

- the height of the development including reference of the scale of existing terraces along Eveleigh Street and the appropriate visual relationship with Redfern Station
- façade material selection, colour and composition
- the deletion of the land-bridge and retention and refurbishment of the Aboriginal art wall murals along the railway corridor
- the Public Art Strategy, the integration of art into the building and open spaces and the interpretation of the site history / local Aboriginal community
- the shared use of the proposed Meeting Place (intersection of Eveleigh / Lawson Streets)
- ongoing involvement and review of the proposal by the DRP following determination.

The recommendations of the DRP are given further consideration in **Section 6**.



## 6. Assessment

### 6.1 Key assessment issues

The Department has considered the proposal, the issues raised in submissions and the Applicant's RtS in its assessment of the applications. The Department considers the key issues associated with the proposal are:

#### Modifications to the concept approval (MP 06\_0101 MOD 2)

- density
- Precinct 3 envelope and urban design
- public open space and the land-bridge
- impact on adjoining residential amenity
- non-residential land uses
- amendments to conditions and Statement of Commitments.

#### SSD application Precinct 3 (SSD 8135)

- consistency with the concept approval
- design quality
- traffic, parking and servicing
- student accommodation amenity and management
- public benefits and developer contributions
- contributions and public benefits
- construction impacts
- social / cultural impact.

#### Modifications to the project approval (MP 11\_0093 MOD 1)

- Deletion of approved Precinct 3 and amendments to public domain.

Each of these issues are discussed in the following sections of this report. Other issues relating to the concept modification and SSD application considered during the assessment of these applications are addressed in **Sections 6.2.6** and **6.3.8** of this report.

### 6.2 Modifications to the concept approval (MP 06\_0101 MOD 2)

#### 6.2.1 Density

The modification seeks to increase the total GFA, FSR and number of student accommodation units as summarised at **Table 12**.

**Table 12** | Approved and proposed GFA, FSR and student accommodation units

	Approved	Proposed	Difference (+/-)
Overall GFA (Precinct 3 GFA)	17,380 m <sup>2</sup> (6,975 m <sup>2</sup> )	26,935 m <sup>2</sup> (16,530 m <sup>2</sup> )	+9,555 m <sup>2</sup>
Overall FSR (Precinct 3 FSR)	1.87:1 (2.9:1)	2.98:1 (6.95:1)	+1.11:1 (+4:1)
Student beds	154 beds	596 beds	+442 beds

The proposed increase in GFA represents an increase of 55% across the concept approval site and an 136% increase for Precinct 3.

Concern was raised in public submissions about the proposed increase in density on the site and the appropriateness and intensity/proportion of student accommodation use on the site.

The Department notes the concept approval allows for the provision of student accommodation use within Precinct 3. The modification, despite proposing to intensify that use, remains consistent with the use envisaged under the concept approval and the Department is satisfied student accommodation use is an appropriate use for the site.

As discussed in **Section 4**, the Department considers the increase in student accommodation yield has strategic merit, particularly given it will provide increased housing choice for students, has excellent access to public transport, is conveniently located to educational institutions and is within the boundary of the CEUTS.

The Department considers the site can accommodate a greater density than established by the concept approval, noting the following changes since the original approval:

- the need to accommodate additional housing for the current and projected population of Sydney, which is estimated to grow from 4.7 million to 6.4 million by 2036
- a decline in housing affordability and a need to relieve pressure/demand on existing housing stock
- changes in the housing market, with an increased demand for diversity of housing types and sizes, including student accommodation
- release of a revised metropolitan planning framework in the Region Plan and the Eastern District Plan that encourages higher densities in accessible areas
- the release of the CEUTS, which is an important strategic document guiding district and local planning and renewal within the immediate area of the site.

Given the above, the Department supports the increase in student accommodation on the site. This will also increase the vibrancy of the Pemulwuy Precinct, the viability of its commercial uses and provide student accommodation close to public transport, educational institutions, shops and services.

Additionally, the Applicant has demonstrated a commitment to providing a diverse and well-designed development that is integrated into the Pemulwuy Precinct both in terms of social and physical components, including:

- subsidising 110 of the 596 (18%) student accommodation beds for ATSI students (**Section 6.3.5**)
- a high standard of detailed building and landscape design (**Sections 6.3.2** and **6.4**)
- the DRP support of the density of Precinct 3 and did not raise any concern about the height or scale of the student accommodation building, as discussed further at **Sections 5.7** and **6.3.2**.

The Department has also considered the immediate impacts of the proposed increase in density and concludes the proposal is acceptable in terms of:

- built form impacts and urban design outcomes (**Section 6.2.2** and **6.3.2**)
- traffic impacts (**Section 6.3.3**)
- public benefits and development contributions (**Section 6.3.5**).

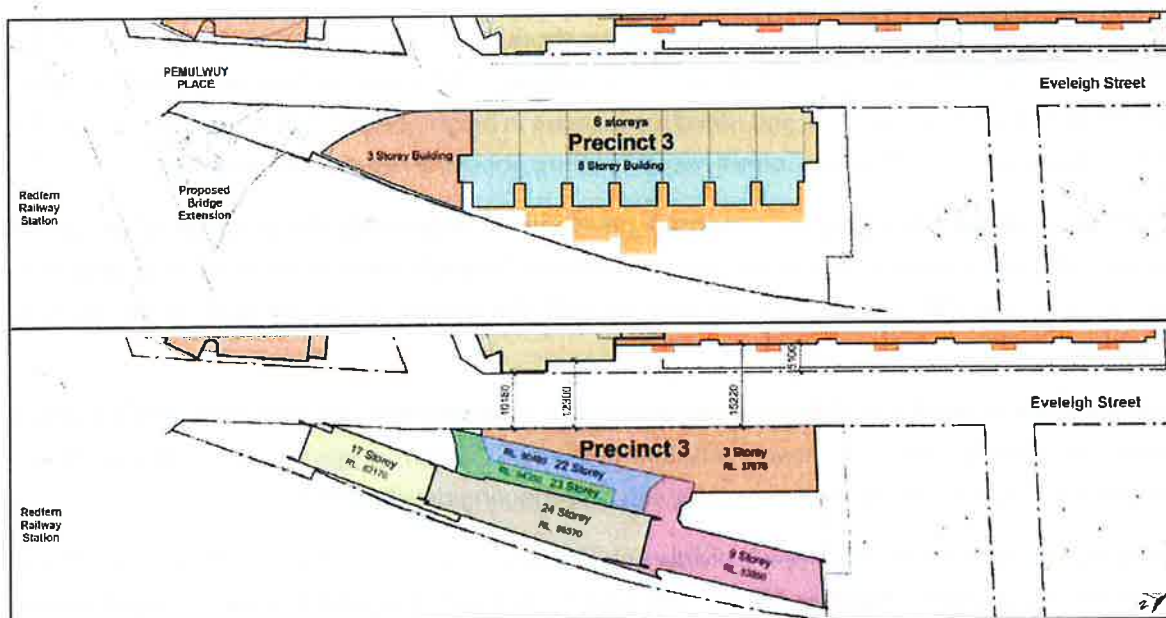
On this basis, the Department supports the proposed additional density resulting from the increase in GFA and student accommodation beds. The Department therefore recommends Term of Approval (ToA) A1 and Modification B1 be updated to reflect the revised GFA, FSR and student accommodation unit and bed numbers.

### 6.2.2 Precinct 3 envelope and urban design

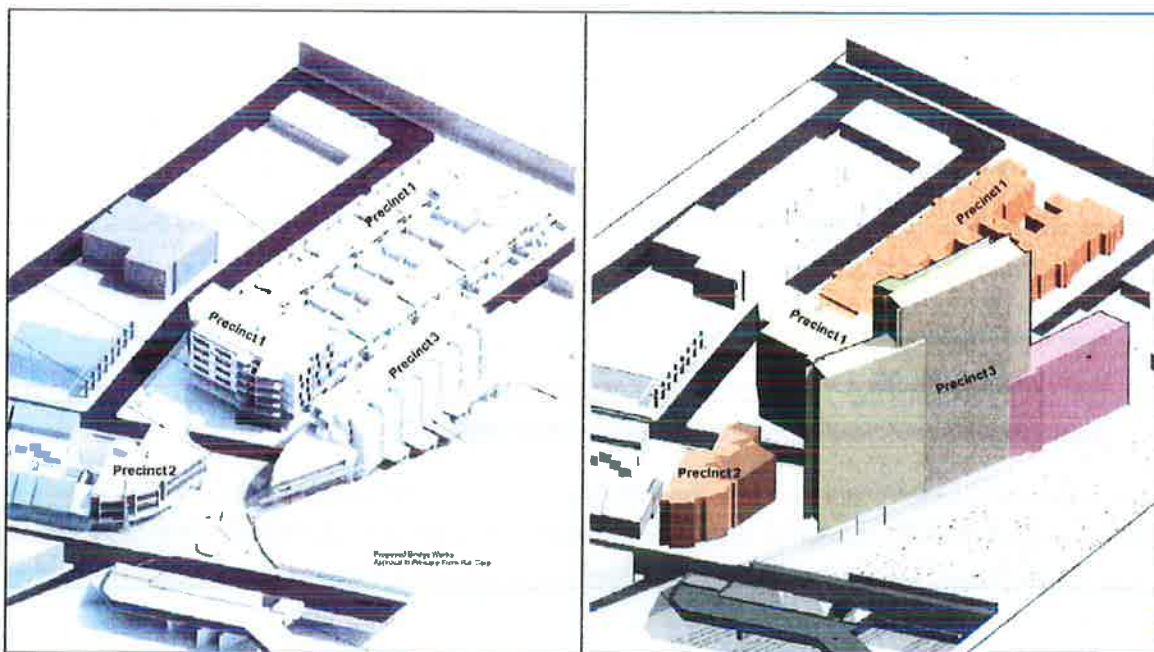
Built form was a key consideration in the Department’s assessment of the original concept approval. The Department concluded the 8-storey height of Precinct 3 was acceptable as it is adjacent to the railway corridor and would not result in adverse amenity impacts and creates a gateway entrance to the site.

The proposed built form modifications to the concept approval include (**Figure 15** and **16**):

- amendments to the footprint, shape and dimensions of the Precinct 3 building envelope
- lowering of the maximum height fronting Eveleigh Street by 3-storeys (from 6 to 3-storeys)
- increase the maximum height of Precinct 3 building envelope by 16-storeys (from eight to 24-storeys) up to a maximum of RL 96.57.



**Figure 15** | The approved (top) and proposed modified (bottom) building envelope footprint and heights (Base source: Applicant’s RtS)



**Figure 16** | Envelope massing diagrams of the approved (left) and proposed modified (right) building envelopes (Base source: MOD1 and Applicant's RtS)

The modification does not propose any amendments to the approved Precinct 1 and 2 building envelopes.

The Department considers the key issues in relation to building envelope form are:

- Precinct 3 building envelope height
- heritage impact on Redfern Station.

These are discussed in turn below.

### Precinct 3 building envelope height

Concerns have been raised in public submissions about the height/scale and visual impact of the proposal. Council has raised concern about the visual impacts of the bulk on the immediate surrounding area west of the railway corridor, and noted the increase in height is significant when compared to the concept approval. The Heritage Council raised concerns about the height of the envelope.

The DRP provided advice on the proposed development supporting the proposal including the proposed 3-storey terrace house scale and proportion at Eveleigh Street, which is currently approved at 6-storeys. The DRP did not raise any concern with the overall height and scale of the building envelope.

The Applicant asserts the modified building envelope is consistent with the objectives of the CEUTS, is similar in height to the other towers adjacent to Redfern Station, is appropriately modulated and stepped in height to appropriately integrate with neighbouring developments.

The Department notes the envelope is divided into four principal parts, comprising three, nine, 17 and 24-storey components (**Figures 15 and 16**). Due to its location against the undeveloped railway corridor, the building envelope would be visible from a number of key locations.



The Department acknowledges the Pemulwuy Precinct does not currently contain tall buildings and there are currently no tall buildings in this locality, on the western side of the railway corridor. However, on the eastern side of the railway corridor, approximately 100 m to the south-east of the site, there are four existing (and one proposed) 18-storey high density mixed use developments.

The Department notes the CEUTS provides strategic guidance for the redevelopment of the area around Redfern Station and elsewhere along the railway corridor between Central and Eveleigh. The CEUTS envisages significant urban renewal, the creation of centres around Redfern Station and provision of new high-density developments integrated into the existing neighbourhood.

The Department considers the proposed modified Precinct 3 building envelope is acceptable as:

- the DRP and GA NSW support the proposal and raised no concern about the height or scale of building envelopes and Council did not object to the proposal
- the tallest built form element (24-storeys) is centrally located within the site and appropriately transitions to neighbouring developments, including stepping down to:
  - 3-storeys where it adjoins the existing terrace to the north at 75 Eveleigh Street
  - 3-storeys fronting Eveleigh Street providing an appropriate human scale fronting the street and a similar height to the future townhouses within Precinct 1
  - 17-storeys at its southern end including a generous 40 m setback from the Redfern Station booking office and 28 m setback from the intersection of Lawson Street and Eveleigh Street
- it is consistent with the future vision for the area established in the CEUTS, which encourages the regeneration of the area around Redfern Station and the creation of high density neighbourhoods
- despite being on the western side of the railway corridor, the proposal forms part of a cluster of existing tall buildings around Redfern Station and would therefore integrate appropriately into the current urban context
- it provides for a recognisable marker or 'gateway' which emphasises the entrance to the Precinct
- it includes building separation distances between Precinct 1 and 3 consistent with the immediate surrounding area
- it is capable of accommodating a building which is modulated, articulated and achieves a high standard of design, as shown by the SSD Application (**Section 6.3.2**), noting Fear C2 requires any future development within the envelope must demonstrate design excellence
- it would not result in unacceptable amenity or traffic impacts (**Section 6.3.3**).

#### **Heritage impact**

As previously stated, the site does not contain any heritage listed items. However, it is located opposite Redfern Station, which is a listed item on the State Heritage Register (SHR) and listed in SSP SEPP. The SSP SEPP heritage map only identifies the Redfern Station booking office fronting Lawson Street as a heritage item. However, the SHR identifies the whole of Redfern Station, including platforms and associated buildings as the Redfern Station Group heritage item.

The site is also located east of the Darlington conservation area and west of the Redfern Estate conservation area (on the opposite side of the railway corridor) as defined by the SLEP.

Concern was raised in public submissions about the impact the proposed increase in building height would have on surrounding heritage items. The Heritage Council raised concern the proposal would overwhelm the setting of Redfern Station and Precinct 3 should not be increased in height beyond the concept approval height (8-storeys).

The Applicant asserts the stepping down of the building envelope from 24 to 17-storeys and inclusion of a 40 m setback at its southern end, opposite the Redfern Station booking office, ensures it would not impact on the station, nor impact on views to the station from Lawson Street. The Applicant also stated the station setting will be subject to significant change in the future as envisaged by the CEUTS.

The Department notes five 18-storey mixed-use developments are located between 60 m and 100 m to the south and south-east of the Redfern Station booking office. These developments are visible above the station booking office when looking from Lawson Street, Eveleigh Street and Little Eveleigh Street and Redfern Station platforms when looking east from Little Eveleigh Street (refer to **Figures 17, 25 and 26**).



**Figure 17** | View north-east from Little Eveleigh Street towards Redfern Station and the existing towers (Source: Department's site visit)

The Department considers the proposed building envelopes would not have an adverse impact on the heritage significance or setting of Redfern Station or the nearby Darlington and Redfern Estate conservation areas, as:

- the SHR listing of the station does not attribute significance to views of the station building into the surrounding locality. As discussed at **Section 6.3.2**, the narrow southern profile of the development (and oblique view of the eastern façade) would be seen in this view, but the proposal would not interrupt any significant or iconic views
- the building envelope is located on the opposite side of Lawson Street, north of the station, and would not interrupt views towards it along Lawson Street, Eveleigh Street and Eveleigh Lane
- the area surrounding the station and conservation areas has been identified within the CEUTS for regeneration, including the development of new high-density neighbourhoods

- the narrow widths of roads together with the density of terrace housing within the conservation areas limits views from the conservation area to the site and the proposed student accommodation building envelope
- the future building within the building envelope is a modern design and would not attempt to mimic or distort the significance of surrounding heritage items
- the setting of the station has already been significantly altered by modern high-density developments in close proximity and the proposal would not result in any additional adverse visual / setting impacts beyond what already exists
- the DRP and GANSW did not raise any concern about the height/scale of the development and stated the proposal would not have an adverse impact on Redfern Station.

### Conclusion

The Department concludes the building envelope is acceptable and would not have adverse built form, visual or heritage impacts. In addition, the building envelope complements the existing and future urban context and character of the Precinct.

The Department recommends ToA A1 be updated to reflect the amended storey heights.

#### 6.2.3 Public open space and the land-bridge

The concept approval includes the creation of new public open spaces within all Precincts (**Figure 18**). In addition, it allows for the demolition of the existing brick wall containing Aboriginal artwork and construction of a 235 m<sup>2</sup> land-bridge cantilevered over the railway corridor between Lawson Street and Eveleigh Street.

The modification seeks a reduction of 80 m<sup>2</sup> public open space within Precinct 3, an overall increase of 438 m<sup>2</sup> public open space dedicated to Council, deletion of the 235 m<sup>2</sup> land-bridge and the retention of the Aboriginal art wall.

