



11 Gibbons Street, Redfern

*State Significant
Development Application
(SSD 7749)*



April 2019

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Cover photo

Visualisation of proposed development at 11 Gibbons Street (Source Applicant's EIS)

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Glossary

Abbreviation	Definition
ARH SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009
ADG	Apartment Design Guide
AHD	Australian Height Datum
Applicant	SGCH Sustainability Limited
BCA	Building Code of Australia
BEP	Redfern Waterloo Authority Built Environment Plan 1
CBD	Central Business District
CIV	Capital Investment Value
Commission	Independent Planning Commission
Consent	Development Consent
Council	City of Sydney
CPTED	Crime Prevention Through Environmental Design
Department	Department of Planning and Environment
DCP	Development Control Plan
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GANSW	Government Architect NSW
GFA	Gross Floor Area
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RCUDP	Redfern Centre Urban Design Principles
RMS	Roads and Maritime Services
RTS	Response to Submissions

SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SEPP 1	State Environmental Planning Policy No 1 – Development Standards
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SEPP 64	State Environmental Planning Policy No 64 – Advertising and Signage
SEPP 65	State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSP SEPP	State Significant Development (State Significant Precincts) 2005
TfNSW	Transport for New South Wales
UGNSW	UrbanGrowth NSW Development Corporation



Executive Summary

This report provides an assessment of a State Significant Development (SSD) application for the construction and operation of an 18-storey social and affordable housing development, at 11 Gibbons Street, Redfern (SSD 7749). The Applicant is St George Community Housing (SGCH) Sustainability Ltd and the site is located within the City of Sydney local government area.

The development is SSD under Schedule 2 of the State Environmental Planning Policy (State & Regional Development) 2011, as it is development within the Redfern Waterloo Precinct having a Capital Investment Value (CIV) over \$10 million.

Engagement

The Department publicly exhibited the application for 28 days from 11 October 2018 and until 7 November 2018. The Department received a total of 18 submissions, comprising 10 submissions from government agencies, one submission from City of Sydney Council (Council) and seven public submissions, all of which objected.

An additional submission from Council and two submissions from government agencies were received in response to the Applicant's Response to Submissions (RTS). Council object to the proposed development in relation to setbacks, wind impacts, and use of a mechanical ventilation system. A further submission from Transport for NSW was received in response to further information from the Applicant.

Key issues raised in public submissions relate to increased overshadowing, building height, wind and noise impacts, and the cumulative impact of development in the area.

Assessment

The key assessment issues for the proposed development are built form/design excellence, amenity impacts, future residential amenity, and traffic/parking.

The Department notes the site is heavily constrained and impacted by road and rail noise, wind impacts and air pollution as a result of its corner position within a confined inner-city location.

The Department considers the proposed built form achieves design excellence, noting the design has evolved through participation in the State Design Review Panel process and the refined design is supported by the Government Architect NSW. In addition, the Department considers the proposed design and built form, as revised through the assessment process, would sit suitably within the setting of Redfern Town Centre which is transitioning to high density development, consistent with the strategic objectives for the area.

The proposed development complies with the maximum building height and floor space ratio controls. Although a variation is sought with regard to the 4 m tower setback controls from Gibbons Street (setbacks of 400 mm to 7 m proposed) and Marian Street (setbacks of 400 mm to 2.4 m proposed), fully complying with these requirements would significantly limit the development potential of the site and would not meet the overarching strategic objectives for the renewal of Redfern Town Centre. Further, the proposed building separation distances are consistent with the predominant 12 m tower separation and built form in the immediate town centre area.

The proposed development would deliver high quality social and affordable housing with future residents afforded a high level of amenity in a location with excellent access to public transport, services and facilities. Noting the level of road and rail noise experienced by the site, the design incorporates an innovative solution to provide fresh air to apartments without the need to open windows or use air conditioning, powered by sustainable energy.

The Department acknowledges the proposed development would have some amenity impacts on views and solar access to some neighbouring properties, however the building complies with the maximum height control in the State Environmental Planning Policy (State Significant Precincts) 2005 and the applicable density control for the proposed form of development.

The building has been designed to include various privacy mitigation measures, including adapting floor plan layouts and utilising privacy screens and high-level and opaque glazing, to ensure a compatible relationship with neighbouring residential properties. It would also result in acceptable wind impacts due to various wind mitigation measures, including podium and street level awnings, curved tower edges and landscaping. A condition is also recommended to increase the amount of landscaping around the level 3 communal open space, to further mitigate wind impacts.

Potential cumulative impacts on the amenity of the area during construction would be mitigated by recommended conditions, including specified construction hours and a Construction Pedestrian and Traffic Management Plan. Noise impacts during construction would also be mitigated by standard conditions. Recommended conditions requiring preparation and implementation of an Operational Plan of Management would also minimise the potential for any operational noise impacts.

Given the site's town centre location, close proximity to public transport links and the traditional low levels of car ownership of social and affordable housing tenants, the Department considers the provision of bicycle parking for the development, rather than vehicles, is appropriate and would encourage sustainable transport use.

Summary

The proposed development would provide 160 social and affordable housing apartments within Redfern Town Centre for which there is demonstrable need. The housing would be provided by a registered Tier 1 provider under the National Regulatory Scheme for Community Housing.

The building achieves design excellence, would be compatible with the character of the area and would provide a high level of amenity to future residents without compromising the amenity of neighbouring residents beyond that envisaged by the planning controls. The design incorporates various measures to mitigate potential noise, wind and privacy impacts.

The Department is satisfied the proposal is consistent with the strategic objectives for the area, as outlined in the Greater Sydney Region Plan and the Eastern City District Plan and is consistent with the requirements of relevant environmental planning instruments and policies. The provision of affordable housing is also consistent with one of the objectives of the *Environmental Planning and Assessment Act 1979*.

As Council has maintained its objection to the proposed development and the objection was received outside the public exhibition period, it is being referred to the Independent Planning Commission for determination as the delegate of the Minister.

The Department considers the proposal is in the public interest and is approvable, subject to the conditions of consent outlined within this report. This assessment report is hereby presented to the Independent Planning Commission for determination.



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1. Introduction

1.1 Introduction

This report provides an assessment of a State Significant Development (SSD) application for the construction and operation of a social and affordable housing development, at 11 Gibbons Street, Redfern (SSD 7749). The Applicant is St George Community Housing (SGCH) Sustainability Ltd. The proposed development comprises a single 18-storey tower and podium containing 160 social and affordable housing apartments with ground floor SGCH offices, retail/commercial space and bicycle parking.

1.2 The site

The site is located at 11 Gibbons Street, Redfern. The site is located within the Redfern Town Centre, within the City of Sydney local government area (LGA). The site is approximately 2.3 km to the south-west of the Sydney Central Business District and 140 m to the south-east of the Redfern Train Station (**Figure 1**).



Figure 1 | Site location (as shown in red) and Redfern Town Centre (outlined in black) (Base source: Nearmap)

The site has an area of 1,578 m² and is legally described as Lots 1-11, DP 4209. The site was previously used as a City of Sydney Council (Council) depot and currently contains two-storey buildings and hardstand areas. The site does not contain any vegetation and is generally level.

The site is bound by Gibbons Street to the west, Marian Street to the north, William Lane to the east, and a four to five storey residential apartment building to the south (13-23 Gibbons Street). Two-storey shops and dwellings are located on the eastern side of William Lane (90-102 Regent street) and an 18-storey mixed-use tower is located on the northern side of Marian Street opposite the site (7-9 Gibbons Street).

Gibbons Street Reserve is located opposite the site on the western side of Gibbons Street with residential apartment buildings located in Rosehill Street beyond. The site and adjacent development are shown in **Figures 2 to 6**.



Figure 2 | Aerial image of the site (outlined in red) and adjacent development (Base source: Nearmap)



Figure 3 | The site viewed from Gibbons Street looking south-east (Base source: Department's photograph)



Figure 4 | The site viewed from Marian Street looking south-west (Base source: Department's photograph)



Figure 5 | The site viewed from Gibbons Street looking east (Base source: Department's photograph)

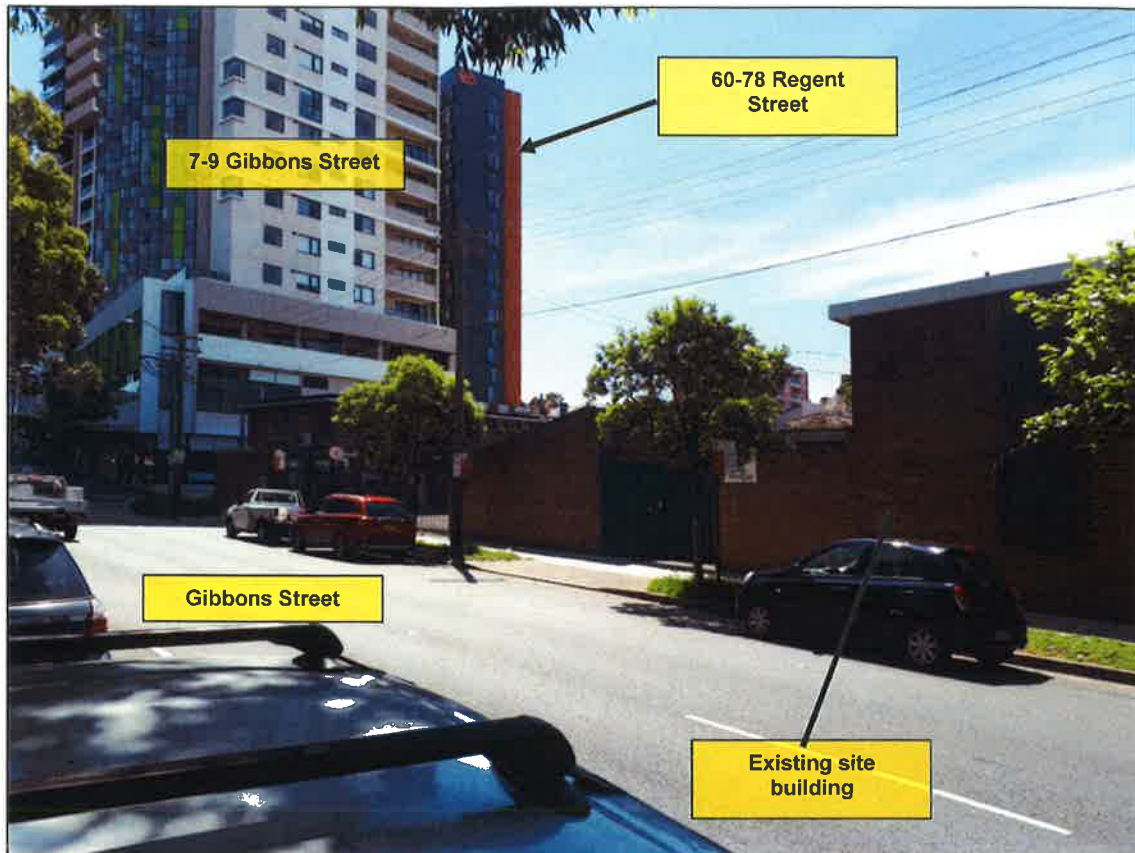


Figure 6 | The site viewed from Gibbons Street looking north-east (Base source: Department’s photograph)

1.3 Site context

The Redfern Town Centre is characterised by a mix of uses including commercial, residential and public use buildings ranging from two to 18 storeys in height. Gibbons Street is a four-lane, one-way (northbound) State classified road and runs through the western side of the Redfern Town Centre (see **Figures 1** and **2**). Marian Street to the north of the site provides a one-way (westbound) connection between Gibbons Street and Regent Street.

The Redfern Town Centre is undergoing significant urban renewal. It has a mixed character transitioning from the traditional lower density mixed use, retail and residential developments of two to four storeys in height to more recent buildings of up to 18 storeys provided for by the current planning controls for the area.

Completed and proposed developments within the Redfern Town Centre include:

- **1 Lawson Square** (formerly known as TNT Towers): Two identical 12-storey commercial towers connected at the ground floor and via a pedestrian bridge at the upper levels. Consent was granted by the Department under delegation for alterations and additions to the existing towers for a 19-storey mixed use commercial/retail and residential development (SSD 5249). Construction has commenced.
- **157-159 Redfern Street** (known as the “Deicota” building): 18-storey mixed use development comprising a four-storey podium with retail/commercial uses and a 14-storey residential tower above to the rear of Redfern RSL. Approved by the former Planning Assessment Commission, now the Independent Planning Commission (the Commission) on 22 December 2009 (MP09_0039). Construction completed.
- **56-58 Regent Street:** 21-storey hotel development. Secretary’s Environmental Assessment Requirements (SEARs) issued 29 August 2018 (SSD 9516).
- **60-78 Regent Street:** 18-storey student housing development (known as “Iglu”). Approved by the Commission on 25 August 2015 (SSD 6724). Construction completed.
- **80-88 Regent Street:** The Commission approved an 18-storey mixed-use development on the site (see **Figure 9**) in November 2017 (SSD 7080). The site was subsequently sold to Iglu who has proposed a new

18-storey development, primarily for use as student accommodation and would be integrated into the existing Iglu student accommodation building at 60-78 Regent Street. This proposal (SSD 9275) is currently under assessment by the Department. Demolition works are currently being undertaken.

- **7-9 Gibbons Street** (known as the “Urba” building): 18-storey mixed-use development comprising a three-storey podium for retail/commercial uses and 15-storey residential tower above. Approved by the Commission on 22 October 2010 (MP08_0112). Construction completed.
- **90-102 Regent Street:** Located to the east of the proposed development, on the opposite side of William Lane (see **Figure 5**). Existing development comprises two storey shops and dwellings. SEARs were issued by the Department in July 2018 for construction of an 18-storey mixed-use development on the site (SSD 9194). Although an SSD application has not to date been lodged, the Department has considered the likely future form of development on this adjacent site in **Section 6.4.1**.
- **13-23 Gibbons Street:** Located directly south of the proposed development and contains a 4 to 5 storey residential apartment building (see **Figures 3 and 4**). SSD 9194 for the construction of an 18-storey mixed-use comprising student accommodation was lodged with the Department on 18 January 2019. The Department has considered the proposed form of development on this adjacent site in **Section 6.4.1**.

Figure 7 identifies the location of the above developments while **Figures 8** and **9** illustrate the current evolving context of Redfern Town Centre.

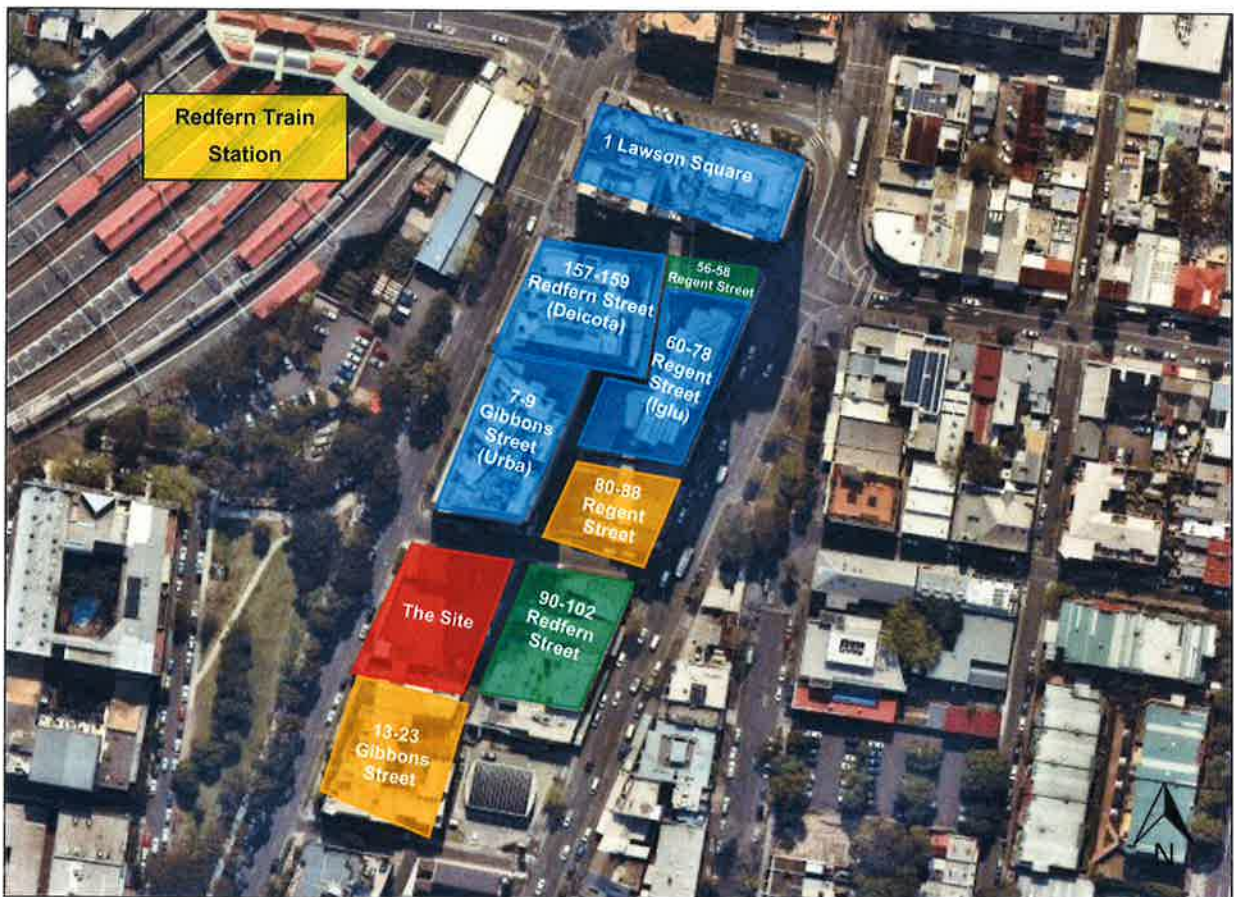


Figure 7 | Site location and context in relation to the above developments (red = the site, blue = constructed, yellow = under assessment, green = SEARs issued) (Base source: Nearmap)



Figure 8 | Redfern Town Centre looking south along Gibbons Street (Base source: Department’s photograph)



Figure 9 | Redfern Town Centre looking north along Regent Street (Source: Department’s photograph)



2. Project

2.1 Description of proposal

The proposal seeks approval for the construction of an 18-storey social and affordable housing development. The key amendments to the proposal, after exhibition of the Environmental Impact Statement (EIS), include:

- 800 mm podium setback to Marian Street to provide a total 3 m setback to the kerb
- podium setback to William Lane increased from 2 m to 3.2 m to provide a total 6 m setback to the centerline of the lane
- changes to some apartment sizes, layouts, windows and balcony locations
- provision of additional privacy mitigation measures, including privacy screens and opaque glazing
- incorporation of sculpted roof balustrade, revisions to colour of central tower component and inclusion of artwork in ground floor podium walls
- incorporation of wind mitigation measures, including deeper chamfer to south-west corner of retail/commercial tenancy and extension of awning along Marian Street frontage.

The key components of the project, as refined in the Response to Submissions (RTS), are provided in **Table 1** below and are shown in **Figures 10** to **14**.

Table 1 | Key components of the proposal

Aspect	Description
Site preparation	<ul style="list-style-type: none"> • Demolition of existing buildings and hardstand areas, earthworks and site preparation.
Built form	<ul style="list-style-type: none"> • Construction of an 18-storey tower (maximum RL 85.75 to top of plant), including three-storey podium fronting Gibbons Street and Marian Street.
Uses	<ul style="list-style-type: none"> • 160 social and affordable housing apartments comprising the following mix: <ul style="list-style-type: none"> ○ 40 to 60 social housing apartments (25% to 38%) and 100 to 120 affordable housing apartments (63% to 75%) ○ 47 x 1 bedroom (29%) ○ 16 x 1 bedroom with study (16%) ○ 91 x 2 bedrooms (57%) ○ 4 x 3 bedrooms (3%) ○ 2 x dual key (2 bedrooms plus studio) (1%). • 2 x ground floor retail/commercial tenancies • SGCH ground floor office space (accommodating 20 employees) • Ground floor community hub (to provide SGCH tenant participation and support services, including employment, training and wellness activities).
Gross Floor Area (GFA)	<ul style="list-style-type: none"> • Total GFA of 13,216 m² (Floor Space Ratio 8.4:1) comprising: <ul style="list-style-type: none"> ○ 12,214 m² residential accommodation (and communal corridors) ○ 48 m² resident community room (level 3) ○ 260 m² retail/commercial

- 205 m² SGCH office
- 63 m² community hub
- 426 m² ground level lobby, bicycle parking, bin storage and water tanks.

Communal open space	<ul style="list-style-type: none"> ● 289 m² level 3 terrace (on podium roof) ● 56 m² level 4 terrace ● 139 m² level 17 roof terrace.
Landscaping and public domain	<ul style="list-style-type: none"> ● Tree planting (16 trees, including one new street tree on Gibbons Street) ● Landscaping to communal open spaces ● 3.2 m wide setback to William Lane ● 800 mm setback to Marian Street.
Access	<ul style="list-style-type: none"> ● Pedestrian access from corner of Gibbons Street and Marian Street ● Access to bicycle parking spaces from William Lane ● Service access from William Lane exiting onto Gibbons Street.
Bicycle parking	<ul style="list-style-type: none"> ● 96 bicycle parking spaces located on the ground floor (80 resident and 16 commercial/retail workers) and 4 visitor bicycle spaces located adjacent to William Lane.
Signage	<ul style="list-style-type: none"> ● Seven under awning business identification signage zones along the Gibbons Street frontage ● The proposed signage zones range from 2.5 m to 5.6 m in length, have a depth of 0.8 m and would be located a minimum of 2.85 m above street level.
Lot consolidation	<ul style="list-style-type: none"> ● Consolidation of Lots 1-11 into a single lot.
Employment and Capital Investment Value (CIV)	<ul style="list-style-type: none"> ● CIV of \$49,850,000 ● 50 construction jobs ● 20 operational jobs.



Figure 10 | Perspective of proposed development viewed from Gibbons Street Reserve looking east (Source: Applicant's RTS)



Figure 11 | Perspective of the proposed podium viewed from Gibbons Street looking south-east (Source: Applicant's RTS)

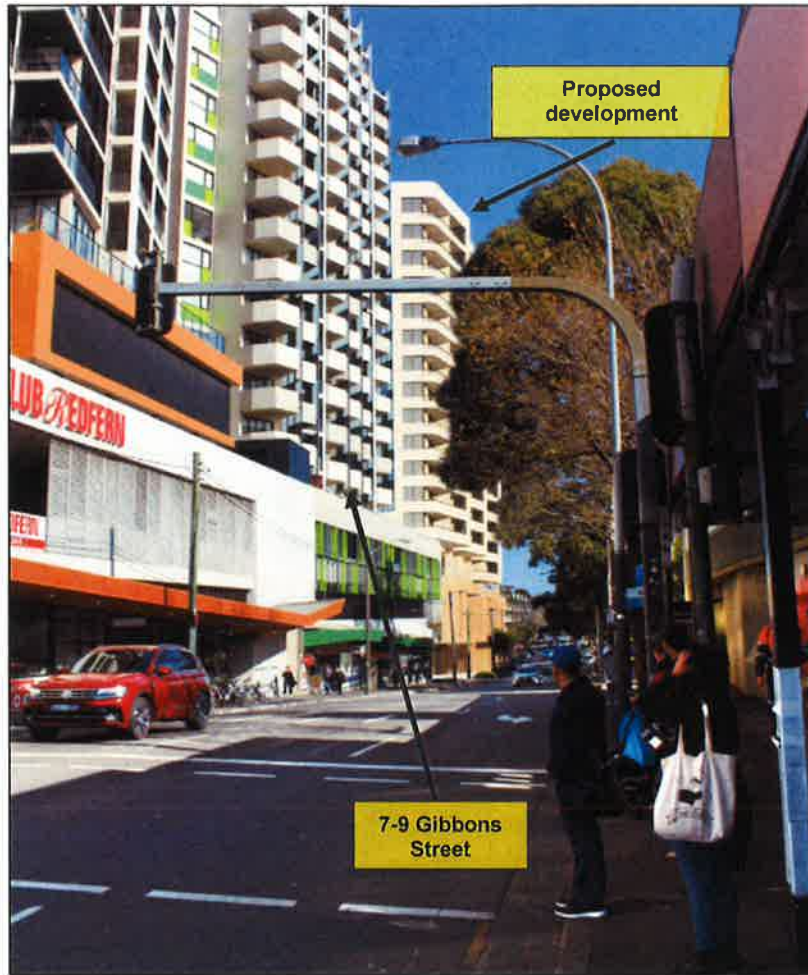


Figure 12 | Perspective of proposed development viewed from Gibbons Street looking south (Base source: Applicant's RTS)

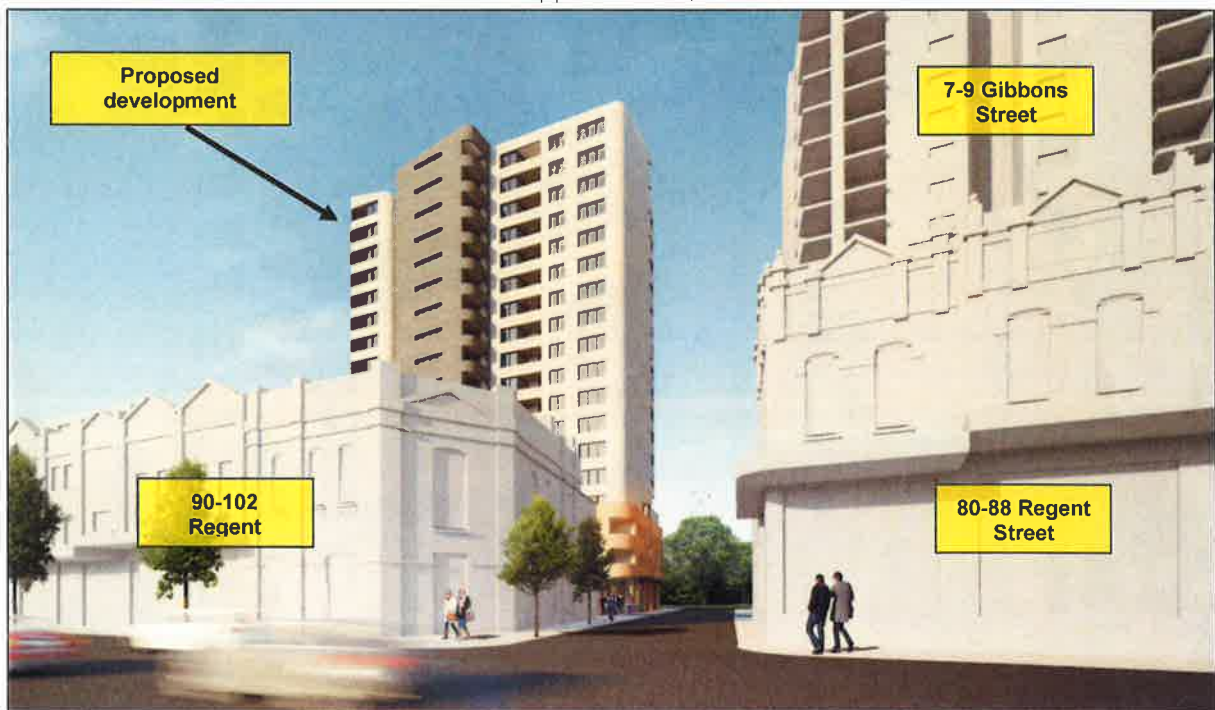


Figure 13 | Perspective of proposed development viewed from Regent Street looking west along Marian Street (Base source: Applicant's RTS)



Figure 14 | Western elevation facing Gibbons Street (left) and northern elevation facing Marian Street (right)
(Source: Architectural Plans)

2.2 Project need and justification

Social housing is secure, long-term housing for people on very low or no income. Affordable housing is subsidised housing for people working on low to moderate incomes. There is a significant need for both types of housing in Sydney with over 320 priority households and over 1,000 general applicants on the NSW Housing Register for social housing in the area. In NSW, over 55,000 people are currently waiting for public housing while homelessness has increased by 37% over the past five years.

Due to the median house price in Sydney being over \$1 million, many people/households are unable to afford housing and must therefore pay a high proportion of their income on rent. The proposed provision of affordable housing, where households would not pay more than 30% of their gross household income towards rent, would create an affordable housing option, between social and market (private) housing, in a key location for low to moderate income earners.

The Applicant is a not-for-profit social and affordable housing provider that manages over 4,700 dwellings in NSW and provides a range of support services to over 8,900 tenants. They are registered as a Tier 1 provider under the National Regulatory System for Community Housing which provides assurance that SGCH is a well governed organisation providing high quality housing services.

The proposed development would incorporate 160 social and affordable housing apartments. It would therefore contribute to meeting Sustainable Sydney 2030 housing targets and align with the objectives of the Greater Sydney Region Plan and Eastern City District Plan in relation to providing affordable and social housing and increased housing diversity in a highly accessible location (see **Section 3**).

Importantly, the affordable housing would be retained on-site in perpetuity, significantly exceeding the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) which requires affordable

housing to be provided for a minimum of ten years. The social housing component would also be provided in perpetuity.

The Applicant has advised that between 40 and 60 of the proposed apartments would be provided for social housing with the remaining 100 to 120 apartments provided as affordable housing. Final numbers of social and affordable components may fluctuate depending on the number of apartments achieved as part of the Applicant's current portfolio of five other development sites in Sydney.



3. Strategic Context

3.1 Greater Sydney Region Plan and Eastern City District Plan

Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan) sets out the NSW Government’s 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney. The Region Plan seeks to update directions and actions in A Plan for Growing Sydney and Towards our Greater Sydney 2056. The Region Plan includes 10 key directions to provide:

1. a city supported by infrastructure – infrastructure supporting new developments
2. a collaborative city – working together to grow a Greater Sydney
3. a city for people – celebrating diversity and putting people at the heart of planning
4. housing the city – giving people housing choices
5. a city of great places – designing places for people
6. a well-connected city – developing a more accessible and walkable city
7. jobs and skills for the city – creating conditions for a stronger economy
8. a city in its landscape – valuing green spaces and landscape
9. an efficient city – using resources wisely
10. a resilient city – adapting to a changing world.

The proposal is consistent with the Region Plan, as it would increase the supply of social and affordable housing. It would also support productivity through the growth in jobs and housing within the Harbour City and support integrating land use and transport, contributing to a walkable ‘30-minute city’.

The Region Plan also sets the planning framework for the five districts and District Plans which make up the region. The District Plans inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The proposed development is located within the Eastern City District Plan. 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 increased housing supply, choice and affordability (Planning Priority E5)
- be located in a highly accessible location, consistent with a ‘30-minute city’ (Planning Priority E10)
- increase the urban tree canopy (Planning Priority E17).

3.2 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 Future Transport Strategy 2056 as:

- the site is located within walking distance to public transport services
- it provides active transport travel options by including 100 bicycle parking spaces, bicycle workshop space and end-of-trip facilities.
- it does not include on-site car parking spaces which will encourage the use of public transport.

3.3 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 would contribute to several strategic directions in Sustainable Sydney 2030, as it would:

- be located in a highly accessible location, close to Redfern Train Station and bus routes, and provides bicycle parking for residents and workers (Strategic Direction 4)
- provide commercial and retail uses at ground level providing activation to Gibbons Street and Marian Street (Strategic Direction 5)
- enhance the local community through increasing housing options ((Strategic Direction 6)
- increase the housing options available in the LGA through the provision of social and affordable housing, including a variety of apartment sizes and types (Strategic Direction 8)
- include a range of sustainable building features and have a low reliance on private vehicles (Strategic Direction 9).

3.4 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, now known as UrbanGrowth NSW Development Corporation (UGNSW). As of 1 July 2019, UGNSW will become part of Infrastructure NSW.

The BEP was prepared to assist in the social and economic revitalisation of the Redfern-Waterloo area and it forecasts the Redfern Waterloo area will 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 site. The BEP was used to inform the planning controls within the SSP SEPP, which applies to the site and are addressed at **Section 6.2** and **Appendix D**. These include:

- maximum height control of 18 storeys and podium height/setback controls for Gibbons Street and Marian Street (3-storey podium height, then a 4 m setback with 15 storeys thereafter)
- maximum floor space ratio (FSR) control of 7:1.

The site is located within the Redfern Train Station, Gibbons Street and Regents Street strategic site. The proposed land use concept for this area is to become a vibrant, active local hub for business, retail and residential activity around the Train Station. The area is to achieve critical mass of density and become a vibrant, culturally diverse, multi-use Town Centre with quality medium and high-density development.

The proposed development would provide high density housing, contribute to housing choice and affordability in the Redfern area, and provide ground floor activity to contribute to the vitality of the Town Centre.

The proposed development is consistent with the overall height controls, except the 4 m tower setback requirement to Gibbons Street and Marian Street (see **Section 6.2**, **Appendix C** and **Appendix D**). Although the proposed FSR of 8.4:1 exceeds 7:1, this is consistent with the FSR bonus for the proposed social and affordable housing use under the ARH SEPP.

3.5 Redfern Centre Urban Design Principles

The Redfern Town Centre Plan Urban Design Principles (RCUDP) were developed to provide urban design principles for future development of State significant sites within the Redfern Town Centre under the controls of the SSP SEPP.

The key objectives of the RCUDP are to reinforce and enhance the role of the area as a mixed-use precinct, achieve the highest standard of architecture and urban design, ensure that highly visible buildings reinforce and respond to their visual setting. The RCUDP controls are considered in **Section 6.2**.



4. Statutory Context

4.1 State Significant Development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it comprises development on land identified as being within Redfern-Waterloo and has a CIV in excess of \$10 million (\$49,850,000) under clause 2(g) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Commission is the declared consent authority if Council objects to the development within the mandatory community participation period specified in Schedule 1 of the EP&A Act. Council objected to the proposed development outside of the mandatory community participation period.

On 14 September 2011, the Minister for Planning delegated the functions to determine SSD applications to the Commission, where:

- the relevant Council has made an objection
- a political disclosure statement has been made
- there are more than 25 public submissions in the nature of objections.

Under the Ministerial Delegation, the Commission must determine the application as Council has objected to the development.

4.2 Permissibility

The site is zoned Business Zone – Commercial Core under State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP). The proposed residential and retail/commercial uses are permissible within the zone.

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters could be summarised as:

- the provisions of environmental planning instruments (including draft instruments), development controls plans, planning agreements, and the *Environmental Planning and Assessment Regulation 2000*
- the environmental, social and economic impacts of the development
- the suitability of the site
- any submissions, and
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered all of these matters in its assessment of the project, as well as the Applicant's consideration of environmental planning instruments in its EIS, as summarised in **Section 6** of this report. The Department has also given consideration to the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix D**.

4.4 Secretary's Environmental Assessment Requirements

On 2 August 2016, the Department notified the then Applicant (FutureLiving Community Housing) of the SEARs for SSD 7749. FutureLiving Community Housing did not proceed with the application and the SEARs were

subsequently reissued to the Applicant on 25 May 2018. The Department is satisfied the EIS adequately addressed compliance with the SEARs to enable the assessment and determination of the application.



5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 11 October 2018 until 7 November 2018 (28 days). The application was exhibited on the Department's website, at NSW Service Centres and Council's offices.