A comparison between the concept approval and the concept modification open space provision is provided at **Table 13** and shown at **Figure 18**.

Concerns have been raised in public submissions that the proposal provides insufficient open space. Sydney Trains confirmed it does not object to the deletion of the land-bridge. Council requested clarification on the extent of public open space works proposed and recommended the Applicant enter into a Planning Agreement with Council for the dedication of open space.

The DRP has advised it supports the deletion of the land-bridge as this facilitates the retention and refurbishment of the art wall murals, which are culturally significant to the local Aboriginal community.

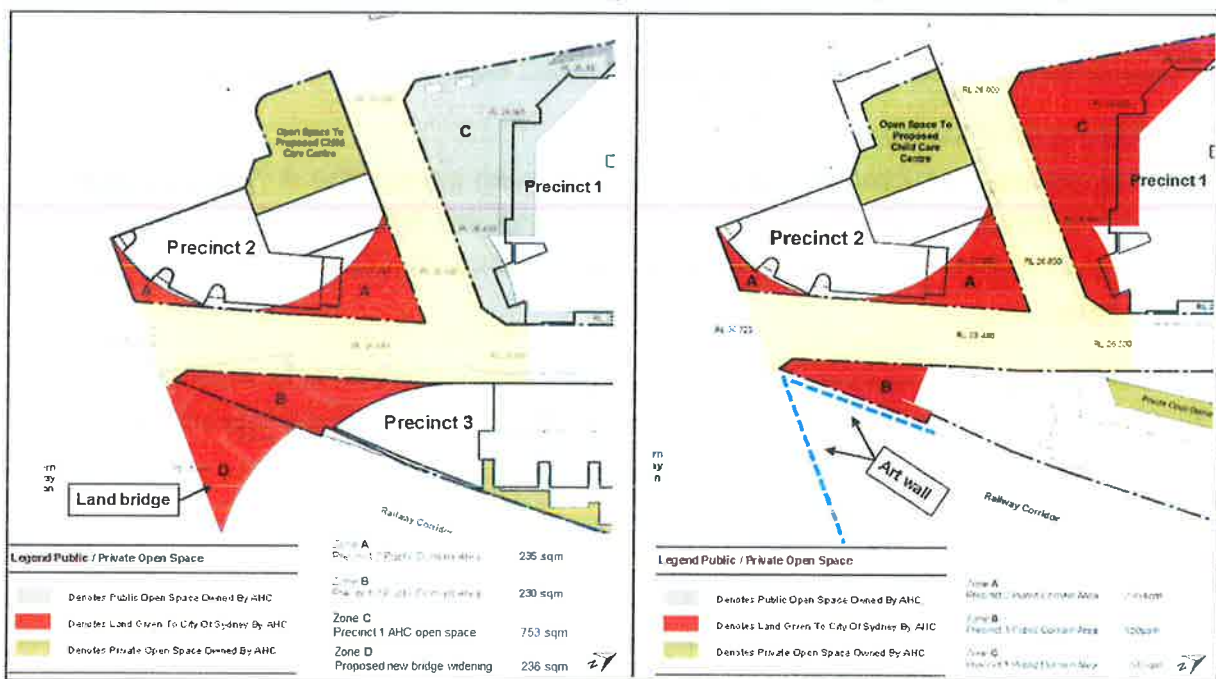
The Applicant has stated the dedication of an addition 438 m<sup>2</sup> of public open space to Council is a significant public benefit. The Applicant advises the purpose of the land-bridge was to increase views into the site from Lawson Street and it was not intended to be public open space. In addition, the retention of the existing Aboriginal art-wall is of higher social and cultural value than the provision of the land-bridge.

The Applicant has clarified the indicative design of the public open space and public domain works has been modified to reflect the detailed design as proposed by the project approval modification

application (MP 11\_0093 MOD 1). The Applicant states the dedication of open space can be appropriately secured by the proposed SoCs and conditions and a Planning Agreement is therefore not necessary.

**Table 13** | Open space comparison between the concept approval and modification

Open Space	Concept Approval	Modification	Difference (+/-)
Precinct 1	753 m <sup>2</sup>	753 m <sup>2</sup>	No change
Precinct 2	235 m <sup>2</sup>	235 m <sup>2</sup>	No change
Precinct 3	230 m <sup>2</sup>	150 m <sup>2</sup>	- 80 m <sup>2</sup>
Land-bridge	235 m <sup>2</sup>	0 m <sup>2</sup>	- 235 m <sup>2</sup>
Dedication to Council	700 m <sup>2</sup>	1,138 m <sup>2</sup>	+438 m <sup>2</sup>



The Department notes although the land-bridge was not proposed as open space, due to its size and location adjacent to Lawson Street and near the station entrance, it may have been perceived as an extension to the public open space. The amendment to the shape of the public open space area at the southern tip of Precinct 3 (Zone B) results in the reduction of 80 m<sup>2</sup> of public open space.

The Department considers the deletion of the land-bridge from the development is acceptable as:

- it facilitates the retention and refurbishment of the existing Aboriginal art-walls, which:
  - are culturally significant to the local Aboriginal community and are known locally as an identifying feature of the public domain in this part of Redfern
  - forms an integral part of the existing public art experience within the Pemulwuy Precinct

- o the retention represents a significant public and cultural benefit that outweighs the creation of new views into the site and compensates for the minor reduction of open space (80 m<sup>2</sup>)
- Sydney Trains / TfNSW and Council did not object, and the DRP and GANSW supported the deletion of the land-bridge over the railway corridor
- the original inclusion of the land-bridge was not intended to provide open space or required to provide pedestrian access to the site or address footpath capacity.

The Department considers the 80 m<sup>2</sup> reduction of public open space is acceptable as:

- the reduction of open space (80 m<sup>2</sup>) is minor in the context of the overall provision of public open space (1,138 m<sup>2</sup>) and the public open space remains proportionate to the size, inner city location and density of the development
- the student accommodation building is capable of accommodating communal open spaces at various levels throughout the building (as shown within SSD 8135) and therefore the development would not generate much demand for further public open space.

The Department supports the dedication of an additional 438 m<sup>2</sup> public open space to Council and considers this to be a significant public benefit to the local community. The Department notes FEAR C7 requires the dedication of open space to Council be considered as part of detailed development applications. The Department is satisfied FEAR C7 remains acceptable in its current form and does not require amendment.

The Department supports the modification to public open space and recommends ToA A1 be amended to delete the reference to the provision of the land-bridge.

#### 6.2.4 Impact on adjoining residential amenity

Concern has been raised in public submissions about the impact of the proposed development on adjoining residential amenity in terms of overshadowing, private views and privacy.

##### **Overshadowing**

The proposed 24-storey building envelope results in a notable increase in overshadowing when compared to the approved 8-storey building envelope (**Figure 19**).

The shadow diagrams submitted in support of the proposal indicate the building envelope would result in the following overshadowing at mid-winter (**Figures 19 and 20**):

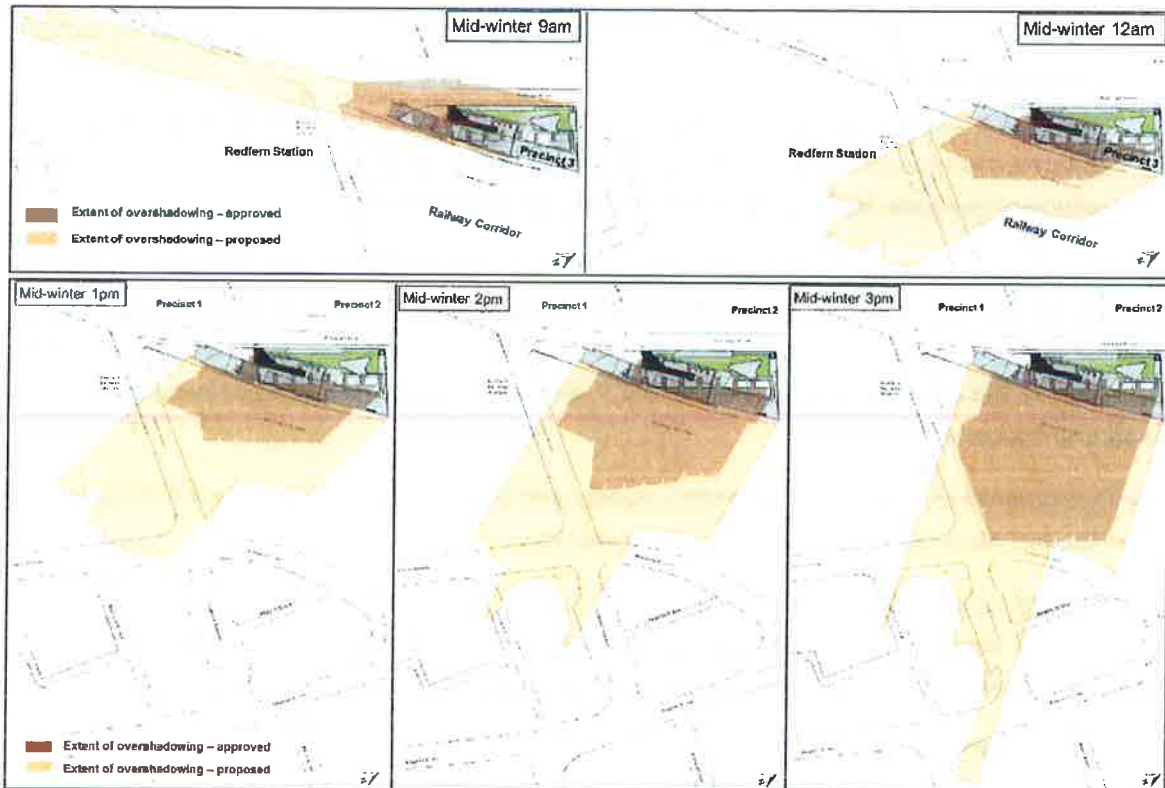
- the railway corridor south and east of the site at various times between 9 am and 3 pm
- the lower levels of 1 Lawson Square and 74 Lawson Square between 2 pm and 3 pm in mid-winter.

Concerns were raised in public submissions the proposed increase in height of Precinct 3 would result in adverse overshadowing of the surrounding area and residential properties.

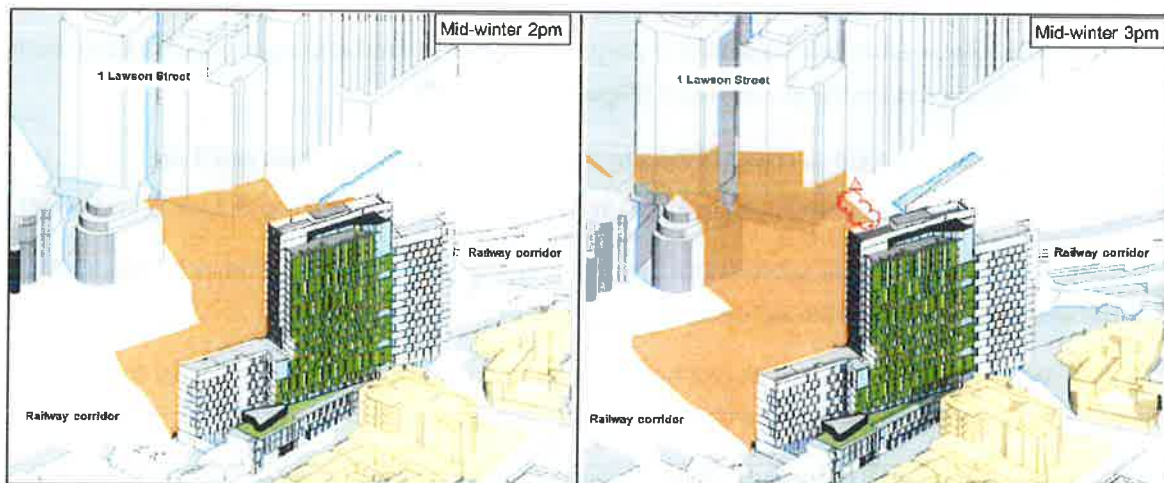
The Proponent has stated the shadow cast by the development would fall over the railway corridor and therefore would not have any adverse overshadowing impacts.

The Department is satisfied the likely additional overshadowing impacts are acceptable, noting:

- almost all of the additional shadow created by the increase in the height of Precinct 3 would be cast over the railway corridor between 9 am and 3 pm
- there are no overshadowing impacts on existing residential properties to the north, south and west
- neighbouring residential properties to the east would continue to receive between five and six hours of direct sunlight during mid-winter, with the lower levels of 1 Lawson Square being overshadowed by approximately 1 additional hour (2 pm to 3 pm) during mid-winter
- there is no overshadowing of public open space within Precinct 1 and 2 and only minor overshadowing of the public open space within Precinct 3 (between 9 am and 10 am in mid-winter).



**Figure 19** | Overshadowing impact between 9 am and 3 pm in mid-winter (Base source: Applicant's RtS)



**Figure 20** | Overshadowing impact on 1 Lawson Street 2 pm and 3 pm in mid-winter (Base source: Applicant's RtS)

## Private views

Concerns were raised in public submissions that the proposed development would adversely impact on private views from 157 Redfern Street (**Figure 21** and **22**).



**Figure 21** | View north-west (level 18) across the site, Precinct 3 highlighted red (Base source: Applicant's RtS)



**Figure 22** | Typical 157 Redfern Street apartment layout (upper levels) (Base source: Applicant's RtS)

The Department has followed the following four-step assessment, in accordance with the Tenacity principles, to assess the impact on private views from 157 Redfern Street resulting from the proposed increase in the height of Precinct 3:

1. assess what views are affected and the qualitative value of those views
2. consider from what part of the property the views are obtained
3. assess the extent of the impact (negligible, minor, moderate, severe, devastating)
4. assess the reasonableness of the proposed modification that is causing the impact.

The findings of the assessment against these steps are summarised in **Table 14**.

**Table 14** | Consideration of view loss principles

Principle	Consideration
1. Assess affected views	<p>The Pemulwuy Precinct is located approximately 140 m to the north-west of 157 Redfern Street, on the opposite side of the railway corridor.</p> <p>The apartments at the north-western corner of 157 Redfern Street have:</p> <ul style="list-style-type: none"> <li>• an unimpeded and panoramic western district views and northern views towards the CBD (partially obscured by 1 Lawson Street)</li> <li>• a distant view of the ANZAC Bridge (including its pylons and stay cables) to the north-west. Views vary dependent upon the height and location of the apartment.</li> </ul>
2. Location of view	<ul style="list-style-type: none"> <li>• Views are obtained from west facing living room windows and balconies.</li> <li>• The primary view is the panoramic district view to the west and the partially obscured CBD view to the north.</li> <li>• The north-western view across the site and towards the ANZAC Bridge is a secondary view from balconies.</li> </ul> <p>The typical apartment layout and existing north-western view across the site is shown at <b>Figure 22</b>.</p>
3. Extent of impacts	<ul style="list-style-type: none"> <li>• As approved, the maximum height of the Precinct 3 student accommodation building is 8-storeys and therefore would have a negligible impact on views from 157 Redfern Street.</li> <li>• As the proposed 24-storey building is located north-west of 157 Redfern Street, it would not obstruct the primary western or northern views from the living rooms of existing apartments.</li> <li>• The proposal is likely to slightly interrupt the secondary north-western view from balconies and partly obscure the ANZAC Bridge. However, views would be maintained either side of the building (north and west), including CBD views.</li> <li>• The Department considers the overall impact on existing views is moderate in nature.</li> </ul>
4. Reasonableness of the proposal	<ul style="list-style-type: none"> <li>• The Department notes view loss as a result of the development would be moderate and there would be no significant view impacts. In addition, the primary views to the west and north, including the Sydney CBD skyline would be unaffected.</li> <li>• The proposed increase in the height of Precinct 3 would alter the existing view from the balconies of apartments in 157 Redfern Street to the north-west and obscure the ANZAC Bridge. However, the Department notes the ANZAC Bridge is located a considerable distance from the site (approximately 3 km) and the view is achieved across many properties and in such circumstances it is unreasonable to expect the view would not be altered over time.</li> <li>• The proposed increase in height has strategic merit as it will increase student housing and housing diversity in Sydney, consistent with the Regional Plan and Eastern District Plan (<b>Section 4</b>) and includes appropriate public benefits (<b>Section 6.3.5</b>).</li> <li>• While the proposal exceeds the height/FSR controls in the SSP SEPP (<b>Section 4.4.2</b>), the Department considers the proposal provides an acceptable built form and provides appropriate public benefits.</li> <li>• The Department concludes the impact on views from apartments in 157 Redfern Street is reasonable and their retained views (primary views) will continue to provide a high level of amenity.</li> </ul>



## Privacy

Concerns were raised in public submissions that the proposed development would result in a loss of privacy to surrounding residential properties.

The Department notes that the only residential properties adjacent to the student accommodation building envelope in Precinct 3 are:

- 75 Eveleigh Street (terrace house) adjoining the northern boundary of Precinct 3
- the future townhouses / apartments on the opposite side of Eveleigh Street, within Precinct 1.

All other residential properties are located on the opposite side of the railway corridor (at least 80 m to the south-east) or to the west of Precincts 1 and 2.

The Department is satisfied that the modified building envelope is located an appropriate distance away from neighbouring properties and will protect privacy as:

- the building envelope is separated from existing neighbouring buildings by at least 80 m, which exceeds the State Environmental Planning Policy No. 65 - Apartment Design Guide recommended minimum separation distance
- no amendments are proposed to the separation distance between the Precinct 1 and Precinct 3 building envelopes, which are maintained at between 12 and 15 m. In addition, the Department notes this level of separation is common within the surrounding streets
- the detailed design of the student accommodation building (SSD 8135) indicates no windows are located within the 3-storey elevation fronting 75 Eveleigh Street.

### 6.2.5 Non-residential land uses

The concept approval provides for a total GFA of 17,370 m<sup>2</sup> comprising:

- 2,655 m<sup>2</sup> of retail/commercial GFA
- 12,730 m<sup>2</sup> of residential GFA
- 3,095 m<sup>2</sup> of gym, gallery, childcare centre and AHC Office GFA.

However, the Department notes ToA A1 and the concept approval description of the approved development cite the combined total GFA for the gym, child care, gallery and AHC Office GFA as 3,095 m<sup>2</sup>, whereas the approved combined total is actually 1,995 m<sup>2</sup>.

The proposal seeks to amend the non-residential land-uses as follows:

- reduction of 1,440 m<sup>2</sup> retail / commercial GFA (within Precinct 1 and 3)
- increase of 11,140 m<sup>2</sup> student accommodation (within Precinct 3)
- relocation of gallery use from Precinct 3 to Precinct 1, including a 145 m<sup>2</sup> reduction in GFA.

A comparison between the approved and modified non-residential land uses is summarised in **Table 15**.

**Table 15** | Comparison between the approved and modified non-residential land-uses

Land Use	Concept Approval	Proposed	Difference (+/-)
<b>Precinct 1</b>			
Gym	905 m <sup>2</sup>	905 m <sup>2</sup>	No change
Retail	340 m <sup>2</sup>	0 m <sup>2</sup>	-340 m <sup>2</sup>
Gallery	0 m <sup>2</sup>	340 m <sup>2</sup>	+340 m <sup>2</sup>
<b>Precinct 2</b>			
Childcare	365 m <sup>2</sup>	365 m <sup>2</sup>	No change
Retail	476 m <sup>2</sup>	476 m <sup>2</sup>	No change
Commercial	739 m <sup>2</sup>	739 m <sup>2</sup>	No change
AHC Office	240 m <sup>2</sup>	240 m <sup>2</sup>	No change
<b>Precinct 3</b>			
Student	5,390 m <sup>2</sup>	16,530 m <sup>2</sup>	+11,140 m <sup>2</sup>
Gallery	485 m <sup>2</sup>	0 m <sup>2</sup>	-485 m <sup>2</sup>
Commercial	1,100 m <sup>2</sup>	0 m <sup>2</sup>	-1,100 m <sup>2</sup>
<b>Total Non-Residential</b>	<b>10,040 m<sup>2</sup></b>	<b>19,595 m<sup>2</sup></b>	<b>+9,995 m<sup>2</sup></b>

Concerns were raised in public submissions about the removal of ground floor shops from Precinct 3. Council recommended the gallery use should be secured within Precinct 1, such as through a modification to the project approval.

The Applicant has stated Precinct 3 would provide an active frontage to Eveleigh Street through the provision of student amenities including gym, common areas and entrances as demonstrated in SSD 8135. In response to Council's concerns, the Applicant submitted the project approval modification application, which includes the relocation of the gallery use to Precinct 1 (being assessed concurrently with this application).

The Department considers the proposed relocation and reduction of the gallery and reduction of 1,440 m<sup>2</sup> retail GFA is acceptable as:

- the AHC has confirmed, on behalf of the local Aboriginal community, the relocated and amended gallery is an appropriate size and location for its intended purpose
- the site retains 1,215 m<sup>2</sup> retail and commercial GFA, located within Precinct 2, which is situated in a prime location at the highly visible main entrance to the site, and considered sufficient to service the Precinct and the local community

- the site includes a mix of other non-retail / commercial uses (child care centre, gym and gallery) which are focused around the Eveleigh / Caroline Street intersection and positively contribute to a vibrant non-residential core of the Pemulwuy Precinct
- the ground floor level of Precinct 3 is capable of being appropriately activated, as discussed at **Section 6.3.2**. To ensure this is delivered, the Department recommends a new FEAR requiring future development application(s) provide an active frontage to Eveleigh Street.

For the reasons above, the Department supports the proposed changes, and recommends the Description of Development, ToA A1 and Modification B1 be amended to take account of the amendments to land uses within the site.

#### 6.2.6 Other issues

**Table 16** | Department's assessment of other issues relating to the concept modification

Issue	Consideration	Recommended Condition
Section 75W application	<ul style="list-style-type: none"> <li>• Concern has been raised in public submissions the proposal is not sufficiently minor to constitute a Section 75W application, and a new application should be made.</li> <li>• The Department notes the scope of section 75W allows for the submission and consideration of broad ranging amendments to concept plans.</li> <li>• The Department has assessed the merits of the modification and concludes, subject to conditions, impacts resulting from the proposal are minor and acceptable.</li> <li>• Although the modified concept plan proposes an intensification of student accommodation on the site it does not amend the approved uses.</li> <li>• The modified proposal does not change the approved uses of the site and therefore does not change the nature of the concept approval.</li> <li>• As discussed at <b>Section 4.1.1</b>, the Department is satisfied that the proposed changes are within the scope of section 75W of the EP&amp;A Act, and the proposal does not warrant a new application.</li> </ul>	No additional conditions or amendments to existing conditions are necessary.
Car parking (ToA A1)	<ul style="list-style-type: none"> <li>• The concept approval allows three car parking spaces within the basement of Precinct 1 to be used by students/staff within Precinct 3.</li> <li>• The Applicant proposes to reallocate these three student/staff car parking spaces for use by residents in Precinct 1.</li> </ul>	The Department recommends ToA A1 be amended to reallocate the three student/staff car parking spaces to Precinct 1.

- The Department supports this amendment as this will ensure Precinct 3 is a 'car-free' development.

Bicycle parking (Modification B4)	<ul style="list-style-type: none"> <li>• The concept approval requires bicycle parking be provided within the basement of Precinct 1 for use by the occupants of all precincts within Pemulwuy.</li> <li>• The Applicant proposes this be amended to exclude occupants of Precinct 3 from accessing the bicycle parking within Precinct 1.</li> <li>• The Department notes SSD 8135 includes the provision of 184 bicycle parking spaces in Precinct 3 for students/staff/visitors.</li> <li>• The Department supports this amendment subject to the requirement that Precinct 3 include sufficient bicycle parking for students/staff /visitors.</li> </ul>	The Department recommends Modification B4 be amended to exclude Precinct 3 from access to bicycle parking in Precinct 1 and requiring bicycle parking in Precinct 3.
Protection of the railway corridor (FEAR C11)	<ul style="list-style-type: none"> <li>• FEAR C11 includes detailed design requirements relating to the protection of the railway corridor.</li> <li>• Sydney Trains has recommended these detailed design requirements be transferred from the concept approval to the SSD development consent.</li> <li>• Consistent with Sydney Trains advice, the Department agrees the detailed design requirements are best addressed by conditions on the SSD Application.</li> <li>• The Department therefore supports the deletion of FEAR C11.</li> </ul>	The Department recommends FEAR C11 be deleted.
Administrative changes	<ul style="list-style-type: none"> <li>• The Department recommends the concept approval be amended to address the following administrative matters: <ul style="list-style-type: none"> <li>○ the concept approval (ToA A2) refers to the unrelated drawings and documents of the separate detailed project approval (MP 11_0093)</li> <li>○ the concept approval allows retail, commercial, AHC office and community (child care) uses within Precinct 2. However, Modification B1 does not include reference to the retail and AHC office uses within the list of approved uses within Precinct 2</li> <li>○ the notes and definitions within Parts B and C of the concept approval are out of date and do not reflect current legislation or authority names.</li> </ul> </li> <li>• The modification includes amendments to the SoCs to reflect the proposed changes to the concept approval and secure new commitments relating to</li> </ul>	<p>The Department recommends:</p> <ul style="list-style-type: none"> <li>• ToA A2 be amended to delete the project approval drawings</li> <li>• Modification B1 include all approved uses</li> <li>• the definitions be updated.</li> </ul> <p>The Department recommends the SoCs be amended as proposed.</p>

the construction, student room subsidies, wayfinding and design excellence.

- The Department considers the amendments to the SoCs are administrative, as they facilitate the modification.
- The new SoCs appropriately confirm the Applicant’s intentions for the development of the site and are also considered acceptable.

### 6.3 State significant development application – Precinct 3 (SSD 8135)

#### 6.3.1 Consistency with the concept approval

Clause 3B(2)(d) of Schedule 2 of the ST&OP Regulation specifies that consent must not be granted for a future development application unless the consent authority is satisfied the development is consistent with the terms of the approval of the concept approval.

The concept approval for Pemulwuy (MP 06\_0101) establishes several requirements and parameters to be considered in future development applications for Precinct 3.

As discussed in **Section 6.2**, the concept modification seeks approval to amend the Precinct 3 building envelope (height, GFA, FSR and footprint) and associated public domain and the Department has recommended the concept modification be approved subject to conditions. The current SSD application relies on the changes proposed in the concept modification.

The Department considers it appropriate that the current SSD application be assessed in accordance with the Department’s final recommendations for the concept modification. The Department has therefore considered the proposal against the requirements and parameters in the concept approval (as modified) (**Appendix D**) and considers that the proposal is consistent with the concept approval. **Table 17** shows how the proposed development is consistent with the building envelope parameters of the concept approval (as proposed to be modified).

**Table 17** | Comparison between the concept approval (as modified) building envelope and proposed building parameters

Component	Concept Approval Requirement (as modified)	Proposal	Consistent
<b>Building Envelope Component</b>			
North	17-storeys (RL 82.17)	17-storeys (RL 82.17)	Yes
Central	24-storeys (RL 96.57)	24-storeys (RL 96.57)	Yes
	23-storeys (RL 94.35)	23-storeys (RL 94.35)	
	22-storeys (RL 90.48)	22-storeys (RL 90.48)	
South	9-storeys (RL 53.85)	9-storeys (RL 53.67)	Yes
	3-storeys (RL 37.67)	3-storeys (RL 37.67)	

GFA			
Total Precinct 3	16,530 m <sup>2</sup>	16,530 m <sup>2</sup>	Yes
FSR			
Total Precinct 3	6.95:1	6.95:1	Yes

### 6.3.2 Design quality

#### Design excellence

The proposal seeks to provide a building comprising a central tower with stepped lower levels to the north, west and south, which are contained wholly within the concept approval (as modified) building envelope (**Section 6.3.1**).

The concept approval (FEAR C2) requires all development applications for future buildings demonstrate design excellence in accordance with the SSP SEPP. In addition, the SEARs require the SSD application demonstrate design excellence either by:

1. undertaking an architectural design competition, or
2. alternative design excellence process, including establishing a Design Review Panel (DRP).

Concerns have been raised in public submissions the proposal does not achieve design excellence. Council did not raise any concerns with the design of the detailed building.

In order to achieve design excellence; and in response to FEAR C2 and the SEARs (point 2 above), the Applicant established an alternative design excellence process, which included:

- selection of an architect (FJMT Architects) with a reputation for delivering buildings of a high quality
- consultation with the GANSW and establishing a DRP comprised of three architects / urban design experts to provide independent expert design advice through the design evolution of the project
- review of DRP design recommendations and amendment of the project where necessary.

The GANSW confirmed it is satisfied that a suitable alternative design excellence process has been proposed, and that the scheme is capable of achieving design excellence.

The DRP comprises two architects / urban design experts (Order Architects and Tony Caro Architects) and Olivia Hyde (GANSW representative). The DRP was involved during the design evolution of the project and considered the proposal on seven occasions between January 2017 and March 2018. The DRP made various recommendations in relation to the building height/form, public domain and art, and ESD, which the Applicant considered and either implemented or suggested alternatives.

The DRP supports the overall scale, density and height of the proposal in its context. In addition, it considered the pedestrian access and connections between/through larger spaces are appropriate. It recommended local artists be consulted about landscaping and public domain materiality, and its continued involvement in the project as a Design Integrity Panel (DIP) following the determination of the application.

The Department considers the Applicant has established an appropriate design excellence process and concludes the application exhibits design excellence as:

- the GANSW supports the design excellence strategy, including the establishment of a DRP
- the DRP supports the overall scale, density and height of the proposal
- the building's overall design, shape and form and use of materials will provide a distinct building and the proposal will make a positive contribution to the existing cluster of tall buildings to the east (**Sections 6.2.2 and 6.3.2**)
- the development provides public open space and art designed to reflect the cultural Aboriginal significance of the site
- the proposal provides appropriate activation and landscaping at ground floor level and will provide a high quality public domain (**Section 6.3.2**)
- the proposal is contained wholly within the proposed concept plan building envelope and would have no additional impact on views, overshadowing and privacy beyond what has already be assessed at **Section 6.2.4**
- the design implements a variety of environmentally sustainable measures to achieve ESD, as discussed at **Section 4.6.4**, and the Department has recommended a condition requiring the Applicant strive to achieving additional improvements to sustainability.

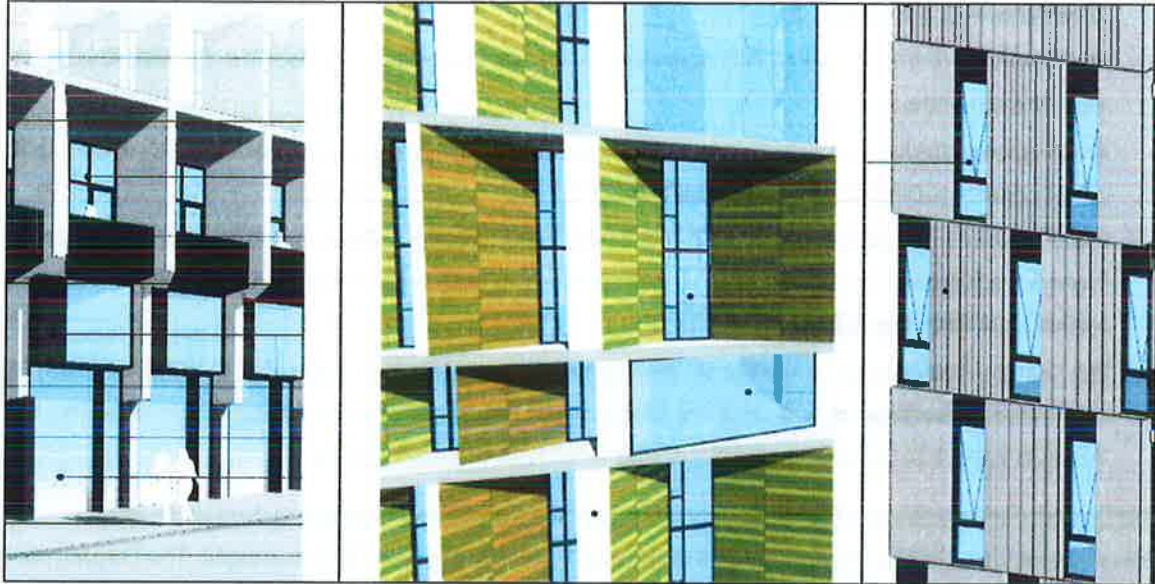
The Department agrees the DRP should continue to be involved in the ongoing design development of the proposal (as a DIP) to ensure design integrity and provide independent oversight. The Department recommends conditions accordingly and considers that the proposal exhibits design excellence for the reasons set out above.



**Figure 23** | Street view perspective looking south along Eveleigh Street (SSD Application) (Base source: Applicant's RtS)

### Building design and materiality

The proposed building is divided into four asymmetrical components, comprising a 24-storey central tower framed by 9 and 17-storey components, with a 3-storey building along the majority of Eveleigh Street frontage (**Figure 24**).



**Figure 24** | The façade treatment of the 3-storey (left) 24-storey (middle) and 9 and 17-storey (right) components of the building (Base source: Applicant's RtS)

The central tower is highly articulated, including repetitive chamfered window treatments with coloured terracotta tile insets interspersed with glazed box feature windows. The 9 and 17-storey components include gridded window and slot-windows set within smooth and decorative/textured precast concrete. The design of the 3-storey component takes the appearance of a row of modern townhouses and includes stone and concrete cladding, glazing, balconies and projecting feature windows at the upper level.

Concern was raised in public submissions about building design and its impact on the character of the surrounding area. Council did not raise specific concerns about the design of the building.

The DRP confirmed it supports the selection of façade materials, colour and composition, including the range of textures with an emphasis on verticality. In addition, it stated the development reflects the changing urban context and the existing high-rise developments of similar height east of the railway corridor.

The Department considers the proposed design and materiality of the building is appropriate, would achieve design excellence and would not have an adverse impact on the character of the locality as:

- the modern design approach and use of materials (and colours) is consistent with the established 18-storey developments on the eastern side of the railway corridor and would make a positive contribution to the evolving character of the surrounding area
- as discussed at **Sections 6.2.2** and **6.3.2**, Precinct 3 is considered to form part of a cluster of tall buildings and the detailed design and materiality of the tower is considered to reinforce this link



- the asymmetrical separation of the long eastern and western façades of the building into four parts appropriately breaks down the bulk of the building and reduces its visual impact
- the articulation of windows, façade treatment and use of colour establishes an architectural rhythm which emphasises the building's verticality and provides a coherent overall architectural composition
- the DRP supported the design of the proposal and did not raise any concern about the height or scale of the building and considered the development reflected the surrounding changing urban context
- Precincts 1 and 2 establish a mid-rise built form, provide a visual and built form transition between Precinct 3 and the surrounding residential neighbourhood (west and north), and therefore helps to further integrate Precinct 3 into its urban context
- the 3-storey component, which emulates a modern row of townhouses, provides an appropriate street frontage comparable in scale and appearance to Precinct 1 and appropriately activates the ground floor levels on Eveleigh Street
- the design of the public domain improvement works and open space are considered acceptable as these are consistent with the amended overall public domain works considered within the concurrent project approval modification application MP 11\_0093 MOD 1 (**Section 6.4.1**).