The Department placed a public exhibition notice in the Central Courier on 10 October 2018 and provided written notification to adjacent landholders and relevant State and local government agencies.

The Department has considered the comments raised in the Council, government agencies and public submissions during the assessment of the application (**Section 6** and **Appendix E**) and by recommended conditions in the consent at **Appendix F**.

5.2 Summary of submissions

The Department received a total of 18 submissions, comprising 10 submissions from government agencies, one submission from Council and seven public submissions. Copies of submissions may be viewed at **Appendix A**.

5.3 Key Issues – Government agencies

A total of 10 submissions were received from government agencies providing comments in response to the exhibition of the application. None of the government agencies objected to the proposal, and the key issues raised by agencies have been addressed through the provision of additional information, or through the recommended conditions of consent. The key issues raised in submissions are summarised in **Table 2**.

Table 2 | Government agency submissions

Government Architect New South Wales (GANSW)

The GANSW noted the proposed development had been reviewed at three meetings of the State Design Review Panel (SDRP) and provided the following comments:

- the proposal does not demonstrate a response to SDRP advice recommending modulation of the overall tower roof line and exploring differences in architectural expression to break-up the monolithic building mass
- glazing to the bike room should be provided along the William Lane façade for passive surveillance and street activation
- full height glazing to the ground floor community room on the corner of Gibbons Street and Marian Street is not supported
- deep niches and recesses along the Gibbons Street façade should be removed to improve pedestrian safety
- the proposal does not demonstrate how noise mitigation strategies would be coordinated with the need to provide fresh air to apartments
- further details of environmentally sustainable design are required
- further information is required to demonstrate how the proposal incorporates the wind mitigation measures recommended in the Wind Report
- evidence should be provided of how the proposed apartment mix is aligned with target housing groups
- apartment plans should be reviewed to ensure residential amenity is achieved.

Transport for New South Wales (TfNSW)/Sydney Trains

TfNSW and Sydney Trains provided joint comments and recommended conditions regarding:

- protection of Sydney Trains structures and easement
- pedestrian and traffic management during construction
- the need to manage potential cumulative traffic and transport impacts from other nearby developments, including the Sydney Metro projects
- service vehicle parking management, including the proposed loading bay arrangement and operation and its ability to accommodate servicing demand.

NSW Police

The NSW Police commented that the site is located within a moderate crime risk area and recommended a number of Crime Prevention Through Environmental Design (CPTED) treatments. In particular, the NSW Police recommended use of the of the open communal spaces be restricted to daylight hours only, that consumption of alcohol in these areas is prohibited, and that these areas are managed appropriately to discourage anti-social behavior. It was also recommended that the proposed bicycle storage area is provided with good natural surveillance and enhanced with CCTV.

Roads and Maritime Services (RMS)

RMS provided recommended conditions, including removal of redundant driveways, provision of excavation and stormwater drainage system design details, and all vehicles to enter and exit the site in a forward direction.

Office of Environment Heritage (OEH) – Heritage Division (on behalf of NSW Heritage Council)

OEH (Heritage Division) commented the proposed development would have no adverse visual impact on the Redfern Train Station Group or the Eveleigh Railway Workshops. A condition requiring preparation of a Management Strategy for unexpected finds during construction was recommended due to the potential of the site to contain archaeological evidence of residential use of the site in the 1860s.

Office of Environment Heritage (OEH) – Planning and Aboriginal Heritage

OEH recommended that the recommendations of the Applicant's Integration of Aboriginal Cultural Heritage Values Report and Aboriginal Archaeological Survey Report should be included as a condition of consent.

Environmental Protection Authority (EPA)

The EPA noted the proposal does not constitute a Schedule Activity under the *Protection of the Environmental Operations Act 1997* and the EPA is not the regulatory authority for the proposed development.

Commonwealth Airspace Protection (Airspace Protection)

Airspace Protection provided recommended conditions noting the proposed development would penetrate the Obstacle Limitation Surface for the prescribed airspace around Sydney Airport by 750 cm. These include the maximum building height to not exceed 85.75 m AHD and separate approval to be obtained for any cranes.

UrbanGrowth NSW Development Corporation (UGNSW)

UGNSW agreed to waive \$66,029 of contributions required under the Redfern-Waterloo Authority Housing Contributions Plan 2006 in recognition of the proposed development comprising affordable housing. In addition, UGNSW have agreed that the \$47,467 of contributions required under the Redfern-Waterloo Authority Contributions Plan may be offset by the proposed works-in-kind (public domain works to Gibbons Street, Marian Street and William Lane).

Sydney Water

Sydney Water provided standard recommended conditions relating to building plan approval and the requirement for a Section 73 Compliance Certificate.

5.4 Key Issues – Council/Community

5.4.1 Council key issues

Although strongly supportive of the provision of social and affordable housing on the site, Council objected to the proposal, noting the following concerns:

- the submitted SEPP 1 Objection for the tower setback above the podium to Gibbons Street and Marian Street is not supported due to potential increased wind impacts
- all building separation and setback distances should be consistently applied to protect future residential amenity
- methods to address privacy impacts from the proposed setbacks may minimise daylight to habitable rooms, increasing reliance on artificial lighting and air conditioning for future residents
- the architectural plans do not reflect the recommendations of the Wind Report and does not respond appropriately to the wind conditions of the site
- the proposed solution to noise impacts from Gibbons Street and Regent Street requires future residents to choose between natural ventilation with noise impacts, or mechanical ventilation with mitigated noise impacts
- the provision of solar access to 70% of apartments is questioned due to inconsistencies in the solar access calculation plans
- potential acoustic issues between apartments with bedroom windows opening onto the same deep recess
- both contributions plans should be applied to the development. In particular, the proposed public domain works do not constitute a community benefit over and above what would ordinarily be expected in associated with a development of this size
- inadequate information has been provided in relation to proposed landscaping and environmentally sustainable design
- an insufficient number of bicycle parking spaces have been provided.

5.4.2 Community issues

A total of seven public submissions were received (all objections). All submissions were received from people located within 1 km of the site. The key issues raised in the public submissions are summarised in **Table 3**.

Table 3 | Summary of key issues raised in public submissions objecting to the EIS exhibition

Issue	Number of objections
-------	----------------------

Increased overshadowing	3
Proposed height/non-compliance with height controls	2
Adverse wind impacts	2
Operational noise impacts	2
Cumulative impact of high-density development in the area	2

Other issues raised in single submissions related to:

- increased traffic in the area
- increased pollution from increased traffic
- increased pressure on on-street car parking spaces
- loss of natural light and views to neighbouring properties
- loss of quality of life to neighbouring residents
- construction impacts on neighbouring residents
- concentration of social housing in one building reinforcing social problems and issues
- safety and management of anti-social behavior
- no public open space within the development
- insufficient infrastructure in the area
- loss of community atmosphere from increased number of temporary residents
- no need for more affordable housing projects in the area.

The Department offered to meet those who had made a public submission. Two local residents subsequently attended an on-site meeting on 6 November 2018 and their concerns were discussed.

5.5 Response to Submissions

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

Prior to submission of the RTS, the Applicant met with the SDRP/GANSW on 12 December 2018 to discuss the comments received and proposed methods to address the remaining issues. The Applicant also met with Council to discuss its concerns.

On 26 February 2019, the Applicant lodged its RTS. The RTS responded to the issues raised and included amended architectural and landscape plans, additional contamination reports, a visual impact analysis and supplemental wind and acoustic reports.

The RTS was made publicly available on the Department's website and referred to Council and relevant government agencies.

An additional submission was received from Council who maintained its objection and two submissions were received from government agencies, the GANSW and UGNSW. A summary of issues raised in these submissions is provided in **Table 4** below and a link to all submissions is provided at **Appendix B**.

Table 4 | Government agency and Council submissions to the RTS

GANSW

The GANSW support the proposed development noting the changes contained in the RTS improve the building's visual appearance, including modulated heights, materials, façade openings, shared resident facilities and art strategy.

The GANSW are also satisfied the Applicant has responded to matters raised through the SDRP process and notes the public benefit of providing social and affordable housing in this well serviced area has enough merit to substantiate alternative approaches to supplying fresh air to apartments in a challenging, noisy, and low air quality environment.

UGNSW

UGNSW note the Applicant has not objected to UGNSW's recommended conditions and that the previous recommendations remain relevant.

Council

Council reiterated its strong support for the provision of social and affordable housing on the site. However, Council has maintained its previous objection and provided the following additional comments:

- the 4 m above podium tower setback to Gibbons Street should be complied with as the development would sit forward of other towers in Gibbons Street and erode the alignment
- a 1.5 m setback should be provided to the Marian Street boundary to provide greater pedestrian amenity
- the proposed ventilation system does not comply with the Apartment Design Guide (ADG) and alternative options should be explored
- both contributions plans should be applied to the development
- the proposed communal open spaces do not comply with sitting wind speed criteria and relies on trees that may not be sustainable given the proposed soil depth and high wind environment.

5.6 Further Information

On 22 March 2019, the Applicant submitted further information and amended architectural plans. The key amendment involved increasing the eastern podium setback to the centreline of William Lane by 1.2 m from 4.8m to 6 m. The additional information and revised plans were made publicly available on the Department's website.

One further submission was received from TfNSW in response to proposed loading/servicing arrangements. TfNSW recommended a condition be imposed requiring preparation of a Freight and Service Vehicle Management Plan.



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 application. The Department considers the key issues associated with the proposal are:

- design excellence and built form
- amenity impacts to adjoining properties
- residential amenity for future occupants
- traffic, parking and access/servicing.

Each of these issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application addressed in **Section 6.6** of this report.

6.2 Design excellence and built form

As set out in **Section 1**, the subject site forms part of the Redfern Town Centre, as identified by the BEP (**Figure 1**). The Department notes the Redfern Town Centre has been undergoing significant change over recent years and the majority of the areas to the north of the site have been re-developed with taller buildings, consistent with the intent of the SSP SEPP and the BEP.

The proposed development would be the first high-density development within the block bound by Gibbons Street, Marian Street, Regent Street and Margaret Street (see **Figure 2**). The Department notes the scale of future development on surrounding sites presents a constraint for any development of the site. However, the site is in close proximity to taller buildings to the north (see **Figures 8, 9, 10 and 12**) and would be consistent with the scale of future developments on adjacent sites to the east and south given the same 18-storey maximum height control applies (see **Section 1.3**).

The Department has considered the proposed built form and the issues raised in submissions and considers the key issues to be consistency with the SSP SEPP development controls and RCUDP. The Department's consideration of the design response to the SSP SEPP development controls and the RCUDP, as well as overall design excellence is provided below. Further consideration of building separation and amenity impacts, including overshadowing and views, are discussed in detail in **Sections 6.3 and 6.4**.

6.2.1 Design excellence

The SSP SEPP requires new developments exhibit design excellence and the consent authority to consider:

- whether the proposed development demonstrates a high standard of architectural design, materials and detailing appropriate to the building type and location
- whether the form and appearance of the building would improve the quality and amenity of the public domain
- whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.

No public submissions raised concern with the proposed building design and Council did not raise concerns in relation to whether the proposal exhibits design excellence. The GANSW, however initially raised concerns that the proposed design did not respond to all advice provided by the State Design Review Panel (SDRP) in relation to modulation of the tower roof line and exploring differences in architectural expression to break up the building mass.

The Applicant contended the proposed development exhibits design excellence as it has been developed in close consultation with the SDRP, including four meetings between May 2018 and August 2018. Advice received at the earlier meetings, particularly in relation to configuration of the podium, further articulation of the building mass and the location/design of communal open space, have been responded to. At the final meeting, the design development of the proposal was commended by the SDRP. The design has subsequently been refined through the RTS following a further meeting with the SDRP/GANSW on 12 December 2018.

The GANSW now support the proposed development noting the changes contained in the RTS improve the building's visual appearance, including modulated heights, materials, façade openings.

Having had regard to the design excellence criteria in the SSP SEPP, the Department considers the proposed development exhibits design excellence because:

- the proposed design has been thoroughly reviewed through the SDRP process and the Applicant has responded to the advice received
- the GANSW support the proposed design, including refinements at the RTS stage
- the facades are of high architectural quality providing vertical and horizontal articulation to reduce the building's visual bulk and scale. The vertical recess provided on the western façade and use of materials presents the appearance of three more slender tower elements presenting to Gibbons Street
- the proposal would improve the amenity of the existing public domain by providing increased setbacks/widened footpaths to Marian Street and William Lane and providing increased ground level activation through retail/commercial and SGCH office uses (see **Section 6.6**)
- the design maximises the amount of sunlight, natural ventilation and privacy for all apartment types and an acceptable level of amenity has been achieved given the constraints of the site (see **Section 6.4.3**)
- the building incorporates appropriate sustainable design principles which exceed those required to meet energy and water reduction targets as required for BASIX Certification and aims to achieve an 8 Star NatHERS rating (see **Appendix D**)
- the design incorporates public art designed to reflect the cultural Aboriginal significance of the site.

The Department concludes the proposal demonstrates design excellence that satisfies the provisions of the SSP SEPP and would provide a distinct new building within the Redfern Town Centre that has been designed and articulated to appropriately fit within its urban context, without having an adverse impact on the character of the locality. Furthermore, the building design suitably comprises high quality architectural detailing that appropriately responds to the site constraints and its surrounding evolving context.

6.2.2 Built form

The SSP SEPP contains principle development standards applying to the site that govern the height, bulk and scale of the development being:

- maximum height control of 18 storeys
- maximum podium height control of 3 storeys to Gibbons Street and Marian Street
- maximum FSR control of 7:1.

The RCUDP contains the same controls, except they include the following additional podium and tower setback requirements:

- 4 m tower setback to Gibbons Street and Marian Street
- 1.5 m podium setback from Marian Street to provide for footpath widening to an average width of 3 m
- 0.8 m podium setback to western side of William Lane to provide for footpath widening to an average of 1.5 m.

The height and FSR controls are considered below. The proposed footpath widths are considered in **Section 6.6**.

Height

Two public submissions raised concerns with the proposed maximum building height and recommended the building extend no higher than four to six storeys. However, the SSP SEPP controls for the site provide for a maximum building height of 18 storeys, including a maximum three storey podium height (**Figure 15**).

The proposed development comprises an 18-storey building, including a three-storey podium, and therefore complies with maximum height control for the site and is consistent with the general form of development envisaged by the provisions of the SSP SEPP. **Figure 16** illustrates how the proposed building relates to the likely height/built form of future development on surrounding sites under the SSP SEPP controls.

The proposal seeks to vary the setback standards to Gibbons Street and Marian Streets (see **Table 5**). Due to the proposed 18-storey tower being located within 4 m of the Gibbons Street and Marian Street property boundaries, the proposed development does not comply with the maximum height control of three storeys within 4 metres of these street frontages. **Figure 17** illustrates the areas of the building above the podium that do not comply with the tower setback control.

Table 5 | Proposed variations to Gibbons Street and Marian Street setback standards

Location	Development standard	Proposal
Gibbons Street frontage	3 storeys to a depth of 4 m	18 storeys to a depth ranging from 400 mm to 7 m
Marian Street frontage	3 storeys to a depth of 4 m	18 storeys to a depth ranging from 400 mm to 2.4 m (excluding 5.6 m central corridor setback)

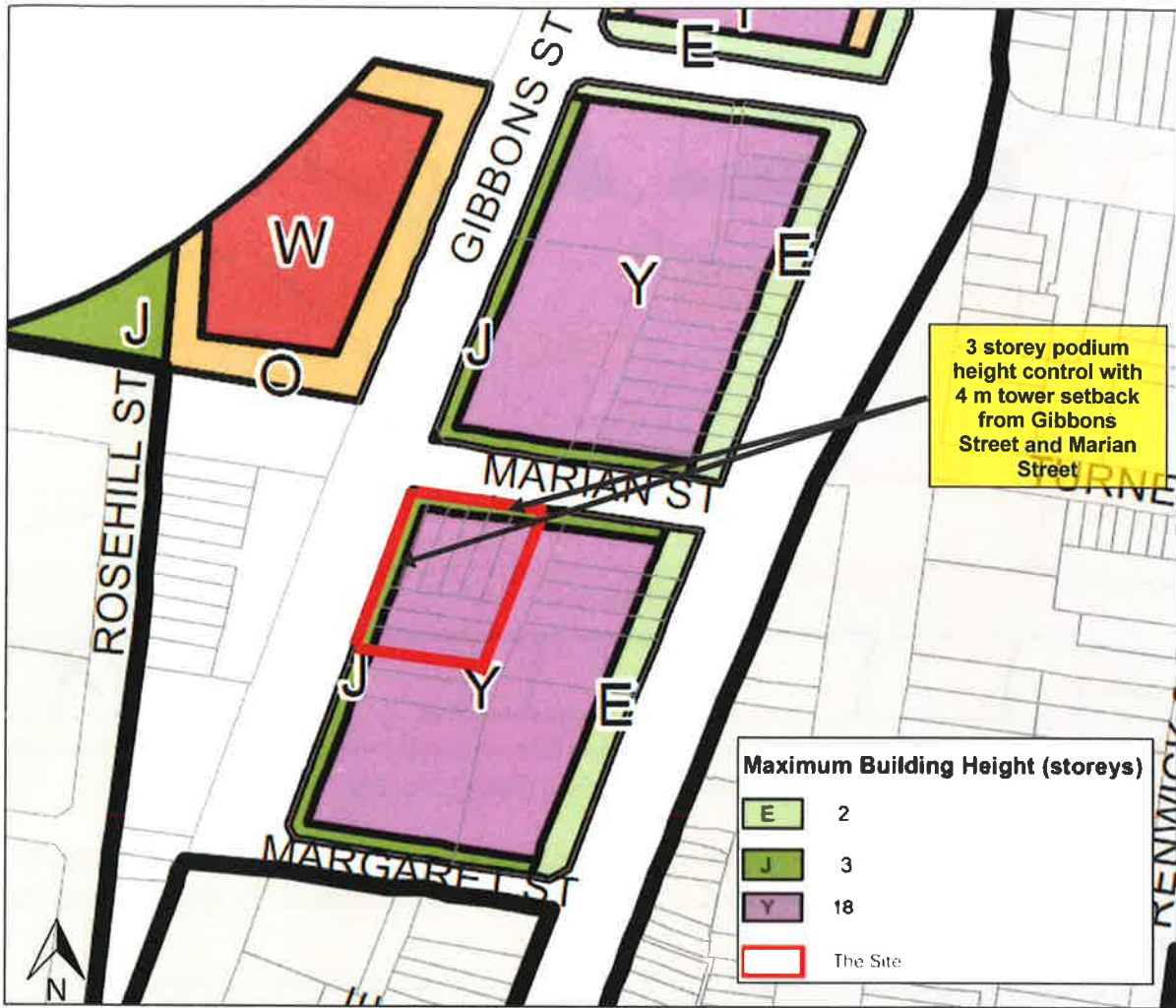


Figure 15 | Maximum building height map. Site outlined in red. (Base source: SSP SEPP)