### Heritage impacts

Concern was raised in public submissions about the proposal's impact on heritage items, including Redfern Station and the nearby conservation areas.

The Heritage Council raised concern the design and use of bold materials on the building overwhelms Redfern Station, and the building is overly articulated and does not integrate with the architectural simplicity of the existing context.

The DRP consider the development would not have an adverse visual impact on Redfern Station.

The Applicant has stated the design of the building follows the conservation principles established in the Burra Charter 2013, which states new work should be readily identifiable and not distort the cultural significance of a place. The proposed development does not attempt to mimic the materials, colours and finishes of Redfern Station booking office building or the conservation areas. However, it includes visual connections to the neighbourhood through its vertical and horizontal architectural expression / rhythm.

The Department acknowledges the surrounding residential area to the west and south of the site, including Redfern Station, is low-rise and generally comprised of 19<sup>th</sup> century brick terrace housing / developments, which are simple in their design and have muted materials/colours.

Whereas, the 18-storey buildings on the eastern and south-eastern side of the railway corridor and also adjacent to Redfern Station, are clad in modern materials including materials that are assertive and colourful (green, orange and red). In addition, the facades of those buildings are articulated with repetitive balconies, windows apertures and screens (**Figures 17 and 25**).



**Figure 25** | View looking east along Lawson Street towards Redfern Station and existing towers (Source: Applicant's RTS)

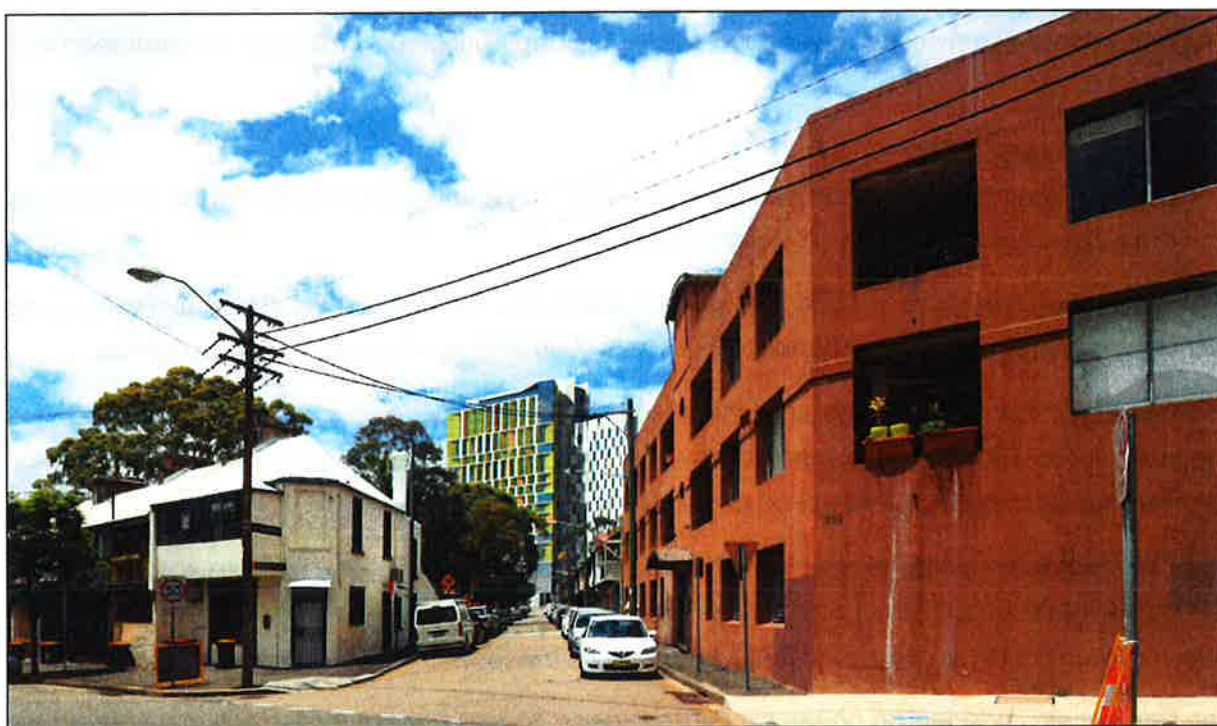


**Figure 26** | Existing view north from the Redfern Station ticket office entrance (Source: Applicant's RTS)

The Department considers the design of the proposal would not have an adverse heritage impact as:

- the proposal is located on the opposite side of Lawson Street to Redfern Station and is setback 40 m from the Station entrance and 28 m from Lawson Street, which ensures the proposal is sufficiently separated and detached from the setting of Redfern Station
- the proposed building is not out of character in this context and would not adversely impact the setting of Redfern Station as:
  - a cluster of modern tall buildings already exist in close proximity to Redfern Station on the eastern side of the railway corridor
  - the existing tall towers are articulated and clad in assertive / colourful materials, and the use of such materials distinguishes the building from Redfern Station and nearby conservation areas

- the SHR does not stipulate that views from Redfern Station have heritage significance, the Department notes the view from the Redfern Station ticket office entrance (**Figure 26**):
  - include the existing Aboriginal Art wall (approximately 2 m tall), the railway corridor and the southern end of the CBD and does not include any significant or iconic landmarks
  - would include the southern narrow end of the development and a glancing view (oblique only) of its eastern façade and the existing Aboriginal Art wall is now proposed to be retained
- Precinct 3 is not within a conservation area and is located between 60 - 80 m away from the two nearby conservation areas. In addition, the narrow surrounding streets serve to generally limit views out of those conservation areas
- although visible along Caroline Street, which is within the Darlington conservation area (**Figure 27**), the sight of modern tall buildings outside the conservation area is not uncommon, particularly when facing north towards Central Park and the CBD
- The DRP and GANSW did not raise any concern about the height/scale of the development.



**Figure 27** | Perspective view west along Caroline Street (Source: Applicant's RtS)

## Conclusion

The Department concludes the proposed development achieves design excellence and results in a building which has been designed and articulated to appropriately fit within its urban context without having an adverse impact on the character of the locality.

The proposed building is sufficiently separated from heritage items and would not have an adverse impact on their setting or heritage significance, noting existing tall buildings are consistent with the setting of Redfern Station and nearby conservation areas.

### 6.3.3 Traffic, parking and servicing

#### **Traffic**

Concerns were raised in public submissions about the potential traffic impacts of the development. Council and RMS did not raise any concerns with regards to traffic generation or local traffic impacts. TfNSW recommended a Construction Pedestrian and Traffic Management Plan (CPTMP) be prepared.

The application includes a Traffic and Parking Impact Assessment (TPIA), which predicts the overall traffic numbers generated by the development would be negligible given no car parking spaces are provided. The number of vehicles generated by the development is expected to be limited to a small number of service vehicles movements and occasional visitor traffic.

The Department is satisfied the proposed development, being primarily for student accommodation and located opposite Redfern Station, will not adversely impact on the existing road network conditions. Furthermore, the absence of any allocated on-site car parking spaces will limit traffic numbers generated by the proposed development.

The Department recommends a condition requiring the Applicant prepare a CPTMP in consultation with TfNSW.

#### **Car parking and servicing**

The proposal does not provide car parking for Precinct 3. A loading dock is provided at the southern end of the building accessed from Eveleigh Street.

Concerns have been raised in public submissions and by the Police about the absence of car parking within the development and the development's impact on existing off-street car parking spaces.

The Applicant has stated students do not commonly use cars and it is common for student accommodation developments within the area not to provide car parking. In addition, the site has excellent access to public transport and education facilities.

The Department notes the student accommodation developments nearby the site at Central Park, Cleveland Street, Regent Street and Darling Harbour all operate with no car parking, noting their close proximity to major tertiary education facilities and public transport.

The Department considers no on-site car parking spaces being provided for Precinct 3 is appropriate as:

- the site is close to a number of tertiary education facilities and shops and services within the Redfern town centre
- the site is opposite Redfern Station and within close proximity to a number of key bus services which provide connections to other major centres and tertiary educational facilities
- the development includes 184 bicycle parking spaces and a bicycle route passes in front of the site along Eveleigh Street
- the surrounding streets include car parking restrictions, which are controlled and monitored by the Council and prevent long-term car parking. The Department also recommends a condition confirming future occupants are ineligible to obtain an on-street parking permit

- the Regional and District Plans encourage a reduction in car dependency and the use of alternative modes of transport
- car parking was previously removed from Precinct 3 (as part of the determination of MOD1) in response to Council’s concerns.

In response to initial concerns raised by Council and the Department, the Applicant has deleted the proposed on-street pick-up / drop-off zone. The Department supports this amendment and considers the existing time-restricted on-street car parking bays would be sufficient for any intermittent pick-up / drop-off use.

The Department notes the proposal includes an on-site loading dock with a vehicle turntable, and the swept path analysis submitted in support of the proposal demonstrates all vehicles can leave the site in a forward direction. To ensure the loading dock operates safely and to avoid pedestrian/vehicle conflicts, the Department recommends the development be operated in accordance with a Loading Dock Management Plan, and the loading dock vehicle turntable be installed prior to the issue of an Occupation Certificate.

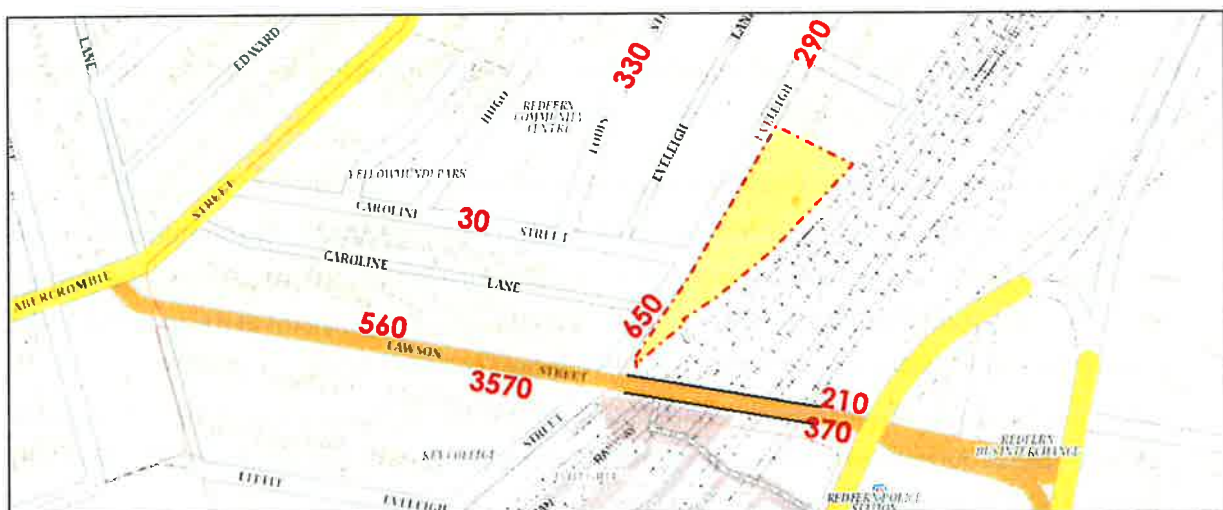
### Pedestrian traffic

Precinct 3 has a single frontage to Eveleigh Street. The existing Eveleigh Street footpaths (east and west) are 1.6 m wide.

The proposal does not include the widening or redesign of existing footpaths.

Concerns were raised in public submissions about the capacity of the Eveleigh Street footpaths to accommodate any increase in pedestrian traffic. Council initially raised concerns about this and recommended the Applicant prepare an assessment of footpath widths and capacity.

In response to the concerns raised, the Applicant prepared a Footpath Capacity Study (FCS), which included an assessment of the pedestrian capacity of surrounding footpaths. The FCS includes pedestrian counts during the morning peak period (8:30 am until 9:30 am) along streets within 100 m of the site as shown at **Figure 28**. The pedestrian count occurred on 23 November 2017, being during the University semester.



**Figure 28** | Pedestrian counts (two-way) within 100 m of the site (Base source: Applicant’s Rts)

The FCS made several recommendations based on the following predications:

- the majority of movements to and from the site are expected to be on foot
- the main destinations during peak periods are likely to be nearby universities (**Figure 1**)
- due to the building layout and location of the lift core, most of the foot traffic will access the site from the building’s main entrance (southern end)
- up to approximately 80% of the 596 students may generate a pedestrian trip during the morning peak.

Based on its findings (**Table 18**), the FSC concluded the proposal would not have an adverse impact on footpath capacity.

**Table 18** | Comparison between the existing and predicted pedestrian volumes

Street	Comfort Threshold (peds/hour)	Existing Pedestrian Volume (peds/hours)	Predicted Pedestrian Volume (peds/hour)
Lawson St (north side)	3,120	560	846
Lawson St (south side)	3,120	3570	3570
Eveleigh St (northern end)	2,496	290	576
Eveleigh St (shared zone)	7,800	650	936
Caroline St	1,872	30	316
Louis St	2,652	330	616
Vine St	2,496	350	636

The Department notes the proposal would not cause an exceedance in comfort levels for pedestrian routes along Eveleigh, Caroline, Louis and Vine Streets and the northern footpath of Lawson Street. The proposal would not result in additional pedestrian movements along the southern side of Lawson Street, which is already congested.

The Department considers the proposal would not have an unacceptable impact on the comfort levels of pedestrian routes within 100 m of the site as:

- the FCS has demonstrated the proposal would not overload existing footpaths
- the project approval includes the formalisation of a shared / pedestrian priority zone along Eveleigh and Caroline Streets at the entrance of the Precinct and outside the main entrance to the student accommodation building (**Figure 18**). This informally enlarges the footpaths at the most trafficked point of the site and will prevent the creation of a congestion pinch-point
- due to the irregularity of tertiary class scheduling it is highly unlikely the majority of the 596 students will have classes during the morning peak period. In this regard the FCS prediction (80% of the 596 students) is a conservative scenario

- the FCS does not factor in students choosing to ride bicycles rather than walk. If cyclists were included this would further reduce the number of pedestrian trips / impact
- as the southern footpath of Lawson Street is shown to be already congested, it is likely pedestrians would use the northern footpath or seek alternative routes.

### **Bicycle parking**

The proposal includes 184 bicycle parking spaces including:

- 156 student bicycle parking spaces and within a secure store at ground floor level
- 20 bicycle-share spaces
- eight visitor bicycle parking spaces within the public domain.

Concerns were raised in public submissions that insufficient bicycle parking is provided. TfNSW recommended the Applicant prepare a Green Travel Plan (GTP) to encourage other modes of transport, such as cycling and walking. Council did not raise any concerns about bicycle parking.

The SDCP 2012 does not include a specific bicycle parking requirement for student accommodation. The ARH SEPP requires one bicycle space be provided for every 5 boarding rooms, which equates to 119 bicycle spaces for the 596 student beds proposed.

The Department is satisfied the proposal provides sufficient bicycle parking for future students and their guests as the:

- proposal provides 156 bicycle spaces, being one space for every 4 student beds and therefore exceeds the ARH SEPP minimum bicycle parking rate
- development includes 20 bicycle-share spaces and has excellent access to the bicycle network as a bicycle route passes outside the site along Eveleigh Street
- SoC 28 of the concept approval confirms the future operator of the student accommodation will prepare travel plans and wayfinding strategies.

The Department recommends a condition requiring the provision of bicycle parking as proposed and the preparation of a GTP.

#### **6.3.4 Student accommodation amenity and management**

The future amenity and management of the student accommodation is a key consideration in the Department's assessment.

The proposal includes:

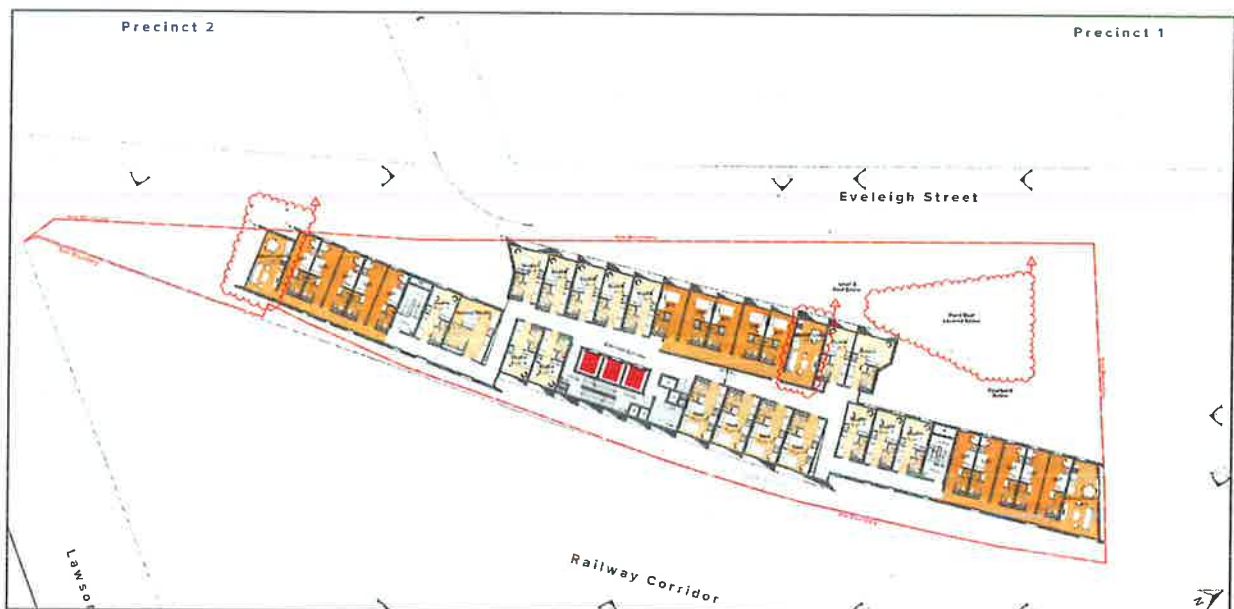
- 596 student beds provided within:
  - 210 studio rooms, measuring 18 – 25 m<sup>2</sup>
  - 74 twin share rooms, measuring 22 – 25 m<sup>2</sup>
  - 43 five bedroom cluster units, with shared living/kitchen, measuring 131 – 133 m<sup>2</sup>
  - 23 accessible studio rooms, measuring 28 m<sup>2</sup>
- 340 m<sup>2</sup> communal courtyard at ground floor level
- 195 m<sup>2</sup> communal rooftop terrace at level 21

- Student amenities, including cinema, meeting rooms, communal rooms, gym and laundry.

Concerns were raised in public submissions about noise/antisocial behaviour, the standard of student accommodation, consistency with Council's controls and provision of waste storage. Council raised concerns in relation to the adequacy of private open space provision, laundry facilities and natural ventilation.

As discussed at **Section 4.6.2**, the Department acknowledges the ARH SEPP and SDCP 2012 do not apply to the site. However, in the absence of planning guidelines for the internal design/layout of student accommodation, the Department considers the ARH SEPP and SDCP 2012 are useful guides to inform the consideration of the amenity of student accommodation. The Department has assessed the proposal against the requirements of the ARH SEPP and SDCP 2012 at **Appendix C**. In summary, the proposal is considered to adequately meet the internal space, amenity, open space and layout requirements of the ARH SEPP and the SDCP 2012.

The Department has considered the concerns raised in submissions separately below.



**Figure 29** | Level 5 / typical student room layout (Source: Applicant's RtS)

### Operational management and noise

The Applicant has confirmed the student accommodation would be operated by Atira Student Living, which has experience managing student accommodation facilities, noting Atira currently:

- manages four student accommodation facilities (total of 2,074 beds) in Brisbane and Adelaide
- has a further four properties under construction (total of 2,627 beds) in Melbourne and Perth.

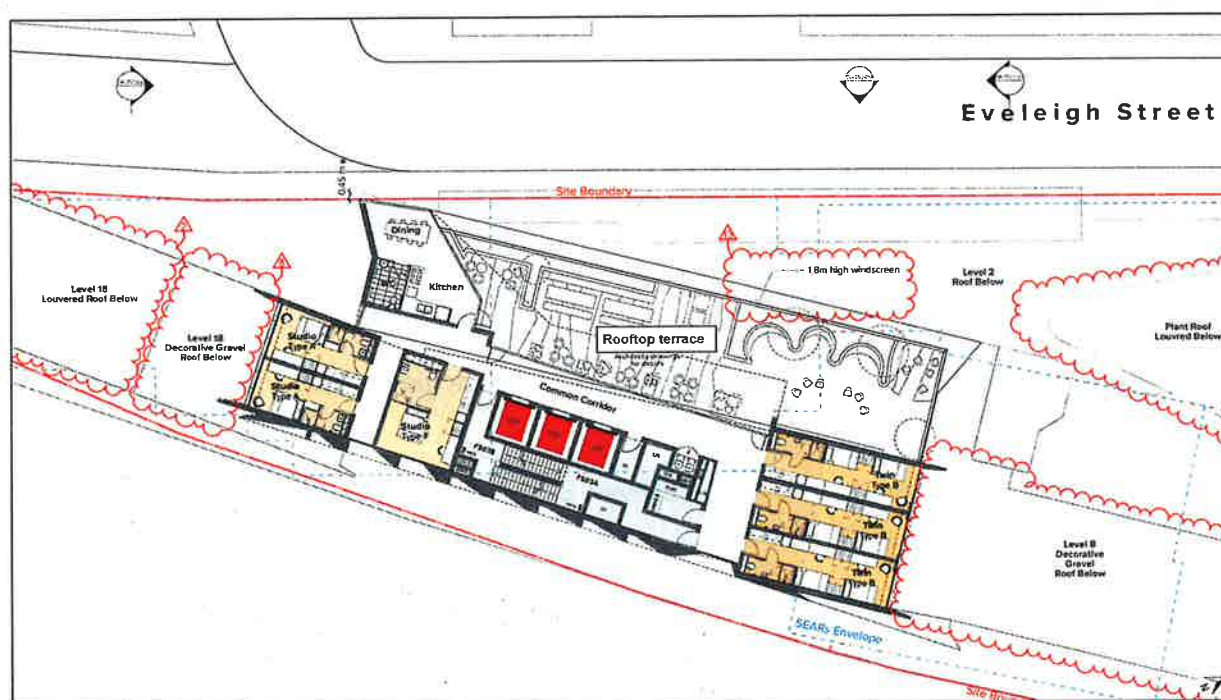
An Operational Management Plan (OMP) has been submitted which outlines the following key management and security measures to mitigate impacts on surrounding residents:

- professional management of the student accommodation on a 24-hour seven-day-a-week basis, including:
  - o building manager, during business hours



- customer service officers located at the reception desk (main entrance), during business hours
- maintenance officers, during business hours
- residential advisors, responsible for student welfare and organising activities, during business hours
- security / evening duty manager, providing an out-of-hours security presence.
- student code of conduct while on-site and 10 pm curfew for guests
- prohibition of alcohol within all common areas of the building, including outdoor spaces
- prohibition of all drugs/illegal substances and weapons on-site
- complaints handling and resolution procedure
- induction and procedures to manage students moving into and out of the accommodation.

The Applicant proposes to limit the number of persons using the open-air rooftop terrace at Level 21 (**Figure 30**) to a maximum of 50 persons at any one time.



**Figure 30** | Level 21 rooftop terrace (Base source: Applicant's RtS)

The Department considers, subject to appropriate management through the OMP, the future use of the site for student accommodation will not have an unreasonable impact on the locality in terms of noise and behaviour of the residents of the building.

To further strengthen the OMP mitigation measures and ensure the development does not have adverse noise impacts on surrounding residents, the Department recommends conditions:

- limiting the maximum noise emissions arising from the general use, operation and plant
- limiting the capacity of the Level 21 roof terrace to a maximum of 50 persons at any one time
- limiting the roof terrace hours of use to 7 am to 10 pm Monday to Saturday and 8 am to 9 pm Sunday and public holidays

- limiting the use of the rooftop terrace to residents within the student accommodation building and their guests
- prohibiting amplified noise/music on the roof terrace
- requiring the installation of signs and operational management requiring occupants to leave the premises quietly
- update the OMP so it is consistent with the above changes.

To ensure the student accommodation is only used for its intended purpose, the Department also recommends conditions:

- restricting the occupation of the building to students and staff of a tertiary education facility
- limiting the maximum number of student beds to those proposed (596 beds)
- preventing the strata subdivision of the building.

### **Private open space**

The proposal includes the provision of 22 balconies to student rooms fronting Eveleigh Street at upper ground and first floor levels (4% of the 596 student beds).

Council has recommended 30% of the 596 student beds (178 rooms) be provided with private open space / balcony in accordance with the SDCP 2012.

The Applicant has stated the provision of additional balconies would disturb the overall design of the building and the building is provided with adequate communal open space.

The Department notes the proposal would need to include an additional 156 balconies to comply with Council's SDCP 2012.

The Department agrees the inclusion of additional balconies would adversely affect the overall appearance of the building, particularly as:

- not all windows are recessed and therefore additional balconies would need to be attached / project out of to the façade of the building and would adversely disturb the architectural composition of the façade
- the inclusion of balconies to the recessed windows (24-storey component) would conflict with the chamfered design of these recesses and would not provide a functional/usable balcony space.

The Department considers the development provides an appropriate level of open space to future students and additional balconies are not required as:

- the building includes 535 m<sup>2</sup> communal open space located within the ground floor courtyard and the rooftop terrace, which is 515 m<sup>2</sup> greater than the SDCP 2012 minimum (20 m<sup>2</sup>). The communal open space would be available for use by all students.
- a total of 1,084 m<sup>2</sup> communal living space / shared student amenities are provided, which is 339 m<sup>2</sup> greater than the SDCP 2012 minimum (745 m<sup>2</sup>)
- all student rooms meet or exceed the minimum ARH SEPP and SDCP 2012 room sizes and would achieve a good standard of amenity

- the wider Pemulwuy Precinct includes the provision of 1,138 m<sup>2</sup> (dedicated) public open space.

### **Laundry facilities**

The proposal includes a laundry room located on the lower ground floor of the building. The laundry contains a total of 28 washing machines and 28 dryers for the 596 students, which equates to a ratio of approximately one of each machine per 21 students (1:21).

Council has recommended the proposal include 50 washing machines and 50 dryers as recommended by the SDCP 2012, which equates to one washer / dryer per 12 students (1:12).

The Applicant contends that the proposed number of washers and dryers is representative of other student accommodation developments within the vicinity of the site.

The Department notes other nearby student accommodation developments at Central Park, Regent Street, Ultimo provide for washing / drying machines at a ratio of 1:29, 1:37 and 1:45 respectively.

Despite being less than the SDCP 2012, the Department is satisfied the proposed number of washing and drying machines will provide for adequate laundry facilities for future residents as:

- the proposal exceeds the washing/drying machine provision ratio of other nearby student accommodation developments
- the provision is based on the operator's first hand experience of day-to-day laundry demands from students within its existing student accommodation developments.

### **Natural ventilation**

Council raised concern the acoustic treatments to student rooms fronting the railway corridor prevents occupants from naturally ventilating rooms.

In response, the Applicant has amended the design of the building to reduce the total number of student rooms facing the railway corridor to 112 rooms (from 154) or 22% of the 522 total rooms. Notwithstanding, Council has confirmed it maintains its concern.

The Department notes neither the ARH SEPP or the SDCP 2012 include a minimum requirement relating to the natural ventilation of boarding house / student accommodation developments.

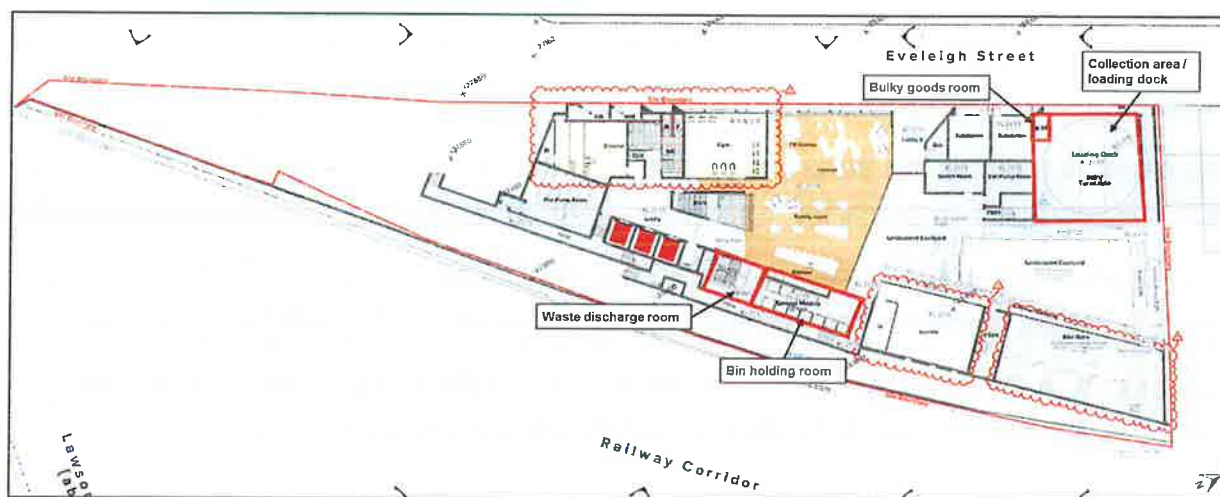
The Department considers the proposed number of student rooms facing the railway corridor is acceptable as:

- 70 of the 112 rooms fronting the railway corridor have single aspect without natural ventilation, which equates to only 13% of the total student rooms provided
- all student rooms are considered to achieve a high standard of amenity in terms of space standards and layout, solar access and access to communal student amenities and open space
- the inclusion of windows within the eastern façade provide necessary articulation to the building.

### **Waste facilities**

Concerns were raised in public submissions the development does not include sufficient waste facilities. Council did not raise concern about the proposed waste storage strategy.

The proposal provides for twelve 1,100 litre mobile garbage bins at the lower ground floor level of the building, including a caged room for the storage of bulky goods. Two waste chutes are proposed and connected to each floor and the site manager/cleaner will manage the handling of garbage and recycling. Waste will be collected from the on-site loading dock by a private contractor (refer to **Figure 31**).



**Figure 31** | Lower ground floor level waste storage locations (Base source: Applicant's RtS)

The Department considers the site is provided with sufficient waste storage and recommends a condition requiring the development be operated in accordance with the Waste Management Plan for the site.

### Conclusion

The Department concludes the proposal would not have an adverse impact on the locality in terms of noise and student behaviour, subject to conditions requiring revisions to the OMP. In addition, the development provides an appropriate amount of open space and laundry and waste storage facilities, and the number of student rooms with limited natural ventilation are minor and acceptable.

#### 6.3.5 Contributions and public benefits

The site is located within the Redfern-Waterloo precinct and is therefore subject to the Redfern-Waterloo Contributions Plan 2006 (RWC Plan) and the Redfern-Waterloo Affordable Housing Contributions Plan 2006 (RWAHC Plan). Both plans are administered by UGDC and allow the consent authority to impose conditions of consent requiring the payment of development levies under sections 7.11 and 7.33 of the EP&A Act respectively.

The contribution requirements are summarised in **Table 19**.

**Table 19** | The RWC Plan and RWAHC Plan contribution requirements

Plan	Contributions Rate	Total Precinct 3 GFA / CIV	Precinct 3 Contribution Requirement
RWC Plan	2% of CIV	\$65,791,450	\$1,315,829.00
RWAHC Plan	\$86.88 / m <sup>2</sup>	16,530 m <sup>2</sup>	\$1,436,126.40

The proposal also includes the following public benefits:

- 110 of the 596 student beds (18%) made available to ATSI students
- dedication of the 150 m<sup>2</sup> public open space at the southern end of Precinct 3 to Council (Precinct-wide open space dedication to Council increased by 438 m<sup>2</sup>, as discussed at **Section 6.2.3**)
- provision of three art works within the public domain and on the façade of the Precinct 3 building, which form part of the Precinct-wide public art strategy providing eight art works.

The Applicant seeks an exemption from the payment of all contributions (**Table 19**), asserting the development of the Pemulwuy Precinct includes affordable housing and public domain improvements to a value in excess of the contribution requirements, as summarised below:

- provision of 62 affordable dwellings within Precinct 1 for the ATSI community valued at \$28 million
- provision of Precinct-wide public domain works (including footpaths, landscaping, street lighting and furniture) and provision of a child care facility valued at \$3.5 million.

The Applicant has not provided any evidence to support the predicted costs.

Concerns have been raised in public submissions that the proposal does not provide sufficient public benefits. To ensure Precinct 3 provides appropriate public benefits, Council recommended the:

- proposal include student rooms as 'affordable student accommodation' for use of ATSI and other disadvantaged students
- Applicant enter into a Planning Agreement with Council to secure the dedication of open space.

UGDC noted the Applicant has not provided financial evidence to support its exemption request and therefore recommended contributions be provided in accordance with **Table 19**. UGDC confirmed the contribution requirements could be waived in the future if the Applicant can demonstrate an equivalent amount of affordable housing and public domain improvements are being provided on-site.

The Applicant has updated its SoCs under the modified concept approval to provide the proposed public benefit offer listed above. The Applicant asserts the updated SoCs and conditions are sufficient to secure the dedication of open space and a Planning Agreement is therefore not necessary.

Consistent with the advice from UGDC, the Department does not consider sufficient information/costings have been provided at this stage to adequately consider the proposed exemptions to the contribution payments under the RWC Plan and RWAHC Plan (**Table 19**), in particular:

- there is currently no restriction on title guaranteeing the 62 dwellings in Precinct 1 being provided as affordable housing
- AHC is not yet registered as a community housing provider and a housing provider has not been nominated
- the application does not include a quantity surveyor's report confirming the cost of the proposal public domain works.

The proposed public benefits, together with the already approved public benefits within the broader Pemulwuy Precinct (affordable housing, gallery, open space and public domain improvements) would ensure the development provides appropriate benefits for existing and future communities.