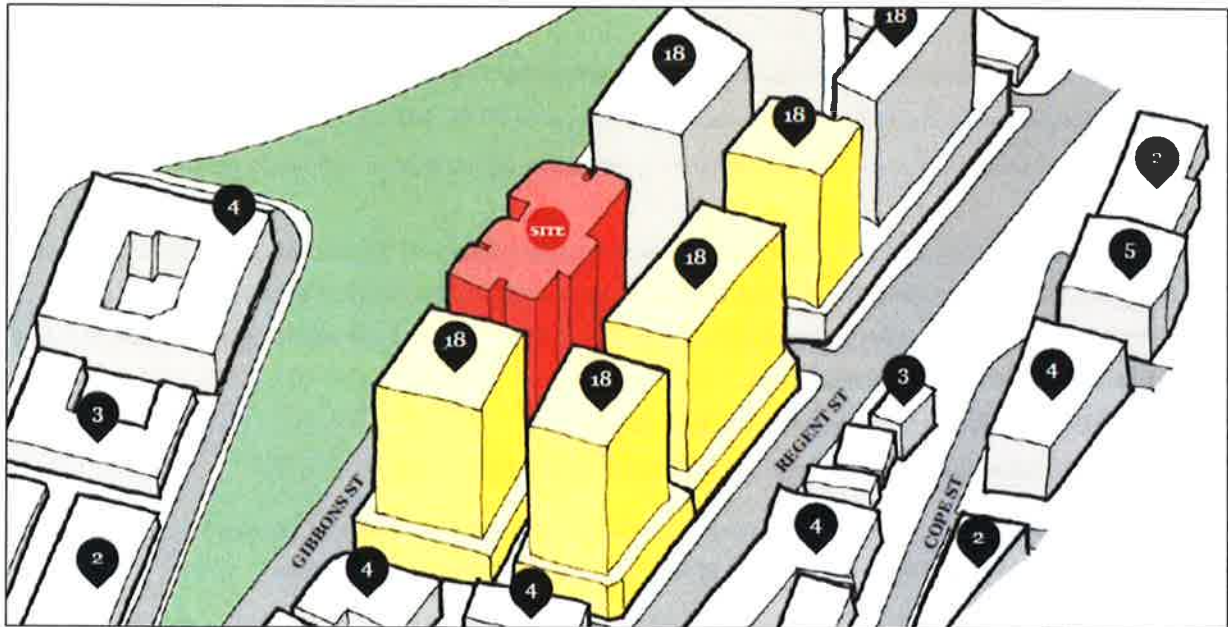


Figure 16 | Illustration of future built form context under the Redfern Town Centre height controls with the proposed development shown red (Source: Applicant's EIS)

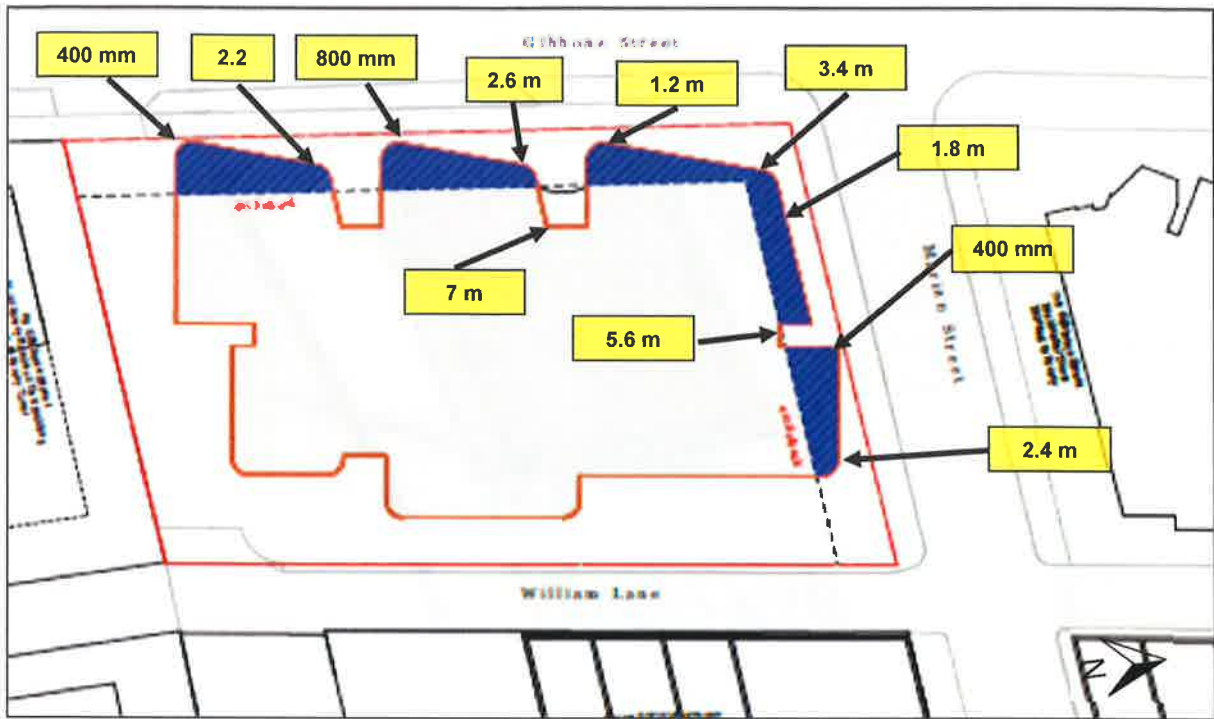


Figure 17 | Areas of proposed tower setback variations to Gibbons Street and Marian Street shown in blue with setback dimensions notated (Base source: EIS)

The Applicant has therefore submitted a SEPP 1 objection to justify the proposed height/tower setback variation, which is considered in detail in **Appendix C**. In support of the proposed variations, the Applicant contended these are acceptable given:

- the proposal is consistent with the maximum 18 storey height control and FSR control applying to the site
- the proposed built form is consistent with the emerging character of Redfern Town Centre and relates to the streetscape through the provision of a podium which is consistent with the controls and responds to surrounding sites
- compliance with the setback controls would result in an economically unsustainable development
- the proposal achieves the building separation objectives of SEPP 65 and the ADG
- the proposal would not result in unacceptable overshadowing impacts on adjoining developments or the public domain
- compliance would not retain the vast majority of existing view lines across the site. Where marginally reduced, the views are not iconic and would be unreasonable to be retained in a dense urban area
- compliance would not lead to improved amenity for existing residents of adjoining properties or future residents of the proposed development
- the proposal would not result in unacceptable wind impacts
- surrounding developments have been granted similar variations.

Council object to the proposed setback variation as the proposed tower would sit forward of other towers in Gibbons Street and erode the 4 m alignment and would increase potential wind impacts.

The SSP SEPP does not contain any objectives in relation to the height/tower setback control. The Department considers the development satisfies the overall objectives of the Business Zone – Commercial Core zone as set out in clause 9 of Part 5 of Schedule 3 of the SSP SEPP (see **Appendix D**). In addition, the Department considers the underlying purpose of the control is to achieve a human scale of development when viewed from the street, to

achieve a consistent street character, and to minimise potential wind impacts from large tower forms close to the street edge. These are considered below.

Scale

The Department acknowledges the site is constrained by its dimensions and siting with existing and future tower developments directly to the north, east and south. This predominantly restricts solar access to the western elevation but this in turn generates potential wind and built form issues. The design has therefore sought to create a tower comprising three vertical columns above a podium that responds to the scale of neighbouring tower developments in the town centre.

The Department considers the proposed use of materials (face brick for the podium and concrete for the tower), the 6 m high communal open space with greater setbacks (up to 13.5 m) from Gibbons Street on the roof of the podium, and use of varied and articulated setbacks above, have resulted in a design that provides a tower form with sufficient separation from a defined 3-storey podium when viewed from Gibbons Street and Marian Street (see **Figures 10, 11 and 18**).

The design has sought to achieve design excellence and the proposed tower setbacks have been considered by the SDRP as part of the design development process (see **Section 6.2.2**). Following design refinements made as part of the RTS, the GANSW have advised they support the proposed design (see **Section 5.5**).

The Department considers the proposed three-tower modulation and use of materials reduces the apparent visual mass of the building and achieves a human scale when viewed from street level. The Department also notes the varied setback of the western façade maximises solar access to achieve a more desirable amenity outcome for future residents and would reduce wind impacts.

Street character

The Department notes that variations to the SSP SEPP height/tower setback controls have been previously approved by the Department and the Commission, for other tower developments in the town centre. This has been due to the constraints of the respective sites, the proposed designs satisfying the zone objectives and achieving the underlying objectives of the control, and the respective merits of the proposal.

In particular, the Department notes the 4 m tower setback control to Gibbons Street was varied by the Commission for 157-159 Redfern Street with setbacks of 1.5 m to the balconies and 3 m to 3.6 m for the façade, and for 7-9 Gibbons Street with balcony setbacks of 3.1 m to 3.4 m. In addition, a variation of the 4 m tower setback control to Marian Street has previously been approved by the Commission in relation to 80-88 Regent Street (setbacks of 2 m to 3 m). However, the design of proposed balconies on the corner of 80-88 Regent Street were revised by the Commission to reduce the extent of the encroachment on the established street setback and to be less visually prominent.

While the site does not front Regent Street, it is also relevant to note that the 8 m tower setback control to Regent Street was varied for 80-88 Regent Street (3 m setback), 60-78 Regent Street (3 m setback) and 1 Lawson Square (zero to 2 m setback).

The Department considers the principle of varying the height/tower setback control within the town centre has been established, where the circumstances of the case demonstrate a variation is reasonable and would achieve the objectives of the control. The Department considers the proposed tower setbacks are visually acceptable and would provide a characteristic visual street presence consistent with neighbouring tower developments to the north. In this regard, the Department notes the setback of the existing towers to Gibbons Street is variable and does not exhibit a strong building line (see **Figure 8**) and considers the proposed highly modulated tower form would be compatible with the surrounding streetscape. The proposed design is also supported by the SDRP, noting the proposed modulated heights, materials and façade openings.

The proposed setbacks are compatible with recent approvals. Given recent developments within the town centre were assessed under the same planning controls, the Department considers the tower setbacks for the proposed development would achieve an appropriate design outcome for the site as it presents to Gibbons Street and Marian Street.

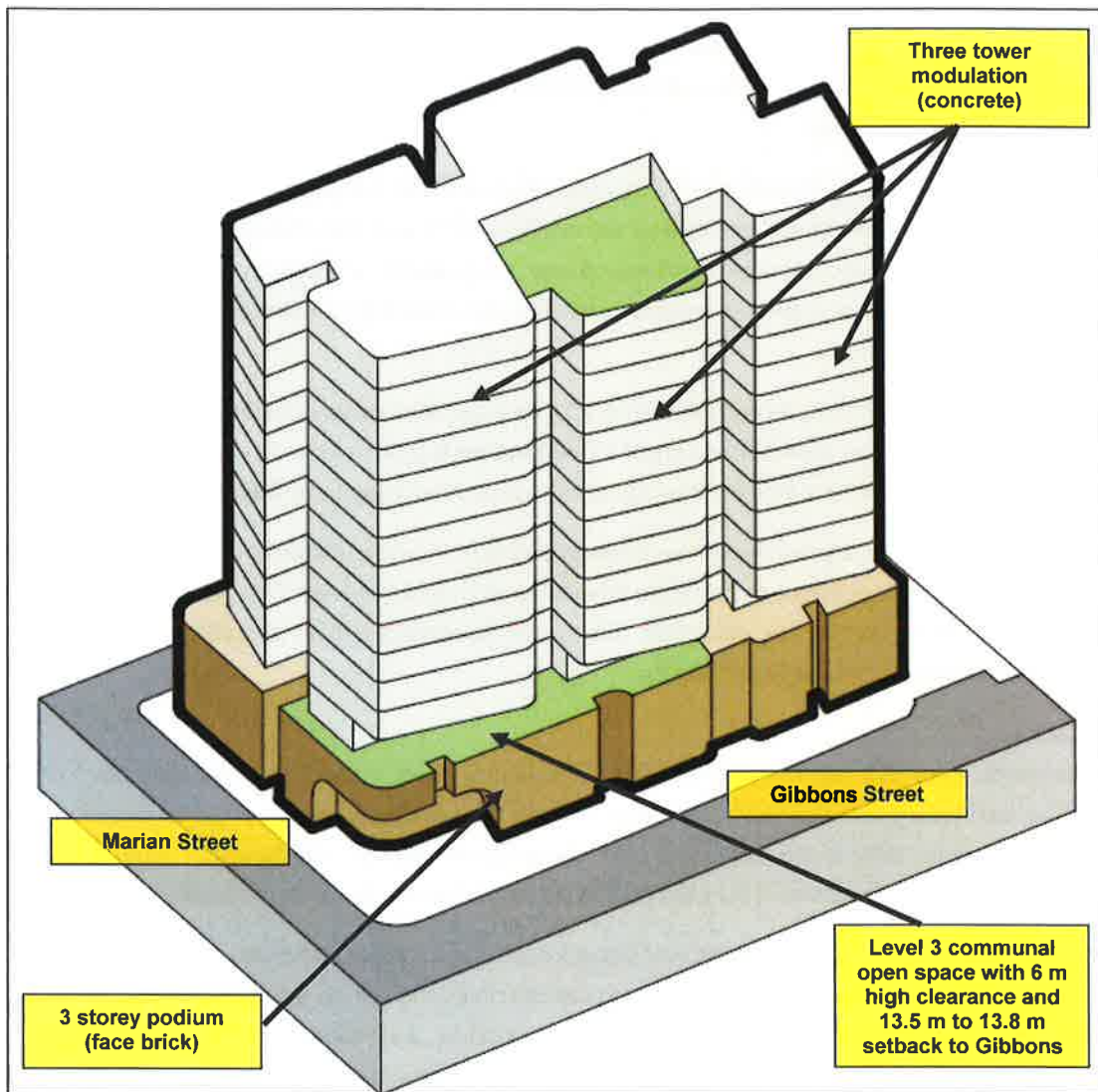


Figure 18 | Proposed building form viewed from the north-west (Source: Applicant's EIS)

Wind impacts

The RTS included a supplemental Wind Report that confirmed the proposed tower setbacks would not increase wind impacts at ground level compared to a compliant development due to podium and street level awnings on both street frontages, curved tower edges to reduce wind velocity, higher balustrades on level 3, and dense landscaping around the level 3 communal open space (see **Section 6.6**). A condition however is required to increase the number of trees on level 3, consistent with the recommendations of the supplemental Wind Report.

Although Council's objection remains that a compliant tower setback would reduce the need to rely on wind mitigation measures, the Department considers wind mitigation measures to be a common feature of tower developments, can provide suitable mitigation and would still be required, even if the setbacks were increased.

Floor Space Ratio

The SSP SEPP provides for the maximum FSR of 7:1. However, the proposed development comprises residential GFA to be used entirely for social and affordable housing. Under the provisions of the ARH SEPP (see **Appendix D**), the proposed development therefore benefits from a 20% FSR bonus. This increases the permissible FSR of the site to 8.4:1.

The proposed development contains a GFA of 13,216 m² which equates to an FSR of 8.4:1 and an additional 2,170 m² of permissible GFA compared to an FSR of 7:1. Given the proposed design has sought to comply with the maximum 18 storey height control, the additional permissible floorspace is provided through a larger tower floorplate, resulting in a wider tower that does not fully comply with the tower setback controls. In addition, if the tower setback controls were strictly applied, this would require reduced setbacks to the eastern and southern sides, resulting in greater amenity impacts to neighbouring sites and future residents.

Notably, the greater permissible floorspace to achieve the affordable housing on the site as intended by the ARH SEPP, cannot be achieved without varying the setback controls given the maximum storey height is complied with.

Conclusion

The Department recognises the development of the site would contribute to the revitalisation of the Redfern Town Centre which is consistent with the objectives of the SSP SEPP to facilitate the development of a town centre with a range of employment uses and compatible residential development that will maximise public transport patronage.

The Department's assessment is cognisant of the strategic intent of the SSP SEPP and BEP to facilitate the development of the Redfern Town Centre and has carefully considered the proposed built form and how its design responds to the noted constraints of the site. The proposed built form, as refined through the assessment, has sought to address these constraints by adopting setbacks to the street and separation to adjoining buildings (current and future) that have been established by the development of the adjacent sites (**Figure 7**) and by incorporating design features to ensure a reasonable level of privacy is provided between residential apartments (see **Section 6.4.1**).