The Department therefore recommends conditions requiring:

- provision of subsidised student accommodation, open space and public art in accordance with the Applicant’s public benefit offer
- the payment of the RWC Plan and RWAHC Plan contributions or alternatively:
  - confirmation that a restriction has been registered on title for Precinct 1 requiring the provision of 62 dwellings within Precinct 1 as affordable housing and confirmation of a housing provider prior to the issue of an Occupation Certificate
  - confirmation of the provision of public domain works to a value of at least \$1,436,126.40 prior to the issue of a Construction Certificate.

Further, the Department notes the site-wide dedication of open space and provision of public art was secured by condition rather than a planning agreement for Precincts 1 and 2 (and 3 as originally approved) under the project approval (MP 11\_0093). The Department considers, given this established approach for the remainder of the site, securing the public open space and public art within the proposed Precinct 3 by condition is appropriate.

### 6.3.6 Construction impacts

The proposal seeks approval for hours of construction consistent with the Council’s City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992, as shown at **Table 20**.

**Table 20** | Comparison between the Code of Practice, project approval (MP 11\_0093) and proposed hours of construction for all construction works

Day	Code of Practice	Project Approval Hours of Construction	Proposed Hours of Construction
Monday to Friday	7 am and 7 pm	7 am and 6 pm	7 am and 7 pm
Saturday	7 am and 5 pm	7 am and 3:30 pm	7 am and 5 pm
Sunday and Public Holidays	No work	No work	No work

The Applicant predicts the Precinct 3 construction period would be approximately two years (26 months).

Concern was raised in two public submissions about noise impacts during construction. The EPA recommended noise and vibration mitigation and management measures should be implemented to address construction noise impacts.

The Applicant submitted an Acoustic Report (AR) to assess the potential noise impacts associated with the construction of Precinct 3 on nearby sensitive receivers. The AR identifies the nearest sensitive

receiver as 75 Eveleigh Street, which adjoins the northern boundary of the site.

The Interim Construction Noise Guideline 2009 (ICNG) includes noise assessment level (NML) guidelines which generally apply to NSW. However, the Department notes the Council's Code of Practice has been tailored to respond to the Sydney CBD and has been routinely applied to construction sites in the surrounding area, including the Central Park Precinct and UTS. The Department therefore considers Council's Code of Practice contains the relevant NML guidelines for the site.

The Code of Practice specifies the NML above existing rating background level (RBL) at sensitive receivers during construction as:

- + 5 dB(A) between 7 am to 8 am Monday to Saturday
- +10 dB(A) between 8 am to 7 pm Monday to Friday and 8am to 5pm Saturday.

The AR confirms monitoring was undertaken to determine the existing RBL applicable to the nearby sensitive receivers. The RBL was established to be 54 dB(A) and the applicable NML is therefore between 59 - 64 dB(A). The ICNG states impacts above 75 dB(A) represents a point where sensitive receivers are likely to be 'highly noise affected'.

The AR predicts the proposed construction works would exceed the NML up to a maximum of 30 dB(A) (94 dB(A)). The AR states the predicted noise levels are representative of an extreme situation where all equipment is operating at full capacity, which in practice is unlikely to occur. The AR also predicts, given typical respite periods, noise exceedance levels are likely to be between 3 to 5 dB(A) lower than predicted.

To address the noise exceedances, the AR includes the following work scheduling and on-site management to minimise the impact of noise on sensitive receivers:

- use of appropriate plant and equipment and practices to minimise operational noise
- use of exhaust silencers to motorised plant
- provision of an acoustic hoarding along the site boundary and movable screens for specific work practices
- maximising the distance between noise activities and sensitive receivers
- scheduling work during periods when people are less affected
- consultation, monitoring and complaints handling and implement all feasible and reasonable measures to address the source of the complaint.

The Department notes the project approval for Precincts 1 to 3 included a Noise Report which confirmed construction activities for Precincts 1 to 3 would unavoidably exceed the relevant NMLs and construction noise impacts would be managed during the construction process. In its determination of that application, the Department imposed hours of construction (**Table 20**) and required the preparation of a Demolition, Excavation and Construction Management Plan.

The Department also notes the AR predicts construction noise impacts similar to the project approval. However, the proposal seeks extended construction hours of Precinct 3 when compared to the approved construction hours for the remainder of the Precinct (**Table 20**) comprising an addition hour

each day during the week and two hours on Saturday.

The Department has carefully considered the findings of the AR, Council's submission and the Applicant's proposed response to the predicted NML exceedances. On balance, the Department considers, given the dense urban nature of the immediate surrounding area, noise exceedances during construction are unavoidable and further:

- the Department is satisfied the construction work management measures suggested by the Applicant are capable of managing and mitigating the most significant noise emissions
- the closest two residential properties to the site (73 and 75 Eveleigh Street) are currently derelict and unoccupied, so the nearest sensitive receiver is actually 71 Eveleigh Street, approximately 12 m further north of the site than what the AR indicates (**Figure 32**)
- the site is located within a generally noisy environment and forms part of a Precinct-wide redevelopment, which is reasonable to expect exposure to construction noise.

Notwithstanding the Department's overall considerations above, the Department does not consider sufficient justification has been provided to support the extension of the hours of construction for Precinct 3 (beyond the project approval) and notes such an extension would result in additional noise impacts on surrounding residential properties beyond what has already been considered and approved by the project approval. The Department therefore recommends a condition limiting hours of construction for Precinct 3 consistent with the approved hours of construction for Precinct 1 and 2.



**Figure 32** | Location of the closest occupied residential property to the site (71 Eveleigh St, outlined yellow) and adjoining derelict buildings (Base source: Applicant's RtS and Department's site visit)

In order to ensure best practice construction management is applied to the site and to minimise noise impacts where possible, the Department also recommends conditions requiring:

- the proposed construction works be carried out in accordance with the amended hours of construction and the AR recommended mitigation measures
- the implementation of noise respite periods
- use of audible movement alarms that minimise noise impacts



- any noise generated during construction should not be 'offensive noise' within the meaning of the *Protection of the Environment Operations Act 1997*
- the preparation of a Construction Noise and Vibration Management Plan.

The Department therefore concludes, subject to the recommended conditions, the construction hours are acceptable and the potential construction noise impacts can be appropriately managed.

### 6.3.7 Social / cultural impact

Concerns were raised in public submissions about the cultural / social impact of the inclusion of student accommodation on the site and the lack of a proportional increase of affordable housing. Council did not raise specific concerns about the cultural / social impact of the development.

The Applicant has submitted a Social Impact Statement (SIS), which considered the social impact of the increase of student accommodation and the amended design of the student accommodation development. The SIS concludes the proposal would not significantly alter the impact of the development and would deliver additional public benefits.

The Applicant has stated the development of Precinct 3 will provide an income for the AHC, which will contribute towards the delivery and ongoing maintenance of affordable housing within the Precinct 1.

The site, and the wider Pemulwuy Precinct, is of significance to the Aboriginal community. However, as it is currently vacant it does not make efficient use of the land to provide housing for the community.

The DRP has confirmed it supports the considered approach to the prominent integration of art into the building and open spaces and the preparation of a public art strategy for the Precinct, which engages with relevant Aboriginal stakeholders. In addition, the proposal includes appropriate interpretation strategy for site history and local Aboriginal community and continues the advancement of Aboriginal people through self-determination and economic independence (**Figure 33**).

The DRP supports the proposed approach to the interpretation of the site history / local Aboriginal community.

The Department considers the proposal would have a positive social/cultural impact as:

- the concept approval allows for the provision of student accommodation within Precinct 3, and the proposal, although intensified, is consistent with the concept approval
- the proposal includes a public art strategy including the provision of six interpretive artworks on buildings and within the public domain that draw on and reinforce Aboriginal culture (**Figure 33**)
- the wider proposal includes the provision of an Aboriginal art gallery which will promote Aboriginal artists and culture, which is being provided consistent with the requirements of the future occupiers
- 110 of the 596 student beds (18%) would be subsidised for ATSI students
- the proposal provides for appropriate public benefits, as discussed at **Section 6.3.5**
- the site will remain under Aboriginal ownership / control.

The Department recommends a condition requiring the preparation of the final details of the public art in consultation with the local Aboriginal community and Council.



**Figure 33** | Public Art Strategy and indicative artwork locations (Base source: Applicant’s RtS)

### 6.3.8 Other issues

The Department’s consideration of other issues relating to the SSD application is provided at **Table 21**.

**Table 21** | Department’s assessment of other issues relating to the SSD application

Issue	Consideration	Recommended Condition
Wind impacts	<ul style="list-style-type: none"> <li>● Concerns were raised in public submissions about potential wind impacts. Council requested the Applicant undertake wind tunnel testing of the proposal and apply wind amelioration measures to the open space. In addition, wind mitigation measures should be designed consistent with Crime Prevention Through Environmental Design (CPTED) principles.</li> <li>● In response to the concerns raised, the Applicant has submitted a Pedestrian Wind Environment Study (PWES), including wind tunnel testing. The PWES assessed 19 points within, outside and near the site and concluded the wind conditions:               <ul style="list-style-type: none"> <li>○ 16 of 19 points are acceptable for their intended use (walking or sitting)</li> <li>○ the recessed northern entrance from Eveleigh Street and the main (southern) entrance may occasionally be uncomfortable for walking</li> <li>○ the (southern) public open space may be uncomfortable for sitting.</li> </ul> </li> <li>● To address wind conditions (at 3 of 19 points) the PWES recommended the provision of an entrance gate at the northern entrance, retention of existing walls and gate along the rail corridor and provision of evergreen trees with interlocking canopies within the public open space.</li> </ul>	<p>The Department has recommended</p> <ul style="list-style-type: none"> <li>● implementation of the PWES mitigation measures</li> <li>● the preparation of a CPTED assessment</li> <li>● tree planting within the public open space be of mature stock to fast-track the amelioration of wind impacts</li> </ul>

- The Department notes, subject to the PWES mitigation measures, all areas within and around the site would provide for an acceptable wind environment.
- The Department notes the proposed wind mitigation measures include dense planting within the proposed public open space and this will need to be considered in light of CPTED principles to ensure the space is both functional and safe.

Sydney Airport	<ul style="list-style-type: none"> <li>• The application was referred to SAC as the site is located in an area identified under the <i>Civil Aviation (Buildings Control) Regulation 1988</i> that restricts the height of new structures to below the recommended OLS.</li> <li>• SAC has confirmed the proposal is a controlled activity as the south-western corner of the 24-storey component of the building would penetrate the OLS (96.57m AHD) by approximately 870 mm, and separate approval is required by the DIRDC for the penetration into the OLS.</li> <li>• While the Department supports the building form on planning grounds, the Department recommends a condition requiring DIRDC approval, and implementation of any remediation, prior to the commencement of any works.</li> </ul>	The Department has recommended a condition requiring DIRDC approval of the building height.
Archaeology	<ul style="list-style-type: none"> <li>• Concern was raised in public submission about the impact on archaeology.</li> <li>• The Heritage Council and OEH have confirmed the site does not have potential to contain Aboriginal or non-Aboriginal artefacts of local or State significance.</li> <li>• Although the Heritage Council recommended two conditions to address any unexpected finds.</li> <li>• The Department is satisfied the development would not have any adverse archaeological impacts and recommends the Heritage Council's conditions be imposed.</li> </ul>	The Department has recommended conditions to address any unexpected archaeological finds.
Sydney Trains	<ul style="list-style-type: none"> <li>• Sydney Trains has recommended conditions to protect the operation and physical infrastructure of the railway corridor</li> <li>• The Department notes the operational and physical infrastructure conditions generally replicate the detailed design conditions deleted from the concept approval (<b>Section 6.2.6</b>) and considers it appropriate they be applied to the SSD Application.</li> </ul>	The Department has recommended Sydney Trains' conditions.
Public consultation	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions about the level of public consultation undertaken.</li> <li>• The Proponent has confirmed it consulted with key stakeholders and community groups prior to and following lodgement of the concept modification and SSD applications, including: <ul style="list-style-type: none"> <li>○ a public meeting for the local community held on 9 March 2017</li> <li>○ news media releases on 9 and 27 March, 25 May, 20 and 30 June, 3 July, 25 August 2017 and 17 January 2018</li> <li>○ various updates on the AHC website, including a fly-through published 13 September 2017</li> </ul> </li> </ul>	No additional conditions or amendments are necessary.

- o discussions with local community members and organisations from March 2017 and ongoing.
- The Department notes it has exhibited the modification and SSD applications in accordance with the requirements of the EP&A Act, as stated in **Section 5**.
- The Department has carefully considered the issues raised in submissions as part of its assessment.
- The Department is satisfied that sufficient public consultation has been undertaken to allow the assessment and determination of the concept modification and SSD applications.

Residential affordable housing provision	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions about the potential delay in the provision of the residential affordable housing within Precinct 1.</li> <li>• The Applicant has confirmed that the redevelopment and construction of the Precinct would not be staged.</li> <li>• The Department notes as the redevelopment of the entire Pemulwuy Precinct would occur at the same time, and the affordable housing would be provided at the same time as all other uses on the site.</li> </ul>	No additional conditions or amendments are necessary.
Development precedent	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions that the proposed increase in building height may set a precedent for the development of other tall buildings within the locality.</li> <li>• The Department notes any development of surrounding land would be the subject of separate development applications assessed on their merits and would be subject to height, floor space ratio and other planning controls.</li> <li>• The Department therefore does not consider the proposal would set a development precedent.</li> </ul>	No additional conditions or amendments are necessary.
Cost of student rooms	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions the student accommodation is likely to be expensive.</li> <li>• The Applicant has not confirmed the likely cost for renting a student room.</li> <li>• The Department notes there are a variety of other student accommodation facilities near the site (and within Sydney) and expects the future operator will price the rooms competitively to be attractive to the market and ensure viability.</li> <li>• The Department is also satisfied the inclusion of 110 subsidised student beds for ATSI students ensures the development includes affordable student accommodation.</li> </ul>	The Department has recommended a condition to secure the 110 subsidised student rooms for ATSI students.
Property values	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions the proposal would have an adverse impact on property values.</li> <li>• The Department is mindful of matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value do not inform the assessment of the application.</li> <li>• The Department notes the proposal does not alter the nature of the development, as discussed at <b>Section 4.1</b>.</li> </ul>	No additional conditions or amendments are necessary.

- The Department has assessed the merits of the proposal in detail at **Section 6** of this report and concludes, subject to conditions, it has acceptable impacts.

Financial viability	<ul style="list-style-type: none"> <li>• The Applicant has stated the proposed student accommodation development will provide necessary funding for the development of Precinct 1 and 2, including the residential affordable housing.</li> <li>• Concern has been raised in public submissions and by Council that the financial viability of the project is not a valid planning consideration.</li> <li>• The Department agrees financial viability of the project is not a valid planning consideration and has not put forward a financial viability argument to justify its recommendation of approval.</li> <li>• As concluded in <b>Section 6</b>, the height, scale and design of the proposed development is considered acceptable and would not have adverse heritage, amenity or traffic impacts. In addition, the proposal is considered to provide for appropriate public benefits.</li> </ul>	No additional conditions or amendments are necessary.
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#### 6.4 Modifications to the project approval (MP 11\_0093 MOD 1)

The Applicant has lodged a modification application to amend the project approval to completely remove the approved Precinct 3 buildings / works and any associated conditions and SoCs from the approval.

The proposal also includes a reconfiguration of the design and layout of the public domain works and landscaping including upgrades to finishes. In response to the concept modification and SSD application, the modification also includes the deletion of the land-bridge over the railway corridor, and replacement of retail use within Precinct 1 with gallery use.

The Department's consideration of the proposed modification to the project approval is provided at **Table 22**.

**Table 22** | Department's assessment of amendments to the project approval

Issue	Consideration	Recommended Condition
Deletion of Precinct 3, including land-bridge and associated conditions	<ul style="list-style-type: none"> <li>• The modification proposes to remove the approved Precinct 3 from the project approval, delete the land-bridge over the railway corridor and replace the retail use in Precinct 1 with gallery use, with changes to associated conditions/SoCs.</li> <li>• The Applicant has confirmed, subject to the approval of the SSD application (SSD 8135), it would no longer pursue the approved Precinct 3 student accommodation development and therefore requests it be removed from the project approval.</li> <li>• Sydney Trains has stated, as Precinct 2 is located within 25 m of the railway corridor, several conditions (B25, B28, B29 C12, C13, E18, E21 and F15) which relate to impacts on the rail corridor should be retained and updated to refer to Precinct 2.</li> </ul>	The Department has recommended the conditions and SoCs be amended and deleted as proposed.

- The Department agrees with Sydney Trains' recommendations to retain the above conditions as this ensures the development in Precinct 2 adequately considers and addresses any potential impacts on the railway corridor.
- No submissions were received from Council or the public on this matter.
- The Department considers the proposed deletion of Precinct 3 from the project approval and associated changes to conditions and SoCs are minor and administrative in nature and, subject to the retention of conditions as recommended by Sydney Trains, are acceptable.
- The deletion of the land-bridge and amendment to Precinct 1 land uses reflects the modifications to the concept approval (**Section 6.2.3**) and are therefore acceptable.