Noting the identified constraints of the site, the Department considers alternative setbacks represent a reasonable design response for the corner location of the building consistent with the emerging character of the Redfern Town Centre and would provide a three-storey podium form to Gibbons Street and Marian Street.

The Department concludes the built form is acceptable and satisfies the intent of the SSP SEPP controls for the following reasons:

- the proposed 18-storey building complies with the maximum storey height and is of a scale consistent with that envisaged for the Redfern Town Centre and would reinforce the role of the town centre as a commercial, retail and residential hub
- the variations to the height/tower setback controls achieve the development outcomes as envisaged by the SSP SEPP and the RCUDP and would achieve a social and affordable housing development consistent with the provisions of the ARH SEPP
- the ARH SEPP floorspace bonus cannot be achieved without varying the setback controls
- providing a compliant tower setback to Gibbons Street and Marian Street would likely result in reduced setbacks and greater amenity impacts to the east and south
- the proposed design achieves a human scale three-storey podium form
- the GANSW support the design, noting the Applicant has responded to advice from the SDRP and GANSW

- the proposal maintains the emerging character of new development along Gibbons Street and Marian Street and would be compatible with the character of the streetscape, noting the setbacks of the existing towers to Gibbons Street are varied and do not exhibit a strong building line
- the design incorporates suitable wind mitigation measures to negate any increased downdraft from the reduced tower setbacks (subject to additional tree planting on level 3) (see **Section 6.6**)
- overshadowing, view and amenity impacts from the proposed setback variations are negligible (see **Sections 6.3 and 6.4**).

6.3 Amenity impacts

Consideration is provided below to potential amenity impacts raised in public submissions to the proposal, comprising overshadowing and view impacts. Given visual privacy requires consideration in the ADG, this is considered separately in **Section 6.4**.

6.3.1 Overshadowing

The proposed 18-storey building complies with the maximum height control and would replace existing two-storey buildings and open hardstand areas. The site is located in an area transitioning to a high-density urban environment. The extent of increased overshadowing arising from the scale and form of development anticipated by the established planning controls are an inevitable consequence of the realisation of the 18-storey building forms in the locality. This view has previously been accepted in the Department's consideration of overshadowing impacts by other high-density developments within Redfern Town Centre.

Three public submissions raised concerns the proposal would result in increased overshadowing to neighbouring buildings and streets. Two of the submissions were received by residents to the north and north-east of the site who would not be overshadowed by the proposed development. However, one of these submitters was also concerned about the general level of overshadowing from ongoing tower development in the town centre on residents on the eastern side of Regent Street. The third submission was received by a resident to the south-west of the site on the western side of Gibbons Street Reserve. Council did not raise overshadowing impacts in their submissions.

The Applicant has provided an overshadowing/solar access analysis of the proposed development compared to the impacts from a complying scheme (**Figure 19**).

The Applicant contended the overshadowing impacts from the proposed development are generally consistent with those envisaged by the planning controls for the site and are appropriate for a densely developed area to achieve the envisaged planning outcomes for the area. In addition, the slender design of the tower results in a shadow that moves quickly over surrounding sites.

The Department has reviewed the considers the extent of overshadowing impact arising from the proposed development beyond that anticipated by the controls and considers it to be minor and acceptable because:

- the proposal is consistent with the 18-storey height control and FSR control (inclusive of the ARH SEPP bonus for affordable housing) and is consistent with the form of development envisaged by the planning controls
- the extent of overshadowing is consistent with the impacts anticipated by the planning controls for the high density/town centre and desired character of the area
- existing solar access currently enjoyed by neighbouring sites to the south, south-east and south-west is unsustainable as it results from borrowed amenity afforded by the undeveloped nature of the site in respect to the permitted height controls. Preserving the existing level of solar access would, in effect, sterilise the site from future development and therefore impede the renewal of the Redfern Town Centre as envisaged by the SSP SEPP



Figure 19 | Midwinter shadow diagrams (top: 9 am; middle: midday; bottom: 3 pm). Blue = shadow impact of a complying scheme, red = additional shadow from proposed development (Base source: Architectural Plans)

- the sites to the immediate south and east (13-23 Gibbons Street, 104-106 Regent Street and 90-102 Regent Street) are also subject to an 18-storey height control. As such, a significant portion of the overshadowing generated by the proposed development would be subsumed within shadows generated by likely future tower developments on these sites
- the proposed tower setback variations would result in some additional overshadowing, however the impact is minor and limited to narrow areas either side of the complying envelope that would pass quickly over neighbouring sites throughout the day. In addition, the only impact to civic spaces would involve a narrow strip of the southern portion of Gibbons Street Reserve before 10 am in midwinter
- the proposal would not preclude a reasonable level of solar access being achieved to any future development of 90-102 Regent Street given the site has east and north facing street frontages and there would not be any additional overshadowing from the tower setback variations, noting the western elevation is already overshadowed by the existing tower development at 7-9 Gibbons Street
- while a high level of overshadowing would occur to 13-23 Gibbons Street due to its location to the immediate south of the site, this is unavoidable, and the site would receive uninterrupted solar access to its western elevation from 11 am in midwinter. While the proposed tower setback variations would result in some additional overshadowing occurring from 9 am to 1 pm in midwinter, the impact is minor in comparison to a complying development. In addition, the Department notes the proposed design of 13-23 Gibbons Street includes minimal north facing habitable rooms due to the proposal incorporating northern boundary setbacks ranging from zero to 6.5 m.

The Department concludes the impacts to the solar access on nearby existing and future residential developments are acceptable and consistent with those envisaged by the planning controls for the area.

6.3.2 View impacts

The proposed building would impact view lines from other neighbouring residential apartment buildings, including 7-9 Gibbons Street to the north and in Marian Street/Rosehill Street to the west. Impacts would also occur to the approved residential tower at 80-88 Regent Street to the north-east, the proposed development at 13-23 Gibbons Street to the south, and the future redevelopment of 90-102 Regent Street to the east.

The Applicant has considered potential view impacts on neighbouring buildings as part of the EIS and RTS. The Department has reviewed the Applicant's view impact assessment and visual impact analysis and is satisfied they accurately consider the views affected, location of where views are obtained and the extent of impacts.

One public submission raised a concern that the proposed development would block views from other residential apartments within their building (7-9 Gibbons Street). However, no submissions were received from any other residents in relation to potential view impacts. Council did not raise view impacts in its submissions.

To ascertain whether the proposed view sharing impacts are reasonable, the Department has followed a four-step assessment in accordance with the principles established by *Tenacity Vs Warringah [2004] NSWLEC 140*. The steps/principles adopted in the decision are:

1. assess the views 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 (from 'negligible' to 'devastating')
4. assess the reasonableness of the proposal that is causing the impact.

The Department's findings of the assessment against the first three steps to relevant neighbouring sites is provided below.

7-9 Gibbons Street: Existing 18-storey residential apartment building. Views currently exist over the site to 13-23 Gibbons Street to the south, and Gibbons Street Reserve and urban development beyond to the south-west. Southerly views severely impacted from the living area of apartments in the south-east corner of the development (15 of 149 apartments). View corridor to the south-west to Gibbons Street Reserve retained. Majority of apartments face west with no impact on views from the proposed development. Minimal view impact difference between the proposed development and an envelope that satisfies ADG building separation recommendations (**Figure 20**).



Figure 20 | View impact comparison between an ADG compliant envelope and the proposed envelope (levels 8-17 of 7-9 Gibbons Street). Red illustrates view impact. Blue illustrates retained view corridor (Source: Applicant's RTS)

80-88 Regent Street: Approved 18-storey apartment building (and current SSD for an 18-storey student accommodation building). South-western views severely impacted from the living areas of approved apartments in the south-western corner of the development (14 of 56 apartments). View corridor to the east along Marian Street to Gibbons Street Reserve retained (**Figure 21**). Many apartments face east with no impact on views from the proposed development.



Figure 21 | View impact comparison between an ADG compliant envelope and the proposed envelope (levels 8-17 of approved development at 80-88 Regent Street (SSD7080)). Red illustrates view impact. Blue illustrates retained view corridor (Source: Applicant's RTS)

13-23 Gibbons Street: SSD lodged for 18-storey student accommodation building. Views currently exist over the site to Gibbons Street Reserve and urban development beyond. Future northerly views significantly impacted from two student rooms per floor (total of 34 rooms). Majority of rooms would face west, east and south with no impact from the proposed development. Minimal view impact difference between the proposed development and an envelope that satisfies ADG building separation recommendations due to the close proximity of the proposed development to the northern boundary (**Figure 22**).

The majority of apartments within the existing lower scale development at 13-23 Gibbons Street (see **Figures 3 and 4**) face east/west with no windows located within the northern elevation of the development. While the southern portion of the development fronting Margaret Street does contain north facing windows, these are over 20 m from the northern boundary and even if these windows do serve main living areas, the view impact of the proposed development would be moderate.

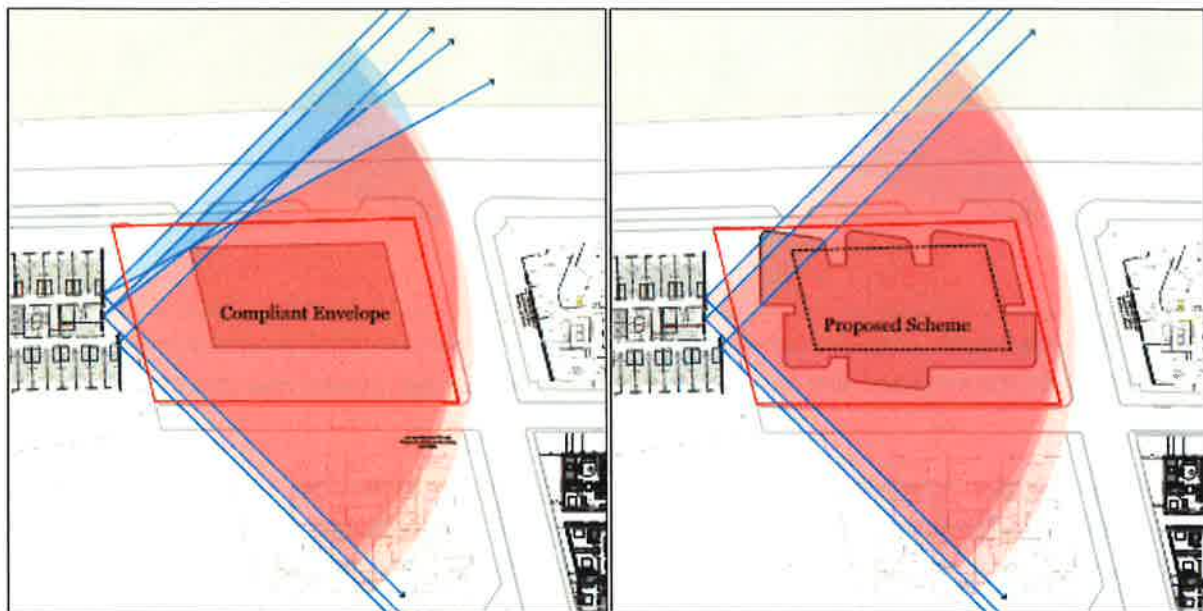


Figure 22 | View impact comparison between an ADG compliant envelope and the proposed envelope (levels 8-17 of 13-23 Gibbons Street). Red illustrates view impact. Blue illustrates retained view corridor (Source: Applicant's RTS)

90-102 Regent Street: SEARs issued for 18-storey residential apartment building. Views currently exist over the site to Gibbons Street Reserve and urban development beyond. While there is no detailed design for the development at the current time, some apartment living areas would almost certainly face east. Due to the proximity of the two sites across William Lane and the shape of the site with a longer eastern boundary, westerly views over the site would be significantly impacted, even by an envelope that satisfies ADG building separation recommendations. A partial view corridor to northern apartments along Marian Street would be retained with minimal difference between a compliant envelope and the proposed envelope (**Figure 23**). Predominant easterly views would not be impacted.

Views from west facing apartments within the existing low-scale developments at 90-102 Regent Street (see **Figure 5**) would be similarly significantly impacted, even by an envelope that satisfies ADG building separation recommendations



Figure 23 | View impact comparison between an ADG compliant envelope and the proposed envelope (indicative levels 8-17 of 90-102 Regent Street). Red illustrates view impact. Blue illustrates retained view corridor (Source: Applicant's RTS)

18-32 Rosehill Street: Existing three storey residential apartment building located on the western side of Gibbons Street Reserve. North-east facing filtered views through the trees within the reserve over the site (over 60 m away) currently exist. View impacts from living areas would be minor/moderate. No view corridor difference between the proposed envelope and an envelope that satisfies ADG building separation recommendations (**Figure 24**).

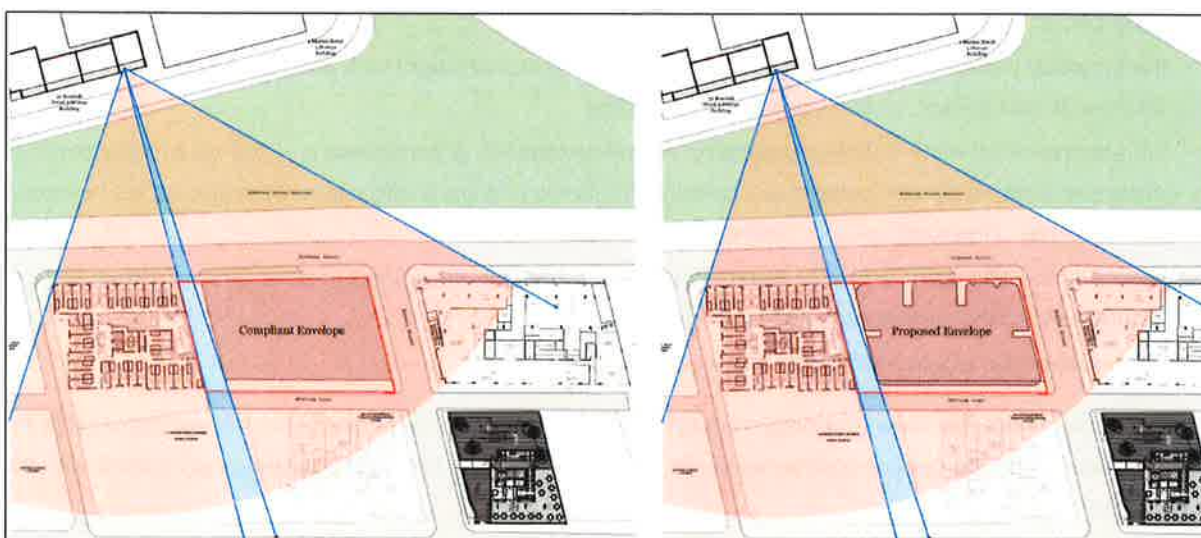


Figure 24 | View impact comparison between an ADG compliant envelope and the proposed envelope (18-32 Rosehill Street). Red illustrates view impact. Blue illustrates retained view corridor (Source: Applicant's RTS)

1-9 Marian Street: Existing five storey residential apartment building located on the western side of Gibbons Street Reserve. East facing filtered views through the trees within the reserve over the site (over 60 m away) currently exist. View impacts from living areas would be minor/moderate. No view corridor reduction between the proposed envelope and an envelope that satisfies ADG building separation recommendations (**Figure 25**).



Figure 25 | View impact comparison between an ADG compliant envelope and the proposed envelope (1-9 Marian Street). Red illustrates view impact. Blue illustrates retained view corridor (Source: Applicant's RTS)

The fourth step of the Tenacity planning principles is to assess the reasonableness of the proposal that is causing the impact.

The Applicant contended the following in relation to the reasonableness of the proposed development in relation to view impacts:

- the proposal provides a slender tower form within the 18-storey height limit and density controls envisaged for the site, and as such, impacts on views is inevitable
- full adherence to ADG building separation recommendations is unnecessary as the view impacts of the proposed scheme are comparable to a complying scheme and any additional views impacted are not iconic and would be unreasonable to be retained in a dense urban area
- several of the affected sites enjoy views of the public domain, including Gibbons Street Reserve and /or distant views of the eastern and western suburbs
- surrounding sites would retain some minor views across the site.

The Department notes the views currently enjoyed by neighbouring buildings across the site are the result of the amenity afforded by the current undeveloped site containing low-rise two-storey buildings associated with the previous use as a Council depot.

The existing and proposed buildings within the town centre were approved by virtue of uplifted planning controls and design guidelines adopted to achieve the SSP SEPP strategic objectives for the Redfern-Waterloo Precinct by facilitating the development of the Redfern Town Centre, encouraging employment generating activities and permitting residential development that is compatible with non-residential development.

The Department acknowledges the adverse impact on some views from neighbouring buildings, however the proposed development is consistent with the 18-storey maximum height control applying to the site. Furthermore, the preservation of existing views, that were created by similar uplifted controls on these sites, would not allow the proposed development to proceed, despite it being of a scale proportional to existing neighbouring developed sites.

The Department also considers protecting existing views would not meet the terms of the broader strategic objectives for this area and its ability to contribute to a range of strategic objectives in the BEP and RCUDP, including economic growth, job creation and housing supply in areas well serviced by public transport, the CBD and a range of other amenities.

Although the proposed built form extends partly beyond an envelope that satisfies the SSP SEPP tower setback controls (see **Section 6.2.1**) and all ADG building separation recommendations (see **Section 6.4.1**), the resultant changes to view corridor impacts to neighbouring properties would be minor and consistent with a high-density town centre location.

The Department concludes the overall view impacts are consistent with tower development within a high-density town centre location and is reasonable as the proposal is consistent with the maximum 18-storey height and density controls. The Department further concludes that compliance with the tower setback controls and full adherence to an envelope that satisfies ADG building separation recommendations is unnecessary as it would not materially increase the view corridors available from adjacent development.

6.4 Residential amenity for future occupants

SEPP 65 contains nine design principles to ensure high quality residential apartment development. SEPP 65 also requires consideration of the ADG which supports the nine design quality principles by giving greater detail as to how those principles might be achieved. **Appendix D** provides an assessment of the proposal against the SEPP 65 design principles and relevant design criteria in the ADG.

The Department has considered the residential amenity of the proposal against the ADG design criteria, and considers the proposal demonstrates good design in that the development provides an acceptable level of amenity.

However, there are departures from the recommendations of the ADG in relation to:

- building separation/visual privacy
- solar and daylight access
- natural ventilation/acoustic privacy/noise and pollution
- car parking (see **Section 6.5**).

These matters, plus overall apartment amenity, are discussed below. Council has raised concerns regarding non-compliances with ADG provisions, specifically in relation to natural ventilation/acoustic privacy. These matters are also considered below.

6.4.1 Building separation/visual privacy

To achieve visual privacy the ADG recommends minimum building separation distances between habitable rooms and balconies of adjacent buildings. Some of the proposed building separations between the proposal and neighbouring development are less than recommended by the ADG as set out in **Table 6** and illustrated in **Figure 26**.

No public submissions raised concerns in relation to building separation/privacy. Council recommended the building separation requirements should be consistently applied to protect future residential amenity.

The Applicant contended that the proposed development complies with the height and density controls and that the proposed built form would not result in unacceptable privacy impacts due to the separation distances and privacy mitigation measures, including high-level windows and screens. The Applicant further contended that a scheme that fully satisfies the ADG building separation recommendations would be unviable and the public benefit of social and affordable housing on the site would be lost. **Figure 27** illustrates the limited portion of the site that can comply with all the ADG building separation recommendations, combined with the tower setback controls under the SSP SEPP.

Table 6 | Proposed building separation and ADG recommendations

ADG Recommended Minimum Separation Distance*	Direction	Proposed distance to boundary (south) or to centreline of William Lane and Marian Street (east and north)	Achieved
<u>Up to 4 Storeys</u> 6 m to boundary (12 m to neighbouring building)	East (William Lane)	6 m	Yes
	West (Gibbons Street)	N/A	Yes
	North (Marian Street)	6.8m	Yes
	South (13-23 Gibbons Street)	6 m	Yes
<u>Up to 4 -8 Storeys</u> 9 m to boundary (18 m to neighbouring building)	East (William Lane)	5.3 m to 9 m	No
	West (Gibbons Street)	N/A	Yes
	North (Marian Street)	6.4 m to 8.2 m	No
	South (13-23 Gibbons Street)	4.6 m to 7.5m	No
<u>Above 9 Storeys</u> 12 m to boundary (24 m to neighbouring building)	East (William Lane)	5.3 m to 9 m	No
	West (Gibbons Street)	N/A	Yes
	North (Marian Street)	6.4 m to 8.2 m	No
	South (13-23 Gibbons Street)	4.6 m to 7.5m	No

* Based on recommended ADG separation distance between facing habitable rooms/balconies.

To ensure appropriate visual privacy is provided between the proposed building and existing/future neighbouring buildings, the development, as refined through the RTS, incorporates several design measures, including adapting the floor plan layout/use of vertical building elements to avoid direct views to neighbouring properties, high-level and opaque windows, and use of privacy screens. The specific design measures for each elevation, where the minimum ADG recommendations have not been satisfied, are considered below.

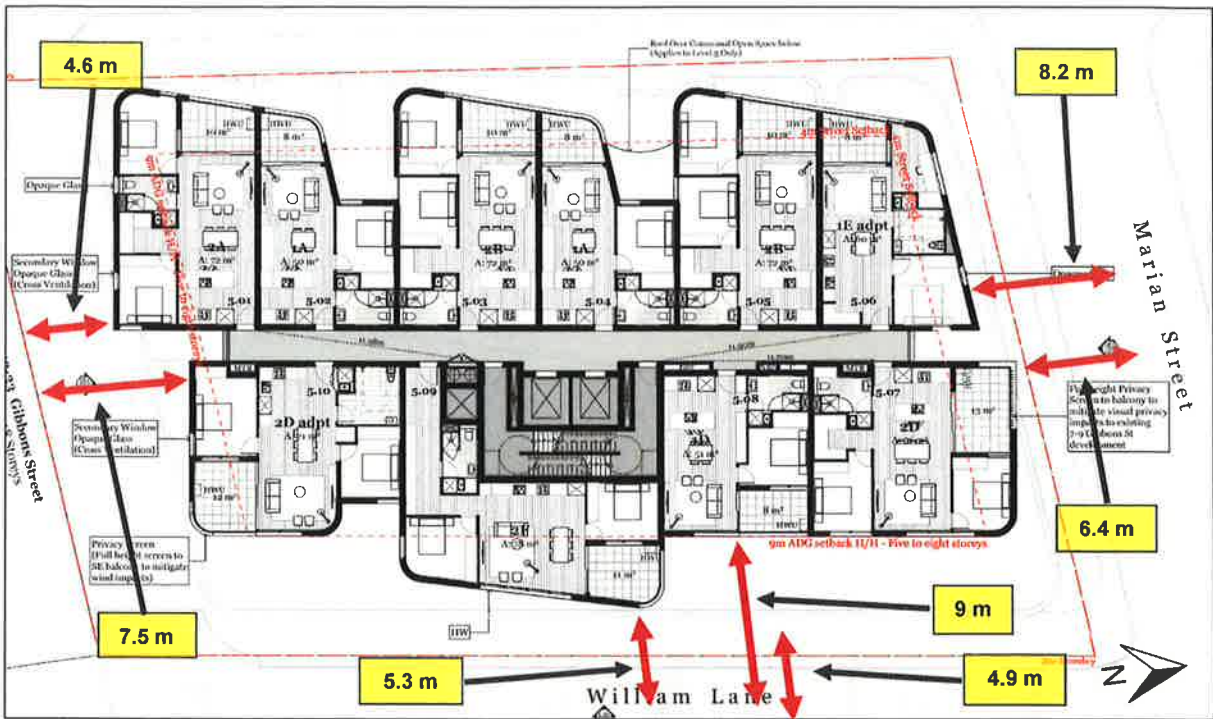


Figure 26 | Variations to recommended ADG setbacks: 4 to above 9 storeys (Base source: Architectural Plans)



Figure 27 | Floorplan of levels 8 to 16 of the proposed tower overlaid with the ADG and SSP SEPP setback controls (Source: Architectural Plans)

North to 7-9 Gibbons Street

The proposed setbacks range from 6.4 m to 8.2 m above level 4 (to the centreline of Gibbons Street). Where balconies/windows are located within the recommended ADG setback, privacy has been addressed as follows (see **Figure 28**):

- the balcony serving apartment type 2D has been orientated to the west with a full height privacy screen proposed on the northern side

- the lower portion (to 2 m above finished floor level) of the bedroom window of apartment type 1E-adaptable would be an opaquely glazed, awning style window with restricted opening to maintain privacy and satisfy BCA requirements
- the living room/study nook window of apartment type 1E is not orientated towards neighbouring facing windows and is over 11 m from the apartment balconies at 7-9 Gibbons Street.

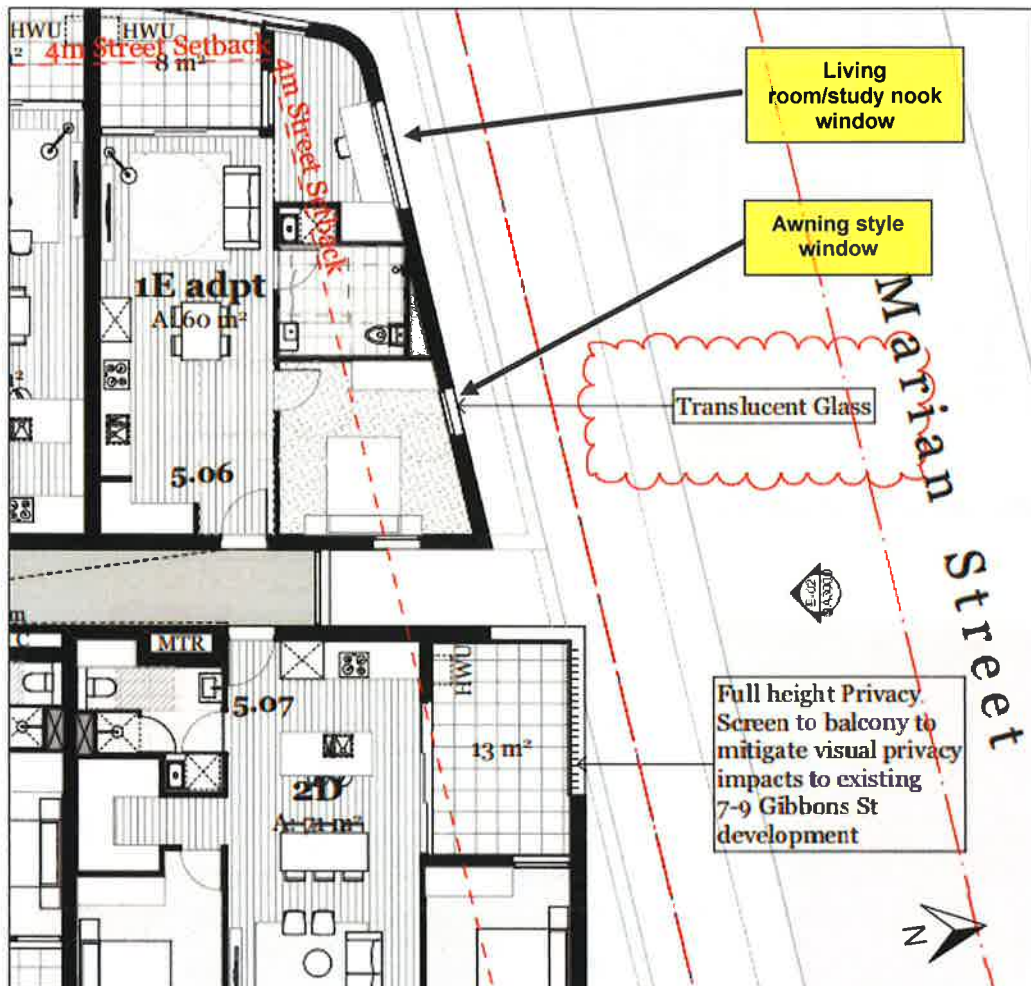


Figure 28 | Proposed privacy mitigation measures for north facing apartments (Base source: Architectural Plans)

South to 13-23 Gibbons Street

The proposed setbacks range from 4.6 m to 7.5 m with a minimum of 6 m up to level 4. Where balconies/windows are located within the recommended ADG setback, privacy has been considered/addressed as follows (see **Figure 29**):

- the balcony serving apartment type 2D-adaptable has been orientated to the east with a full height privacy screen proposed on the southern side
- the lower portion (to 2 m above finished floor level) of the awning style secondary south facing windows of apartment types 2D-adaptable and 2A (and bathroom window of apartment type 2A) would be opaquely glazed with restricted opening.

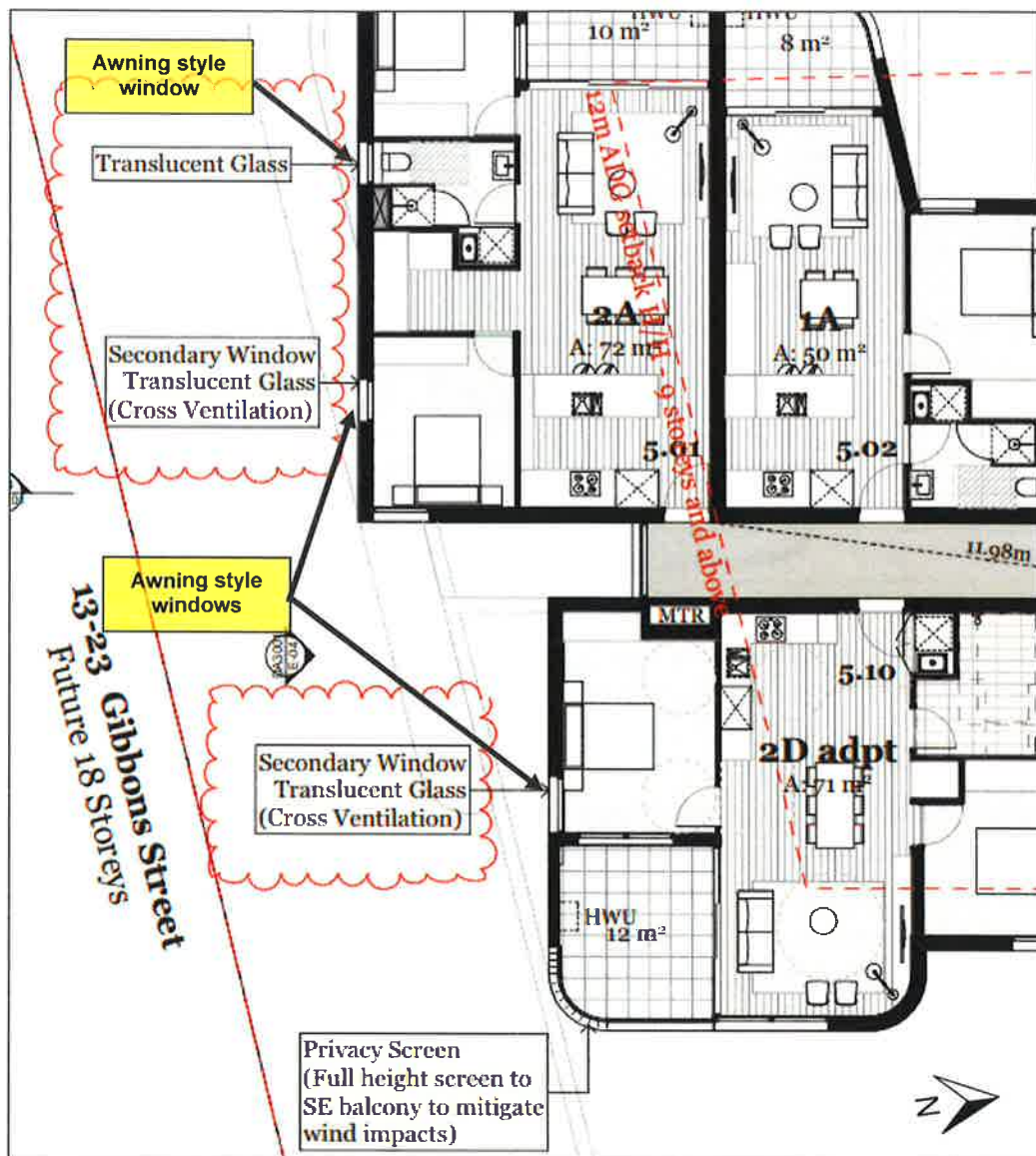


Figure 29 | Proposed privacy mitigation measures for south facing apartments (Base source: Architectural Plans)

While the podium complies with the 6 m setback, the tower above includes an element that would be setback 4.6 m from the boundary rather than 9 m/12 m (see **Figure 26**). Although this does not result in privacy impacts, the issue of visual separation is considered in relation to Redfern Town Centre below.

East to 90-102 Regent Street

The proposed setbacks range from 6 m to 9 m up to level 4 with setbacks of 5.3 m to 9 m above level 4 (to the centreline of William Lane). Where balconies/windows are located within the recommended ADG setback, privacy has been considered/addressed as follows (see **Figure 30**):

- the secondary living room window of apartment type 2F on all levels above level 3 would be an awning style, obscurely glazed window with outlook provided via the glazed doors opening onto the north facing balcony
- the balconies and living area/bedroom windows serving three apartments per floor, the proposed setback would be 9 m not 12 m as recommended by the ADG. Given these balconies and windows provide the primary outlook for these apartments, no privacy mitigation measures are proposed. The Applicant contended that if the future development at 90-102 Regent Street were to provide a minimum 6 m setback to the centreline of William Lane, a total separation distance of at least 15 m would be achieved. The Department

notes this would exceed the separation distance provided for other developments within the town centre (see below).

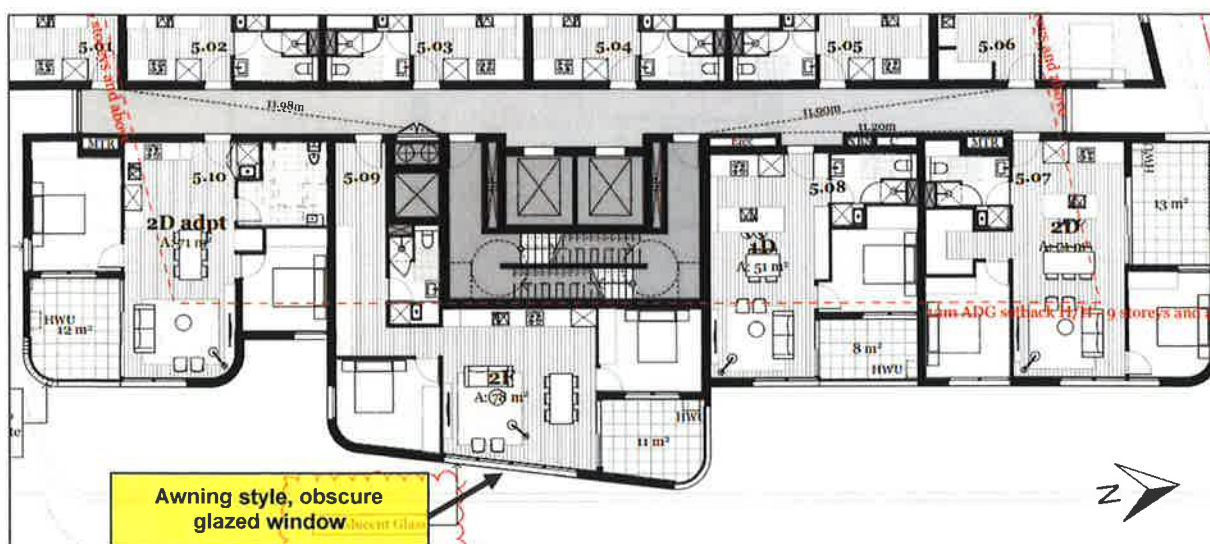


Figure 30 | Proposed privacy mitigation measures for east facing apartments (Base source: Architectural Plans)

Redfern Town Centre

The Department notes the broader Redfern Town Centre has an emerging character of higher densities and building separations less than prescribed by the ADG. Building separation between the towers on the block bounded by Gibbons, Redfern, Regent and Marian Streets to the north of the site (**Figure 31**) are approximately:

- a minimum of 14.4 m between 157-159 Redfern Street and 1 Lawson Square
- a minimum of 11.8 m to 12 m between 157-159 Redfern Street and 7-9 Gibbons Street
- a minimum of 13.1 m between 157-159 Redfern Street and 60-78 Regent Street
- a minimum of 12 m between the approved development at 80-88 Redfern Street and 60-78 Regent Street
- a minimum of 11 m between the approved development at 80-88 Redfern Street and 7-9 Gibbons Street.