Public domain	<ul style="list-style-type: none"> <li>• The proposal seeks to amend the public domain works for Precincts 1 and 2, including: <ul style="list-style-type: none"> <li>◦ upgrade of pavement system from concrete to granite finishes</li> <li>◦ removal of the 'Pemulwuy-Meeting Place' graphic from the shared-zone and public domain surface (instead being displayed on the gym glass wall)</li> <li>◦ amendments to outdoor seating within Precinct 2.</li> </ul> </li> <li>• Council has not objected to the proposed changes</li> <li>• The Department notes the modified public domain works are consistent with the proposed public domain works for Precinct 3.</li> <li>• The Department considers the changes to the public domain represent an improvement and are therefore acceptable.</li> <li>• Condition C9 requires the Applicant obtain Council's written approval for the material, finish and treatment of all public domain works and the Department considers this condition remains relevant and does not require modification.</li> </ul>	No additional conditions or amendments to existing conditions necessary.
Gallery space	<ul style="list-style-type: none"> <li>• Council recommended the gallery should be a similar size as the approved gallery (485 m<sup>2</sup>) and the Precinct 1 drawings should be updated to correctly reference the gallery. There were no public submissions on the modifications to the gallery.</li> <li>• The Applicant has provided updated drawings which correctly show the provision of the gallery within Precinct 1.</li> <li>• As discussed at <b>Section 6.2.5</b>, the AHC, on behalf of the local Aboriginal community, has confirmed the relocated and amended gallery is of an appropriate size (340 m<sup>2</sup>) and location for its intended purpose.</li> <li>• As concluded at <b>Section 6.2.5</b> the Department considers the relocation of the gallery to Precinct 1 and reduction of its size from 485 m<sup>2</sup> to 340 m<sup>2</sup> is acceptable.</li> </ul>	No additional conditions or amendments necessary.
Public art strategy (Condition C10)	<ul style="list-style-type: none"> <li>• The Applicant proposes to delete Condition C10, which requires the preparation of a public art strategy.</li> <li>• The Department supports the deletion of this condition noting: <ul style="list-style-type: none"> <li>◦ a current Public Domain &amp; Art Strategy has been submitted in support of the concept modification and SSD application and has been reviewed by the DRP and Council</li> </ul> </li> </ul>	The Department has recommended a Condition E10

- o Council does not object to the deletion of this condition.

be deleted as proposed.

Open space easement (Condition E13)

- Condition E13 requires an easement be created over the open space adjacent to Precinct 1 to allow for public access.
- As confirmed at **Section 6.2.3**, the Applicant now proposes to dedicate the Precinct 1 open space to Council. In light of this, the Applicant proposes to amend Condition E10 to require the open space dedication.
- The Department supports the amendment and, for clarity, also recommends the condition be amended to include reference to the dedication of Precinct 2 open space.

The Department has recommended a modified Condition E13 to require the dedication of Precinct 1 and 2 open space prior to an Occupation Certificate

Contributions (Condition E16 and E17)

- Condition E16 requires the payment of \$1.4 million or the provision of public domain works to an equivalent amount. Condition E17 requires the payment of approximately \$1.2 million or the provision of the 62 affordable dwellings within Precinct 1.
- The proposal seeks to amend Conditions E16 and E17 to reduce the contribution amount to \$883,925 and \$880,263 respectively to take account of the deletion of Precinct 3 from the project approval.
- UGDC does not object to the modification or the revised calculation for Condition E16. However, it has confirmed the current rate for affordable housing contributions (as at 1 July 2018) is \$86.88/m<sup>2</sup> and therefore the revised contribution levied under Condition E17 for Precincts 1 and 2 should be \$903,986.40.
- No submissions were received from Council or the public on this matter.
- The Department considers the proposed amendments are administrative in nature and acceptable. The Department also recommends:
  - o Condition E16 be further updated to delete reference to the bridge over the railway corridor
  - o a new condition requiring evidence be provided of the cost of public domain works in the event the Applicant intends to seek a waiver for the public domain contribution requirement of Condition E16.

The Department has recommended the contribution requirements of Conditions E16 and E17 be modified. The Department recommends a new condition requiring evidence of the cost of public domain works.



## 7. Evaluation

The Department has assessed the merits of the proposal taking into account the issues raised in submissions as well as the Applicant's response to these and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department supports the increase in density within Precinct 3 as it provides additional student accommodation supply, is well served by public transport, close to educational institutions and will increase the vibrancy of the Pemulwuy Precinct. The provision of student accommodation has strategic merit and is consistent with directions and actions in the Greater Sydney Region Plan, Eastern District Plan and Central to Eveleigh Urban Transformation Strategy.

The proposal seeks to vary the height and FSR controls for the site outlined in the State Environmental Planning Policy (State Significant Precincts) 2005. The Department's assessment concludes the increase in height of the Precinct 3 building envelope (up to 24-storeys) would have acceptable built form and heritage impacts, is consistent with similar developments around Redfern Station and is consistent with the strategic future vision for the area. The DRP also supports the proposal as it reflects the continuing changes within the surrounding neighbourhood and the existing high-rise development east of the railway corridor.

Consistent with the advice of the GANSW and DRP, the proposed building achieves design excellence and results in a building that has been designed and articulated to appropriately fit within its urban context without having an adverse impact on the character of the locality. The detailed design of the building would not have an adverse impact on the setting or heritage significance of Redfern Station or nearby conservation areas and provides for an acceptable standard of internal amenity.

The development would not result in adverse overshadowing or overlooking. The proposal would alter views from 157 Redfern Street. However, the impact would be minor and is therefore reasonable. The operation of the student accommodation would be subject to an OMP to mitigate impacts on surrounding residents. The Department has recommended conditions to ensure the accommodation is appropriate managed to prevent adverse amenity impacts on the surrounding residential areas.

The provision of no on-site car parking spaces is supported as the development is solely for student accommodation, has excellent access to public transport and is located within short walking distance to existing tertiary educational institutions. The proposal would not result in an exceedance of footpath capacity around the site.

To mitigate and manage noise impacts during construction, the Department has recommended conditions to limit constructions hours and secure best practice management measures.

The reduction of 1,440 m<sup>2</sup> non-residential GFA and relocation of the gallery use within the Precinct is considered acceptable as the modified proposal would continue to provide sufficient services/facilities within Precinct and to the local community. The deletion of the land-bridge over the railway corridor



allows for the retention of existing Aboriginal art-walls and the amendment to open space is minor in nature and acceptable.

The Department supports the public benefits (subsidised student rooms for ATSI students, dedication of public open space and public art) and has recommended further justification be provided for the waiver of affordable housing / public open space contributions. The proposal would not have an adverse social or cultural impact.

The modification of the project approval to delete the approved Precinct 3 is supported and the upgrade of the layout and finishes of the public domain represents an improvement. Other amendments to the project approval conditions are administrative in nature and acceptable.

The Department considers the impacts of all three applications are acceptable and/or can be appropriately mitigated through the implementation of the recommended conditions of consent.

The Department concludes that the three applications are approvable, subject to conditions (outlined in **Appendices G** and **H**). This assessment report is hereby presented to the Commission for determination.

Endorsed by:



Anthea Sargeant

**Executive Director**

**Key Sites and Industry Assessments**



## Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Environmental Assessment & Environmental Impact Statement and attachments, prepared by Ludvik & Associates Pty Ltd, dated September 2017
- Response to Submissions Preferred Project Report and attachments, prepared by Ludvik & Associates Pty Ltd, dated May 2018
- Letter titled 'Pemulwuy Project, Redfern' and attachments, prepared by Deicorp, dated 10 July 2018
- Letter titled 'Pemulwuy Project, Redfern Modification of Project Approval MP11\_0093' and attachments, prepared by Ludvik & Associates Pty Ltd, dated 10 July 2018
- Email from Greg Colbran titled 'Pemulwuy – Review of information provided' and attached plans, dated 12 July 2018
- Email titled 'Pemulwuy Project Approval Modification (MP 11\_0093 MOD 1) – Council's submission' containing the following revised drawings, dated 1 August 2018:
  - 1DA005 – Precinct 1 Perspectives & Site Analysis
  - 1DA101 – Plan level 02– Townhouses Plan Level 01(GF) – Mixed Use Building
- Email titled 'Pemulwuy – Complaints Procedure' containing the following documents, dated 16 August 2018:
  - External Complains Process
  - Residential Complaints Process
- Email titled 'Pemulwuy – Review of information provided' containing the following revised drawings, dated 18 August 2018:
  - ODA011H – Proposed Site Plan
  - ODA12J – FSR & Building Heights.
- Email titled 'Pemulwuy – review' dated 4 September 2018, containing the following revised drawings:
  - DA851 101 to 040 – Shadow Diagrams

## Appendix B – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. Environmental Assessments and the Environmental Impact Statement

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8100](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8100)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8135](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8135)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9470](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9470)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8100](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8100)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8135](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8135)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9470](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9470)

3. Response to Submissions Preferred Project Report

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8100](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8100)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8135](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8135)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9470](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9470)

4. Supplementary information and amendments

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8100](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8100)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8135](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8135)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9470](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9470)

## Appendix C – Consideration of Environmental Planning Instruments

### Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department’s environmental assessment.

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- Other Plans and Policies:
  - Sydney Development Control Plan 2012 (SDCP 2012)
  - Redfern-Waterloo Contributions Plan 2006 (RWC Plan)
  - Redfern-Waterloo Affordable Housing Contributions Plan 2006 (RWAHC Plan)
  - Redfern and Waterloo Built Environmental Plan (BEP).

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **Table 23**.

**Table 23** | SRD SEPP compliance table

Relevant Sections	Department’s Consideration	Compliance
<p><b>3 Aims of Policy</b></p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	The proposed development is identified as SSD.	Yes
<p><b>8 Declaration of State significant development: section 4.36</b></p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(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</p>	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes

(b) the development is specified in Schedule 1 or 2.

**Schedule 2 State significant development —identified sites**

(Clause 8 (1))

**2 Development on specified sites**

Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map:

Map:

- Redfern-Waterloo Authority Sites

The proposed development is within the identified Redfern-Waterloo Authority Sites and has a CIV in excess of \$10 million

Yes

**State Environmental Planning Policy (Infrastructure) 2007**

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 104 of the ISEPP requires traffic generating development to be referred to RMS for comment. Although the development does not constitute traffic generating development in accordance with clause 104 of the ISEPP, the Department considered it appropriate to refer the proposal to RMS for its consideration.

As summarised at **Section 5.2.1**, RMS confirmed it had no objection to the proposal.

**State Environmental Planning Policy (State Significant Precincts) 2005**

The SSP SEPP seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the State. The SSP SEPP is the relevant EPI for the site and contains applicable development standards.

An assessment of the proposal against the various development standards is contained within **Sections 4.4** and **6** of this report. The Department supports the variations to the standards.

**State Environmental Planning Policy (Urban Renewal) 2010**

The Urban Renewal SEPP establishes the process for assessing and identifying sites as urban renewal precincts. In addition, it seeks to facilitate the orderly and economic development and redevelopment of sites in and around identified precincts.

The Urban Renewal SEPP identified the site as being within the Redfern-Waterloo Potential Precinct. Clause 10(2) requires that development consent must not be granted unless the consent authority is satisfied the proposed development is consistent with the objective of developing the precinct for the purposes of urban renewal. Clause 10(3) requires the consent authority to take into account whether the proposal would restrict or prevent:

- the development of the precinct for higher density housing, commercial or mixed use development

- future amalgamation of sites
- access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the precinct.

The Department is satisfied the proposal is consistent with the objectives of the urban renewal of the precinct. In addition, the proposal would not restrict or prevent the development of the remainder of the precinct.

### **State Environmental Planning Policy No. 55 - Remediation of Land**

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. An Environmental Site Assessment (ESA) was submitted in support of MOD 1 to the concept approval. Based on site observations and testing of soil samples the ESA indicated:

- the samples of the natural soils tested were found to have levels of environmental constituents below the National Environment Protection Council and Department of Environment & Climate Change endorsed soil investigation levels for standard residential sites
- in situ natural soils on the site consist of material that meets the criteria to be characterised as virgin excavation natural material as defined under the *Protection of the Environment Operations Act 1997*
- the fill material tested may be classified as general solid waste (non-putrescible).

The extent of the earthworks required to accommodate the modified proposal is similar to those associated with the approved development. The ESA for MOD1 has been submitted in support of the current application for the redevelopment of Precinct 3.

The Department is satisfied the conclusions of the ESA remain valid, the soil conditions on the site are appropriate for the proposed development and the proposal would be consistent with the provisions of SEPP 55. The Department recommends conditions to ensure measures are in place should any unanticipated contamination be found during construction works.

### Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department recently published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 of the EP&A Act.

The Department considers the development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

### State Environmental Planning Policy (Affordable Rental Housing) 2009

The ARH SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and boarding houses.

The ARH SEPP does not apply to the application as:

- no amendments are proposed to the approved affordable housing within Precinct 1
- the student accommodation within Precinct 3 is not located within an equivalent zone, as per clause 26 of the ARH SEPP.

Notwithstanding the above, and in the absence of planning controls guiding the internal design/layout of student accommodation on the site, the Department considers the ARH SEPP boarding house development standards (together with the SDCP 2012 student accommodation standards) is a useful guide to inform the assessments of the merits of the proposal.

The Department has considered the proposal against the ARH SEPP boarding hours development standards within **Table 24**.

**Table 24** | Compliance with the ARH SEPP

Section	Control	Compliance
<b>Clause 29 Standards that Cannot be Used to Refuse Consent</b>	If the proposed density is not more than:	
	a) the existing max FSR permitted for residential development on that land	a) N/A
	Building Height	
	b) if building is not more than max permitted height	b) Complies with maximum building heights permitted under the concept approval (as proposed to be modified)
	Landscaping	
	c) if proposed landscaping is compatible with streetscape	c) Landscaping proposed is compatible with the streetscape
	Solar Access	
	d) if communal rooms receive at least 3hrs sunlight between 9-3 at midwinter	d) Communal rooms achieve at least 3hrs solar access between 9-3 at midwinter
	Private Open Space	
	e) one area of at least 20m <sup>2</sup> and min 3m depth for use of the lodger and	e) 340 m <sup>2</sup> communal open space provided within the central courtyard and 195 m <sup>2</sup>



	one area of 8 m <sup>2</sup> and min 2.5 m for manager	provided at roof level. The proposal does not include an on-site manager's residence.
	Car Parking	
	f) at least 0.2 spaces for each boarding room	f) No car parking is proposed (refer to <b>Section 6.3.3</b> )
	Accommodation room size	
	g) 12 m <sup>2</sup> for single lodger, 16m <sup>2</sup> in any other case	g) All rooms exceed the 12 m <sup>2</sup> minimum standard
<b>Clause 30 Standards for Boarding Houses</b>	a) For 5+ boarding rooms at least one area of communal living space	a) Each 5-bed cluster unit is provided with a communal living space
	b) Boarding rooms to be no greater than 25 m <sup>2</sup> (excluding bathroom & kitchen)	b) No rooms greater than 25 m <sup>2</sup>
	c) Rooms not to be occupied by more than 2 adults	c) Complies
	d) Adequate bathroom and kitchen facilities	d) Each student room is provided with en-suite. Each studio room and 5-bed cluster unit includes a kitchenette
	e) To have boarding manager (if more than 20 lodgers)	e) Complies
	f) Repealed	f) N/A
	g) If site zoned for commercial purposes- ground floor not to be used for residential	g) No student rooms are provided at ground floor level. The use of the site complies with the Darling Harbour Development Plan No.1.
	h) At least 1 bicycle & 1 motorcycle parking space per 5 rooms	h) The proposal include 184 bicycle parking spaces and exceeds the minimum requirement. No motorcycle parking is proposed.
<b>Clause 30A Character of Local Area</b>	Consideration whether the design of the development is compatible with the character of the local area.	Refer to <b>Sections 6.2.2</b> and <b>6.3.2</b>

In light of the assessment detailed in **Section 6** of this report and **Table 25**, it is considered the proposal displays an acceptable level of consistency with the development standards within the ARH SEPP.

### Other Policies

In accordance with clause 11 of the SRD SEPP, DCPs do not apply to SSD. However, in the absence of planning controls guiding the internal design/layout of student accommodation on the site, the Department considers the SDCP 2012 student accommodation standards (together with the ARH SEPP boarding house standards) is a useful guide to inform the assessments of the merits of the proposal.

### Sydney Development Control Plan 2012

The Department has considered the proposal against the relevant student accommodation controls within the SDCP 2012 at **Table 26**.