A predominant minimum setback distance of 12 m is observed between the tower forms (**Figure 31**).

The Department notes the proposed setbacks to adjacent sites to the north, east and south, reflect the existing tower separation pattern in this tightly configured town centre, but which do not satisfy the ADG standard recommended setbacks. In particular, at 7-9 Gibbons Street, a minimum 5.6 m separation is provided between the residential levels and the centreline of William Lane, resulting in an overall minimum separation distance of 11 m to the approved residential levels of 80-88 Regent Street.

The Department considers the proposed setbacks/building separation distances are consistent with the emerging built form character of the town centre and, combined with the proposed design treatments, provides an acceptable balance between providing a reasonable level of visual privacy to residents and allowing development to proceed in this high-density area. The Department considers the proposed floor layout, design features and architectural elements would provide acceptable privacy for future residents and that this satisfies the intent of the ADG.

The Department considers further increasing the setbacks of the proposed building to increase overall building separations would firstly not result in any material improvements to visual privacy and secondly, achieving strict compliance with the recommended separation distances under the ADG would render the site incapable of being

developed in a manner consistent with the envisaged character for the area (see **Figure 31**). This would impede the broader strategic objective for urban renewal and revitalisation of the Redfern Town Centre.

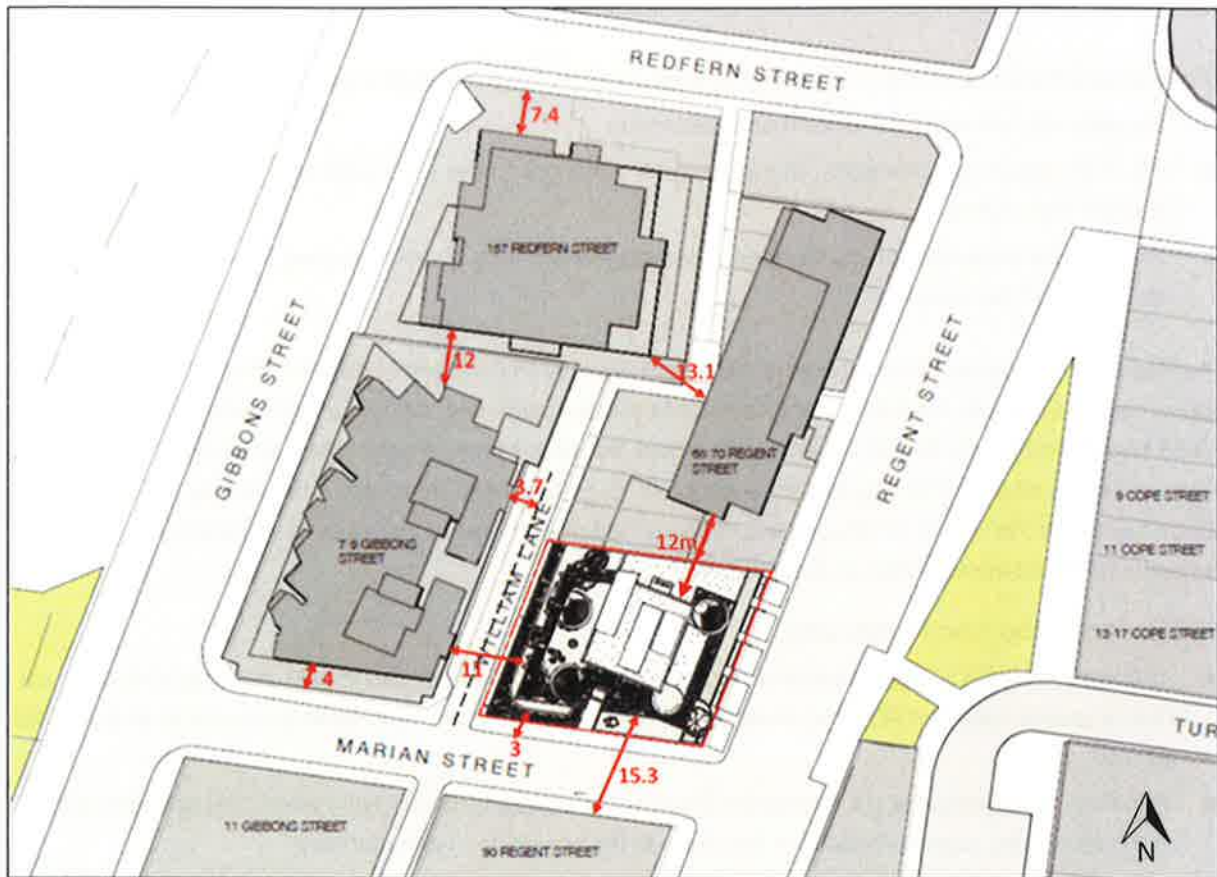


Figure 31: Building separations of high-density developments within Redfern Town Centre to the north of the site. (Source: SSD 7080 (80-88 Regent Street) Assessment Report)

In addition, the ADG recommended setbacks are not intended to be applied as strict development standards, and it is more appropriate for the Department to consider the emerging high-density character of the town centre and the incorporation of suitable design measures to maintain visual privacy and mitigate potential impacts.

Conclusion

The Department concludes the proposal is consistent with the established and emerging character, including the building separations, of the Redfern Town Centre. The Department also accepts the proposed separation distances between buildings would achieve an acceptable level of visual privacy to adjoining properties through good design and use of appropriate privacy mitigation measures to some apartments.

6.4.2 Solar and daylight access

The ADG recommends the following solar access provisions between 9 am and 3 pm at midwinter:

- a minimum 70% of living rooms and private open spaces of apartment receive a minimum of two hours of direct sunlight
- a maximum of 15% of apartments receive no direct sunlight.

The ADG however recognises it may not be possible to achieve the above design criteria depending on specific site constraints and orientation.

The Applicant has submitted additional information, including solar access diagrams at 15-minute intervals in midwinter. The proposed development achieves 67% solar access (107 of 160 apartments). The proposed 3% variation to the recommended 70% equates to five apartments.

The Applicant contended the proposed level of solar access is reasonable because:

- the site is located within a dense urban environment
- the Commission has previously approved minor variations to the ADG solar access recommendations in Redfern Town Centre
- the proposal provides communal open space on levels 3 and 17 which exceed minimum area and solar access recommendations.

The Department accepts the constraints of the site significantly limit the extent to which the recommended solar access can be achieved. In addition, whilst the Department is cognisant that future high density development at 80-88 Regent Street and 90-102 Regent Street would reduce the level of solar access achieved to the east and north facing apartments, the Department accepts this is an inevitable outcome of the zoning and height/FSR controls within Redfern Town Centre and that the proposed design has sought to maximise the level of solar access to the proposed apartments that can be achieved.

The Department also notes the following:

- 154 apartments (96%) would receive some solar access with only 6 apartments (4%) receiving no solar access. This improves upon the ADG recommendation that a maximum of 15% of apartments can receive no solar access
- five of the apartments that do not receive 2 hours of solar access to their living areas between 9 am and 3 pm in midwinter, would receive over two hours to their balconies/wintergardens
- with reference to the judgement in the matter of *Botany Development Pty Ltd v Botany Council [2013]*, if the hours of solar access consideration were extended to 8 am to 4 pm, 74% of the apartments (118 of 160) would receive the recommended two hours solar access.

The Department's analysis also confirms that of the 53 apartments receiving less than two hours solar access, all satisfy minimum unit and balcony size recommendations, would be cross-ventilated and/or be ventilated by the proposed solar powered mechanical system, and would have access to high quality communal open space on levels 3 and 17. As such, the Department considers the intent of the ADG to ensure overall high-quality residential apartment development and acceptable residential amenity has been achieved despite solar access recommendations not being fully met.

The Department has reached similar conclusions in the assessment of other constrained locations within the town centre, including 44% of apartments at 157 Redfern Street, 66% of apartments at 7-9 Gibbons Street, and most recently 52% of apartments at 80-88 Regent Street. For 80-88 Regent Street, the Commission, noting the constraints of the site, agreed with the Department's assessment and considered the proposed variation was marginal and that the proposed apartments would otherwise benefit from good amenity.

The Department concludes the proposed development has provided an appropriate design response to maximise solar access and provide for increased residential density in this constrained town centre location.

6.4.3 Natural ventilation/acoustic privacy/noise and pollution

To maximise apartments with natural cross ventilation, the ADG recommends at least 60% of apartments in the first nine storeys of a building be naturally cross ventilated. Apartments at 10 storeys or greater are deemed to be cross ventilated where balconies/wintergardens cannot be fully enclosed.

The proposed development achieves 61% (44 of 72 apartments) natural cross ventilation to apartments in the first nine storeys. However, a number of these apartments rely on frontages to Gibbons Street for natural cross ventilation development, despite the Acoustic Report submitted with the EIS and RTS stating these apartments would be potentially affected by road traffic noise. Impacts from road noise are unavoidable given the site's predominant outlook is to the west over Gibbons Street, with this frontage also providing the greatest access to natural light and views.

The ADG recommends in noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings and that appropriate noise attenuation techniques are used to mitigate noise transmission.

To achieve compliance with relevant guidelines, including the provisions of the ISEPP and the Development Near Rail Corridors and Busy Roads – Interim Guidelines (2008), the Acoustic Report recommends mitigation measures such as façade and roof sound insulation, and glazing treatments including increased glazing thickness and acoustic seals to operable windows and doors. Furthermore, the design includes the following:

- wintergardens proposed for apartments on Levels 1 and 2 fronting Gibbons Street
- alcoves provided to bedroom windows fronting Gibbons Street to create quiet zones for bedroom windows
- double glazing proposed for bedrooms on the corners of the building overlooking Gibbons Street.

Council and the GANSW raised concerns that the recommendations of the Acoustic Report are inconsistent with the provision of natural cross ventilation as future residents would have to choose between acoustic privacy or natural ventilation. Council recommended a passive ventilation system utilising plenums and/or chimneys be provided.

The Applicant contended a passive ventilation system for the development is not viable given the unavoidable constraints of road and rail noise and pollution. The Applicant's RTS therefore provided information regarding the proposed solar powered mechanical ventilation system, designed to provide fresh air from roof level to each apartment.

Proposed ventilation system

The proposed system would comprise a central outdoor air system (COAS) that consists of fans on the roof that provides fresh air to apartments via a ducted system. The COAS, powered by solar panels on the roof with mains power back-up, would pump natural air from the roof. A common riser drops through the building and branches off into each corridor ceiling void and then into each apartment. Fire dampers would be installed on each duct penetration into the corridors and apartments and corridor ceiling heights would be 2.4 m, consistent with the ADG.

Trickle vents integrated into the external doors/windows would enable air to escape. If these are closed by the resident, air can escape under doors into the communal corridor or via the passive kitchen and bathroom exhaust systems.

The Applicant's ESD Strategy confirms the thermal comfort of the worst performing apartment would be adequate and the proposed residential apartments would achieve an 8-Star NatHERS rating.

The proposed system would therefore would utilise solar energy to provide fresher, cleaner air from the roof level to all apartments. The system would also prevent mould growth that would occur if a form of mechanical ventilation were not provided for the proposed building (and windows were kept closed).

Council has maintained its objection, noting the proposed method of mechanical ventilation would not satisfy the objectives of the ADG. The GANSW, however notes the public benefit of providing social and affordable housing

in the town centre has enough merit to substantiate alternative approaches to supplying fresh air to apartments in a challenging, noisy, and low air quality environment.

The Department notes Council's concerns and the conflict between natural ventilation and acoustic privacy. However, the ADG specifically acknowledges it may not be possible to satisfy this recommendation in noisy environments and therefore allows for flexibility in the application of specific design guidelines for solar access, private open space and natural cross ventilation.

Whilst not technically achieving natural cross ventilation, the Department considers the proposed ventilation system provides a form of hybrid cross ventilation insofar as the proposed system would provide all apartments with a direct connection to fresh air shafts via fire isolated ducts. The Department considers the proposed system would provide suitable air flow within the apartments and would achieve the intent of the ADG. The Department further notes alternative apartment ventilation systems were also approved by the Commission for developments at 80-88 Regent Street, the Carlton United Brewery redevelopment, 80 Harrington Street in The Rocks, and Buildings R4A and R4B in Barangaroo.

The Department also considers the ability to provide natural cross ventilation and acoustic privacy is not mutually exclusive, as both are not required at all times. In noisy periods, windows and doors can be closed to obtain acoustic privacy and appropriate airflow can be supplemented through the proposed ventilation system. This approach enables the resident more flexibility to manage their amenity levels, to achieve both acoustic privacy and/or cross ventilation.

Conclusion

The Department concludes the proposed development would achieve satisfactory natural ventilation and acoustic privacy because:

- 61% of apartments below level 10 would achieve natural cross ventilation
- a hybrid form of natural ventilation would be provided to all apartments and represents a satisfactory design outcome to improve the amenity of apartments given the noise restrictions of the site that may restrict desired opening of doors and windows
- air conditioning is not proposed and the proposed ventilation system would be solar powered
- methods of hybrid cross ventilation have previously been adopted in other high-density inner-city developments
- all apartments would achieve good to high level of amenity in terms of space standards and layout, solar access, private open space and access to communal open space.

The Department therefore recommends a condition be imposed requiring building elements, ventilation system and glazing comply with the recommendations of the Acoustic Report and ESD Strategy.

6.4.4 Overall apartment amenity

The intent of the ADG is to help achieve better design and planning for residential apartment buildings, including improving liveability through enhanced internal and external residential amenity.

In reviewing the overall design of the proposed apartments in relation to the intent of the ADG, the Department notes the following beneficial design aspects:

- all apartments satisfy or exceed the ADG minimum unit size recommendation
- all balconies/wintergardens satisfy the minimum size recommendation with 36% exceeding the minimum size and almost all also exceeding the minimum depth requirement of 2 m

- all west facing apartments would benefit from views over Gibbons Street Reserve and Redfern Train Station towards the north-west
- the layout of the apartments is well organised with minimal wasted circulation space and a rectangular open plan living area allowing flexibility in future furniture layouts.

On 29 June 2017, the Planning Circular 'Using the Apartment Design Guide' was issued by the Department. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved. The Circular supports the Department's approach to assessing the residential amenity of the proposed development in that all proposed 160 apartments are unlikely to reasonably achieve every amenity design criteria in the ADG and that the ADG notably does not require this.

Overall, the Department considers all apartment types would achieve an acceptable level of amenity with most apartments receiving a high level of amenity. As such, the Department concludes the proposed development satisfies the intent of the ADG and is acceptable in relation to residential amenity.

6.5 Traffic, parking and access/servicing

The Applicant submitted a Traffic Assessment (TA) with the EIS which assessed the potential traffic impacts of the proposed development and the proposed provision of car parking and bicycle parking.

6.5.1 Traffic

The TA concludes overall traffic numbers generated by the development would be negligible given no car parking spaces are provided and that while some residents might rely on taxis and car share as a mode of transport, these trips would not adversely impact existing traffic conditions.

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

The Department is satisfied that given the proposed development does not include any off-street car parking (see **Section 6.5.2**), it could not be expected to generate any appreciable increase in traffic. Most vehicular movements associated with the development are likely to comprise the servicing and delivery needs of the development. These would be relatively infrequent and generally do not coincide with typical commuter peak periods.

Accordingly, the Department concludes the proposed development would result in minimal traffic generation and would not have any unacceptable traffic implications in terms of road capacity.

6.5.2 Parking

Vehicle parking

The proposed development does not include any vehicle parking. Under the provisions of ARH SEPP, the number of residential car parking spaces required for the proposed development is 76. A maximum of six retail/commercial car parking spaces would also be required under the provisions of Sydney Local Environmental Plan 2012 (SLEP 2012) while seven motorcycle spaces would be required under the provisions of Sydney Development Control Plan 2012 (SDCP 2012).

Concerns have been raised in one public submission and by the NSW Police about the absence of car parking within the development and the development's likely impact on demand for existing off-street car parking spaces. Council did not raise any concerns in relation to car parking.

The Applicant contended the proposed zero parking provision is appropriate given the close proximity of Redfern Train Station and that there are also three bus stops located within 300 m of the site on Gibbons Street and Regent Street, one of which is directly opposite the site on the western side of Gibbons Street. Numerous bus routes service these stops, including to the CBD, Marrickville Metro, Port Botany, Sydney Airport and Cronulla. A car share space is also located opposite the site on the northern side of Marian Street.