**Table 25** | Compliance with the SDCP 2012 – Section 4.4

Section	Controls	Compliance
4.4.1.2 Bedrooms	<ol style="list-style-type: none"> <li>1. Minimum room sizes:                             <ol style="list-style-type: none"> <li>a) 12 m<sup>2</sup> overall room size</li> <li>b) additional 4m<sup>2</sup> (for additional adult)</li> <li>c) 2.1 m<sup>2</sup> for ensuite</li> <li>d) 0.8 m<sup>2</sup> for any shower in ensuite</li> <li>e) 1.1 m<sup>2</sup> for any laundry</li> <li>f) 2 m<sup>2</sup> for any kitchenette</li> </ol> </li> <li>2. Access to natural light</li> <li>3. Minimum ceiling height of 2.7m</li> <li>4. Fire safety for Class 3 buildings</li> </ol>	<ol style="list-style-type: none"> <li>a) bedroom sizes between 12-19 m<sup>2</sup></li> <li>b) N/A. Only single rooms proposed</li> <li>c) Ensuite areas between 2 - 5 m<sup>2</sup></li> <li>d) Minimum shower size of 0.9 m<sup>2</sup></li> <li>e) N/A. No laundries in rooms</li> <li>f) Minimum studio room kitchenettes of 4.2 m<sup>2</sup></li> </ol> <ol style="list-style-type: none"> <li>2) Complies</li> <li>3) Complies</li> <li>4) Capable of complying</li> </ol>
4.4.1.3 Communal Kitchen Areas	<ol style="list-style-type: none"> <li>1. Minimum communal kitchen area of 6.5m<sup>2</sup> or 1.2m<sup>2</sup> per resident, whichever is the greater</li> <li>2a One sink per 6 people</li> <li>2b One stove top cooker per 6 people and exhaust ventilation</li> <li>3. Minimum kitchenette furniture sizes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Minimum 10.2 m<sup>2</sup> 5-bed cluster unit communal kitchens</li> <li>2. Complies</li> <li>3. Complies</li> </ol>
4.4.1.4 Communal Living Areas and Open Space	<ol style="list-style-type: none"> <li>1. 1.25m<sup>2</sup> of communal open space per resident in apartments</li> <li>2. Indoor communal living areas to receive 2 hrs of solar access to 50% of area between 9am-3pm at midwinter</li> <li>3. 30% of bedrooms (179 rooms) have private open space with minimum 4m of balcony or terrace area.</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposal includes 881 m<sup>2</sup> internal communal open space, which exceeds the minimum requirement (745 m<sup>2</sup>)</li> <li>2. Complies</li> <li>3. 22 rooms are provided with balconies. Refer to <b>Section 6.3.4</b></li> </ol>
4.4.1.5 Bathroom, Laundry and Drying Facilities	<ol style="list-style-type: none"> <li>1. Accessible communal bathroom facilities</li> <li>2. 1 washing machine and dryer for every 12 residents (50 required)</li> </ol>	<ol style="list-style-type: none"> <li>1. N/A. Each room has an ensuite</li> <li>2. 28 washers and dryers are provided. Refer to <b>Section 6.3.4</b></li> </ol>
4.4.1.7 Plan of Management	Submission of detailed plan of management	A draft Operational Security Plan of Management has been provided, as discussed at <b>Section 6.3.4</b>

In light of the assessment detailed in **Section 6** of this report and **Table 26**, it is considered that the proposal provides an acceptable level of consistency with the objectives of the SDCP 2012.

#### Redfern-Waterloo Contributions Plan 2006 and Affordable Housing Contributions Plan 2006

As discussed at **Section 6.3.5**, the RWC and RWAHC Plans require contributions of \$1,315,829 and \$1,398,438 respectively. In addition, UGDC has confirmed contributions could be waived if the Applicant can demonstrate an equivalent amount of affordable housing and public domain improvements are being provided on-site.

The Applicant has requested the contributions required under the RWC Plan and RWAHC Plan be waived owing to the provision of public domain works and affordable housing as part of the overall development of the concept approval site, including Precinct 3.

The Department concluded insufficient information/costings have been provided at this stage to confirm the waiver of the payment of contributions required under the RWC and RWAHC Plans and recommended conditions requiring the payment of contributions or alternatively the provision of affordable housing and public domain works to equal value.

#### Redfern and Waterloo Built Environmental Plan

The BEP was developed to assist in the social, environmental and economic revitalisation of the Redfern Waterloo area, with Stage 1 designed to provide a planning framework for the redevelopment of the RWA's strategic sites, including the subject site.

The BEP adopts a mixed use for the whole concept approval site in order to create a vibrant, cultural, business and residential precinct and to encourage employment growth within the site. The proposed land use zone under the BEP is 'Business Zone – Mixed Use'. As discussed at **Section 3.5**, the proposal is consistent with the BEP.

## Appendix D – Consistency with the Concept Approval

An assessment of the proposal against the relevant concept approval requirements (as proposed to be modified) and FEARs (as amended, refer to **Section 6.2**) is provided below.

**Table 26** | Concept approval compliance table

CONDITION	ASSESSMENT	COMPLIANCE	
<b>PART A – TERMS OF APPROVAL</b>			
<b>A1</b>	<b>Development Description</b>		
(1) The redevelopment of the site for a mix of commercial, retail, cultural, community and residential uses involving a maximum of 26,935 m <sup>2</sup> of GFA comprised of:	(1) The proposal complies with the maximum GFA requirements.	YES	
a) 1,215 m <sup>2</sup> of retail/commercial GFA;	(2) Landscaping is in accordance with drawing ODA070.		
b) 23,870 m <sup>2</sup> of residential GFA including student accommodation; and	(3) The proposal complies with the maximum Precinct 3 GFA requirement.		
c) 1,850 m <sup>2</sup> cultural/community GFA including a gymnasium/fitness centre, 60 place child care centre, a gallery and offices for the AHC.	(4) The proposal includes no on-site car parking.		
(2) Landscaped open space areas as identified in Drawing No. ODA070 Issue J.	(5) N/A		
(3) Maximum building heights and floor space ratios within Precincts 1, 2 and 3 as identified below and as shown on Drawing No. ODA012 Issue J	(6) refer to 2 above.		
<b>Precinct</b>	<b>Maximum GFA</b>	<b>Maximum FSR</b>	<b>Maximum Height</b>
1	8,585 m <sup>2</sup>	1.29:1	3 to 6-storeys
2	1,820 m <sup>2</sup>	1.40:1	3-storeys
3	16,530 m <sup>2</sup>	6.95:1	3 to 24-storeys
(4) A basement car park with 115 car parking spaces (including 10 accessible spaces) to service the mix of uses and with the following allocation of spaces:			
a) Residential Townhouses and Apartments – 73 spaces			
b) Retail – 16 spaces			
c) Commercial – 13 spaces			
d) Gymnasium – 6 spaces			
e) Childcare Centre – 4 spaces			
f) Gallery – 3 spaces			
(5) Eight (8) at grade 90° angle car parking spaces to be located on the northern side of Caroline Street within Precinct 1.			

(6) Landscaping and public domain improvements works.

**A3 Approval is Not Granted in Relation to These Matters**

This approval does not give approval for subdivision of the land or development      No subdivision is proposed.      N/A

**PART B – MODIFICATION TO THE CONCEPT PLAN**

**B1 Proposed Land uses**

Precinct	Approved Uses	The proposal provides for:	YES
1	<ul style="list-style-type: none"> <li>- 36 x 2-storey townhouses</li> <li>- 26 units within an apartment building</li> <li>- Cultural (art gallery), commercial and community (gymnasium) uses;</li> <li>- Basement car park with 115 car parking spaces (including 10 accessible spaces) and bicycle storage facilities; and</li> <li>- Publicly open space areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Private, communal and public open space areas</li> <li>• 596 student beds.</li> </ul>	
2	<ul style="list-style-type: none"> <li>- Commercial and community (child care centre) uses combined with private and public open space areas.</li> </ul>		
3	<ul style="list-style-type: none"> <li>- private and public open space areas; and</li> <li>- student housing comprising 596 student beds)</li> </ul>		

**B3 Heritage Interpretation**

(1) A Heritage Interpretation Plan addressing the cultural and social significance of the area is to be submitted with the lodgement of the first application for any new building on the site.      The proposal includes a Heritage Interpretation Plan.      YES

(2) Archival or oral historical research together with the local Aboriginal community into the nature and significance of the Aboriginal connections with the locality as a whole is to inform the preparation of an Interpretation Plan for the site.

(3) The implementation of the heritage interpretation is to include the provision of interpretation elements within the publicly accessible open space and incorporated in the Public Art Strategy.

**B3 Transport and Pedestrian Movement**

(1) Vehicular access to the basement area shall be limited to one access/egress point onto Vine Street      These requirements apply to Precinct 1 and 2 only.      N/A

(2) The development shall include the retention of the shared zone along Eveleigh Street between Lawson Street and Caroline Street and the provision of a share zone along Caroline Street between Louise Street and Eveleigh Street.

The share zones shall be provided in consultation with Council and RMS.

- (3) Secure bicycle parking facilities shall be provided in the basement car park on Precinct 1 for use by all components of Precincts 1 and 2.

## PART C – FUTURE ASSESSMENT AND APPLICATION REQUIREMENTS

### C1 Site Contamination and Remediation

- |  |  |     |
|--|--|-----|
| (1) Prior to the lodgement of the first application, an appropriately detailed assessment of potential site contamination is to be undertaken by suitably qualified persons and submitted to the Department.         | An Environmental Site Assessment (ESA) was submitted in support of MOD1. The Department is satisfied the conclusions of the MOD1 ESA remain valid. | YES |
| (2) Should any contaminants be identified a Remediation Strategy and Remediation Action Plan appropriate for the use of the respective portions of the site, are to be prepared and submitted with all applications. |  |     |
| (3) If required, any remediation strategy and remediation action plan may be implemented in a staged manner and should be in a rational and orderly manner.  |  |     |

### C2 Design Excellence

- |   |   |     |
|---|---|-----|
| (1) All future applications for any new building and for external works to existing buildings are to demonstrate design excellence in accordance with Schedule 3, Part 5, Division 3, clause 22 of State Environmental Planning Policy (Major Projects) 2005. | The proposal has undertaken a design excellence process and the Department is satisfied the development exhibits design excellence as discussed at <b>Section 6.3.2</b> . | YES |
| (2) A Design Competition under clause 22(3) of Schedule 3, Part 5, Division 3 of the State Environmental Planning Policy (Major Projects) 2005 is not required for any component of the approved Concept Plan.  |   |     |
| (3) The design of buildings is to be consistent with the objectives and relevant controls of the Redfern Waterloo Authority Built Environment Plan.   |   |     |

### C3 SEPP 65

- |   |  |     |
|---|--|-----|
| All future applications for the residential components under the Concept Plan are to demonstrate compliance, or fully justify any non-compliance, with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. | SEPP 65 does not apply to student accommodation. | N/A |
|---|--|-----|

#### C4 ESD and Sustainable Design

(1) The future applications for residential development are to demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	(1) BASIX does not apply to student accommodation.	YES
(2) Future applications are to consider and investigate options for reducing potable water consumption, provision of alternative water supply for non-potable uses, and the use of recycled water across the land subject of this Concept Plan.	(2) The proposal has been designed in accordance with ESD principles.	

#### C5 Wind Impacts

A detailed wind impact assessment is to be undertaken by suitably qualified persons for any new building exceeding 4-storeys in height and is to occur as building design(s) are being developed and prior to the lodgement of any application, and should consider the following: a) main entries to buildings being located away from building corners; b) the use of canopies/awnings to assist in effective wind amelioration; and c) the use of other wind amelioration measures as necessary.	The proposal includes a wind impact assessment and the recommended mitigation measures have been secured by condition ( <b>Section 6.3.8</b> ).	YES
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#### C6 Landscape and Tree Removal

a) A detailed landscape plan is to be submitted with each subsequent application. b) The landscape plan(s) must identify any existing trees or other vegetation to be retained, any necessary protection measures during construction, and the provisions of new planted areas which are to provide appropriate levels of privacy between units but must ensure that the principles of 'Safety through Design' are achieved.	The proposal includes a detailed landscaping plan.	
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#### C7 Dedication of Public Open Space to Roadways

(1) The Proponent must either: a) Offer for dedication as public spaces to Council, public parks, roads and public domain; or b) create Right of Ways and Easements to allow public access to public parks, roads and public domain.	The Applicant has confirmed it will dedicate 150 m <sup>2</sup> open space within Precinct 3 to Council. The location of the public open space is in accordance with the Concept Plan.	YES
(2) The areas and location of public open space areas are to be in accordance with the approved Concept Plan.		
(3) The following are to accompany any future application for public parks, roads and public domain:	The Department has recommended a condition	

- a) A landscape plan demonstrating proposed landscape scheme for the public domain areas is to be prepared in consultation with and is subject to approval by Sydney City Council; requiring the completion of the public open space prior to the first occupation of the building.
  - b) Commitments by the applicant advising the proposed timing of the proposed landscape works, roadworks and dedication of the proposed open space and roadways or creation of any Easement or Right of Ways.
- (4) If Council refuses the dedication of any public space(s), then 1(b) of this condition shall be applied to enable public access. Details are to be provided with the relevant future application(s).

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**C8 Site Servicing**

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Emergency and service vehicles must have adequate access to and within the site	Vehicles and enter and leave the site in a forward gear.	YES
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**C9 Sydney Water**

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(1) Future applications are to consider the impacts on Sydney Water stormwater infrastructure. Prior to lodgement of any application consultation with Sydney Water regarding any potential impacts on this infrastructure is to occur.	Sydney Water has considered the proposal and has raised no objection.	YES
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(2) The applicants for future applications are also to liaise with Sydney Water to:	The Department has recommended a condition requiring the Applicant to make a relevant application to Sydney Water.	
a) ensure water and sewer infrastructure are appropriately sized to correlate with the requirements of the Water Management Plan.		
b) investigate the potential of having a reticulated recycled water scheme for the development.		

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**C10 Water Table / Groundwater**

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The future application(s) involving basement structures are to provide details of how the water table and ground water will be managed during and after construction of any basement car parking area.	No basement is proposed	N/A
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## Appendix E – Key issues – Council and Community Views

A summary of the Department’s consideration of the issues raised in submissions is provided at **Table 27**.

**Table 27** | Department’s consideration of key issues raised in submissions

Issue raised	Consideration
Density	<ul style="list-style-type: none"> <li>● The Department considers the proposed increase in the density has strategic merit as it will increase student housing and housing diversity in Sydney, consistent with the Regional Plan and Eastern District Plan (<b>Section 6.2.1</b>).</li> <li>● The Department considers this increase would have acceptable amenity impacts on surrounding residents, would have acceptable traffic impacts and includes appropriate public benefits.</li> </ul>
Built form	<ul style="list-style-type: none"> <li>● <b>Sections 6.2.2</b> and <b>6.3.2</b> consider the built form and design quality of the development.</li> <li>● The proposal is consistent with the strategic future vision for the area.</li> <li>● The proposed building would form part of an existing cluster of tall buildings and provides an appropriate built form transition to the surrounding neighbourhood.</li> <li>● The proposal achieves design excellence and results in a building which has been designed and articulated to appropriately fit within its urban context without having an adverse impact on the character of the locality.</li> <li>● The development would not have an adverse impact on the setting or heritage significance of Redfern Station or nearby conservation areas.</li> <li>● As discussed at <b>Section 6.3.4</b> and <b>Appendix C</b>, the development provides an acceptable standard of internal design and layout.</li> </ul>
Amenity impacts	<ul style="list-style-type: none"> <li>● The Department has considered amenity impacts at <b>Section 6.2.4</b>, and concludes:               <ul style="list-style-type: none"> <li>○ the shadow diagrams submitted in support of the application demonstrate the proposal would not result in adverse overshadowing</li> <li>○ the proposal has only a moderate view impact which is acceptable</li> <li>○ the development is located an appropriate distance away from neighbouring residential properties and would not result in adverse overlooking.</li> </ul> </li> </ul>
Operational management	<ul style="list-style-type: none"> <li>● As discussed at <b>Section 6.3.4</b>, the proposal includes a OMP which outlines appropriate operational management and security measure to mitigate impacts on surrounding residents. Further, the Department has recommended conditions to limit noise emissions from the operation/use of the site.</li> </ul>
Vehicle and pedestrian traffic	<ul style="list-style-type: none"> <li>● As discussed at <b>Section 6.3.3</b>, the proposal is for student accommodation, does not include any car parking, is located opposite Redfern Station and within walking distance of tertiary education facilities.</li> <li>● The Department is satisfied the proposal would not have an adverse impact on the local road network.</li> <li>● The Department is satisfied the proposal would not overload existing footpaths within 100 m of the site.</li> </ul>

Social/cultural impact	<ul style="list-style-type: none"> <li>The proposal intensifies the approved student accommodation use within Precinct 3. The Department considers the proposal would not have an unacceptable social/cultural impact as the site remains in Aboriginal ownership / control and includes significant public benefits including public art, a gallery, subsidised student accommodation rent for 110 ATSI students.</li> </ul>
Open space	<ul style="list-style-type: none"> <li>As discussed at <b>Section 6.2.3</b>, the reduction of public open space (80 m<sup>2</sup>) is considered to be minor in nature and the overall open space provision (1,138 m<sup>2</sup>) is proportionate to the scale of the development.</li> </ul>
Land use	<ul style="list-style-type: none"> <li>As discussed at <b>Section 6.2.5</b>, the relocation of the gallery use from Precinct 3 to Precinct 1 is supported by the local aboriginal community. In addition, the Department is satisfied the proposal continues to provide for an appropriate overall amount of retail accommodation within the Precinct.</li> </ul>
Construction impacts	<ul style="list-style-type: none"> <li>The Department acknowledges noise exceedances during construction may be unavoidable. However, subject to appropriate mitigation measures, the noise impacts can be managed (<b>Section 6.3.6</b>).</li> </ul>

## **Appendix F – Consolidated Consents (MP 06\_0101 and MP 11\_0093)**

Consolidated consents for each of the modification applications, which incorporate the recommended modifications (**Appendix G**), can be found on the Department's website at:

MP 06\_0101 MOD 2

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8100](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8100)

MP 11\_0093 MOD 1

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9470](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9470)

## Appendix G – Recommended Instruments of Modification

The recommended modifications to MP 06\_0101 MOD 2 and MP 11\_0093 MOD 1 can be found on the Department's website at:

MP 06\_0101 MOD 2

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8100](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8100)

MP 11\_0093 MOD 1

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9470](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9470)

## Appendix H – Recommended Conditions of Consent

The recommended conditions of consent for SSD 8135 can be found on the Department's website at:

SSD 8135

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8135](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8135)