The Applicant also contended that the proposed development is visioned to align with a future with less dependency on cars and more on public transport. Furthermore, the Applicant has advised that the level of car ownership by their tenants is typically low given the residents are on low incomes.

The Department notes this approach is consistent with the constructed student accommodation development at 60-78 Regent Street, comprising 134 student accommodation apartments for 370 students, which does not provide any off-street parking facilities. Furthermore, no vehicle parking is proposed for the current proposed student accommodation development at 80-88 Regent Street (SSD 9275).

The Department considers providing zero on-site vehicle parking spaces for the proposed development is appropriate as:

- the site is close to shops and services within the Redfern Town Centre
- the site is in close proximity to Redfern Train Station and a number of key bus services
- the development includes 100 bicycle parking spaces, including the potential provision of shared bicycles purchased by the Applicant (see below)
- 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, as requested by Council
- the Regional and District Plans and SLEP 2012 encourage a reduction in car dependency and the use of alternative modes of transport.

Bicycle parking

A total of 100 bicycle parking spaces are proposed for the development with 80 spaces provided for residents and 16 spaces for workers located on the ground floor with access from William Lane. A further four visitor bicycle parking spaces are proposed within the William Lane setback.

Under the provisions of SDCP 2012, a total of 185 bicycle spaces, comprising 160 resident, 20 visitor (16 residential, 2 commercial and 2 retail) and 5 commercial/retail spaces, would normally be required for the proposed form of development.

The GANSW requested that increased the entry to the bicycle room fronting William Lane be increased while the NSW Police raised concerns regarding bicycle security. Council also raised concerns the proposed number of bicycle spaces would be insufficient.

The Applicant contended the bicycle parking rate is not tailored to the specific needs of social and affordable housing and that the proposed number of bicycle parking spaces is appropriate because 80% to 90% of social and affordable housing tenants do not have bicycles (based on studies at other SGCH sites).

Based on their analysis, the Applicant expects up to 40 tenants would own and use a bicycle and as such, providing floorspace for 185 bicycle spaces that would be highly unlikely to be used would be an inappropriate and inefficient use of space.

The Applicant, however is keen to encourage positive health and lifestyle outcomes for future tenants and given the proposed 80 resident spaces are also unlikely to be fully utilised by tenants, the Applicant intends to extend

an existing program to assist tenants purchase a bicycle and potentially purchase bicycles for use in a bicycle share scheme.

In response to comments from the GANSW, Council and NSW Police, the RTS increased the number of bicycle parking spaces from 92 to 100 and changes to the design of the bicycle storage room, including increasing the glazing to William Lane to allow for increased surveillance and passive activation.

The Department is satisfied the proposal provides sufficient bicycle parking for future residents, visitors and workers because:

- 80 resident bicycle parking spaces are proposed which equates to one space per two apartments
- the Applicant has demonstrated that bicycle ownership by residents of social and affordable housing is typically low (10% to 20% of tenants) and the provision of additional bicycle parking spaces is likely to be of limited benefit
- to encourage bicycle ownership, the Applicant would extend an existing program to assist tenants in purchasing white goods and technology
- following a review of usage/available bicycle spaces, the Applicant would provide bicycles for use by residents through a bicycle share scheme which would encourage use of sustainable transport
- the proposed number of worker bicycle parking spaces exceeds the provisions of SDRP 2012 and would encourage more workers to cycle
- visitor bicycle parking spaces are provided in a convenient location, adjacent to the SGCH office entry on William Lane.

6.5.3 Access/servicing

Waste collection and servicing would occur via the proposed private driveway to the southern side of the proposed building. Vehicles would enter from William Lane and exit onto Gibbons Street in a forward direction. The driveway is 6 m wide and would be secured at each end by 3 m high gates. The driveway would be able to accommodate Council's 9.5 m length waste collection truck. The TA confirms deliveries would be limited to 8.8 m length medium rigid vehicles.

TfNSW requested further information regarding operation of the proposed service arrangements, noting lack of appropriate service provision has the potential to contribute to congestion in the road network. The required additional information has been provided confirming the proposed private driveway would provide sufficient space for all loading and servicing requirements of the development. TfNSW have recommended a condition requiring preparation of a Freight and Service Management Plan.

The Department notes William Lane receives low traffic and the Applicant has demonstrated that the manoeuvrability within the lane and to the proposed driveway is workable.

The Department considers the proposed servicing location and future building management would ensure a satisfactory level of serving for the proposed building. To ensure the safe and efficient handling of waste for all future occupants, the Department recommends conditions requiring a detailed Waste Management Plan and a Freight and Service Management Plan.

6.6 Other Issues

Other relevant issues for consideration are addressed in **Table 7**.

Table 7 | Summary of other issues raised

Issue	Findings	Recommended condition
Operational management and noise	<ul style="list-style-type: none"> • Two public submissions raised concerns regarding operational noise impacts. NSW Police also raised concerns regarding potential anti-social use of the communal open spaces. • An Operational Strategy (OS) has been submitted which outlines how the proposed social and affordable housing would be managed. This would be achieved through the location of a permanent SGCH office within the development providing professional management and support of the social and affordable housing tenants, including: <ul style="list-style-type: none"> ○ a support coordination team ○ a housing action team ○ place making staff to assist with employment pathways ○ tenancy managers ○ maintenance people ○ security / evening duty manager, providing an out-of-hours security presence. • The Applicant also proposes the following management measures to be included in an Operational Plan of Management (OPM): <ul style="list-style-type: none"> ○ prohibition of alcohol within all common areas of the building, including outdoor spaces ○ restrict hours of use of the communal open space ○ prohibition of all drugs/illegal substances and weapons on-site ○ complaints handling and resolution procedure ○ induction and procedures to manage tenants moving into and out of the accommodation. • The Department considers, subject to appropriate management through the OS, OPM and recommended conditions relating to the above, the proposed use would not have 	<ul style="list-style-type: none"> • Limit the maximum noise emissions arising from general use, operation and plant. • Limit the communal open space hours of use to 7 am to 10 pm Monday to Saturday and 8 am to 9 pm Sunday and public holidays. • Prohibit amplified noise/music and consumption of alcohol within the communal open spaces. • Prepare an OPM consistent with the above.

an unreasonable impact on the locality in terms of noise or anti-social behavior.

Landscaping and public domain

- The proposed development includes the following landscaping and public domain works:
 - planting one street tree on Gibbons Street
 - landscaping to outdoor communal open spaces on levels 3 and 17, including 15 trees, plus shrubs, grasses and climbers
 - 3.2 m wide setback to William Lane to allow for a 2.6 m wide footpath
 - 800 mm wide setback to Marian Street to allow for a 3 m wide footpath.
- The RTS included additional landscape information as requested by Council (see consideration of Wind below).
- Council has requested the proposed 3 m wide footpath to Marian Street be increased by 800 mm to allow for the reduced width generated by light poles and street signs.
- The Department notes the RCUDP requires a 1.5 m setback to Marian Street to provide an average footpath width of 3 m. Given the proposed 800 mm setback would provide a 3 m footpath width to Marian Street, the footpath width on the northern side of Marian Street at 7-9 Gibbons Street is 3.3 m, and the Applicant has confirmed existing powerlines would be relocated underground, the Department considers an additional 800 mm setback unnecessary. Notably, a 3.8 m wide footpath is proposed to William Lane, exceeding the RCUDP requirement of 1.5 m by 2.3 m.
- While Council has also raised concerns regarding the longevity of the proposed trees on level 3, the Applicant has confirmed the proposed landscape planting has been developed with a recognition of the environmental constraints, utilises hardy native plants, and the proposed planters have been used successfully in other SGCH sites.
- Public domain and landscaping works to occur in accordance with the approved plans.
- Public domain conditions recommended in accordance with Council's recommended conditions of consent.

- The Department considers the proposed landscaping and public domain works are commensurate with the scale of development and would result in an improved public environment on all three road frontages.

Public art

- The EIS and RTS included a Public Art Strategy which seeks to incorporate the heritage and cultural values of the local Aboriginal community into the design of the building and its landscaping.
- This is proposed through paving within the forecourt and lobby and through panels fixed to the soffit of the level 3 communal open space.
- Council supports the proposed public art initiatives and recommends a detailed public art strategy be prepared, incorporating specific information relating to ongoing ownership and maintenance and associated budget allowances.
- The Department is satisfied the proposed development incorporates an appropriate Public Art Strategy and agrees with Council's recommendation that a detailed strategy be prepared.
- Prepare and implement a detailed Public Art Strategy.

Wind

- Council raised concerns regarding the potential wind impacts of the development, including on the amenity of the proposed level 3 communal open space.
- The EIS included a Wind Environment Study which concluded wind conditions at ground level around the development, and on the outdoor level 3 communal space, would be subject to strong winds that would exceed relevant criteria for comfort and/or safety.
- The report recommended various treatments to reduce the wind impacts in these locations. The proposed plans incorporate these treatments, including extending the awning along the Marian Street frontage and private driveway, provision of an impermeable wind screen and balustrades around the level 3
- Implement recommendations of the Wind Environment Study and supplemental Wind Report.
- Prepare a revised detailed landscape plan that incorporates required planting spacing to achieve an interlocking foliage.

communal space, and providing a chamfer to the south-western corner of the podium.

- A supplemental Wind Report submitted with the RTS confirms that subject to these design features, the wind conditions for all outdoor trafficable areas within and around the development would be suitable for their intended use.
- The supplemental Wind Report also recommends lightweight furniture is not to be used in outdoor areas unless secured to the slab.
- The proposed landscape plan, however does not correspond with the recommendation of the supplemental Wind Report for the proposed planting to be spaced to achieve interlocking foliage. The Applicant has requested a condition be imposed requiring a detailed landscape plan incorporating this recommendation.
- The Department is satisfied that subject to the recommended treatments and a condition requiring a revised detailed landscape plan that incorporates interlocking foliage, the proposed development would not result in any unacceptable wind impacts for pedestrians, residents and visitors to the proposed building or at adjoining properties.

Heritage

- The site does not contain any heritage listings and is located over 60 m from the 'Redfern Estate Conservation Area' on the eastern side of Regent Street
- The EIS was accompanied by a Heritage and Archaeological Impact Assessment which concludes the proposed development would not have any direct or indirect impacts on listed heritage items or heritage conservation areas within the vicinity of the site.
- The EIS was also accompanied by an Aboriginal Archaeological Survey Report which concludes the Aboriginal archaeological potential of the
- Prepare an Archaeological Methodology Report.
- Include conditions in relation to unexpected archaeological finds.

site is low given the context of the area and previous disturbance of the site.

- OEH have raised no concerns in relation to heritage impact. However, as the site has the potential to contain archaeological evidence of non-Aboriginal residential use of the site from the 1890's, a condition in relation to an Archaeological Methodology Report for potential historical archaeology discoveries within the site is recommended.
- The Department considers the proposed development is sufficiently separated from heritage items and heritage conservation areas and would not have an adverse impact on their setting or heritage significance, noting existing tall buildings are consistent with the setting of Redfern Train Station and nearby conservation areas.
- The Department also considers the development is unlikely to disturb any areas of Aboriginal archaeological potential.
- Noting OEH's comments and given minimal excavation is proposed, the Department considers it is unlikely the proposed development would reveal any significant archeological remains.

Signage

- The proposal includes seven illuminated business identification signage zones, six fronting Gibbons Street and one fronting Marian Street.
- The proposed signage zones range from 2.5 m to 4.8 m in length, have a depth of 0.8 m and would be located a minimum of 2.85 m above street level.
- The Department's consideration of the proposal against SEPP 64 is provided in **Appendix D**.
- The Department is satisfied the proposed signage zones are acceptable and would allow a form of signage consistent with the character of the Redfern Town Centre.
- Future signage to be located consistent with the approved signage zone.
- Signage illumination not to exceed the relevant Australian Standards.

Contamination

- The EIS included a Preliminary Site Investigation Report (PSIR). The PSIR found potential contamination sources within the site are existing building materials, uncontrolled fill, underground fuel storage tanks and from previous on-site activities, including stockpiling of street sweep and road materials.
- The PSIR concludes that remediation or management of contamination would be required to make the site suitable for the proposed development and that a Remedial Action Plan (RAP) would be required.
- The RTS included a RAP, a revised Data Gap Analysis Report, and interim site audit advice from an NSW EPA accredited auditor.
- The remediation proposed in the RAP includes removal of the underground fuel storage tanks and excavation and disposal of contaminated soils. The RAP concludes the site can be made suitable for the proposed development subject to the implementation of the recommended measures.
- The Department is satisfied the site can be made suitable for the proposed development after remediation and the land would be remediated before the land is used for social and affordable housing, subject to recommended conditions.
- All work to be undertaken consistent with the RAP.
- Obtain a Section A Site Audit Statement at the completion of the remediation works, certifying the works have been undertaken consistent with the RAP and that the site is suitable for the development.
- An unexpected finds procedure to enable management of any unexpected contamination finds.

Flooding/ stormwater

- The EIS included a Site Flood Assessment (SFA). The SFA notes the southern end of William Lane is subject to ponding and is classified as being subject to 'mainstream flooding' for areas less than 0.5 m above the flood level at this location.
- The SFA concludes the development would not increase peak flood levels outside the site by more than 0.01 m which is within modelling tolerance.
- The proposed floor levels comply with Council's Interim Floodplain Policy.
- Flooding/stormwater conditions recommended in accordance with Council's recommended conditions of consent.

- Council has raised no concerns in relation to flooding or stormwater subject to recommended conditions.
- The Department is satisfied the proposed development would not be impacted by flooding and would not result in adverse flood outcomes within the surrounding area, subject to recommended conditions.

Rail noise and vibration

- The site is located adjacent to the underground Eastern Suburbs and Illawarra Line rail tunnel.
- The Acoustic Report includes consideration of potential noise and vibration impacts from the rail corridor.
- Due to road noise from Gibbons Street, apartments west facing apartments would not be impacted by rail noise. However, due to lower road noise levels, ground-borne rail noise (vibration through the ground and building elements that re-radiates as audible sound) may impact apartments on levels 1 and 2 fronting William Lane by 3 to 5 dB.
- The Acoustic Report concludes the level of vibration occurring from trains would be within acceptable limits as prescribed within the DECC guideline, subject to the affected bedrooms on levels 1 and 2 being vibration isolated off the building structure.
- The Department is satisfied the proposed development can be constructed to achieve compliance with necessary vibration insulation requirements.
- Comply with the criteria specified in the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008)
- Implement recommendations of the Acoustic Report.

Construction traffic

- The EIS included a Draft Construction Traffic Management Plan which states an average of 5 trucks per day would access the site for a two-month period during the demolition/remediation phase. This would increase to 30 trucks per day during excavation and shoring, decreasing to 20 trucks per day during construction.
- The Applicant would apply for a construction works zone fronting Gibbons Street and/or
- Prepare and implement a CPTMP in consultation with the Sydney Coordination office of TfNSW, RMS and Council.

Marian Street. The work zones would accommodate construction vehicle parking and unloading of construction materials by tower crane. Concrete pours are likely to be done from the new driveway location, accessed from William Lane. The required work zone locations would require approval from RMS and Council.

- The main construction route would be via the State road network, utilising Regent Street and Gibbons Street to access the site from Cleveland Street and the wider road network. The TIA raises no concerns regarding potential impacts from construction vehicles.
- Due to the proximity of public transport and limited restricted parking in neighbouring street, construction workers would be required, through the Construction Pedestrian and Traffic Management Plan (CPTMP) to take public transport to work.
- TfNSW have recommended a condition requiring a CPTMP be prepared and that includes the need to manage cumulative traffic and transport impacts with any nearby development under construction
- The Department considers the proposed development acceptable in relation to construction traffic movements.

Construction noise, vibration and air quality

- One public submission raised concerns with potential construction impacts from the proposed development.
- All construction works are proposed to comply with the DECCW Interim Construction Noise Guidelines (DECCW Guidelines).
- Sydney Trains recommended a number of conditions relating to protection of the rail corridor.
- Council’s standard construction hours are:
 - 7.30 am to 5.30 pm Monday to Friday
 - 7.30 am to 3.30 pm Saturdays
 - No work on Sundays or Public Holidays.
- Prepare a pre-construction and a post-construction dilapidation report.
- Prepare a Construction Environmental Management Plan, Noise and Vibration Management Plan and Air Quality and Odour Management Plan.
- Impose conditions recommended by Sydney Trains.
- Undertake environmental monitoring.

- The Applicant has requested construction hours of:
 - 7.00 am to 6.00 pm Monday to Friday
 - 7.00 am to 3.30 pm Saturdays
 - No work on Sundays or Public Holidays.
- For similar developments in Redfern Town Centre, the Department has imposed Council's standard construction hours. A variation for the proposed development is not considered justified due to the proximity of neighbouring residential properties and associated potential amenity impacts.
- The EIS included an Acoustic Report, which provides a detailed assessment and recommendations for managing/mitigating noise impacts and vibration impacts during construction.
- The predicted noise levels for neighbouring residential properties would also comply with the DECCW Guidelines, subject to appropriate noise mitigation measures, including acoustic enclosures and silences on machinery.
- Given minimal excavation is proposed, there is unlikely to be any construction vibration impacts. If exceedances occur, noise/vibration control measures, together with construction best practice, would minimise any impact and ensure compliance with relevant standards.
- The Department is satisfied potential air quality and odour issues can also be suitably managed during development.
- The Department acknowledges the works would be temporary and impacts can be reasonably mitigated through recommended conditions.
- Construction hours restricted to:
 - 7.30 am to 5.30 pm Monday to Friday
 - 7.30 am to 3.30 pm on Saturdays
 - No work on Sundays or Public Holidays.

Crime Prevention Through Environmental Design (CPTED)

- The EIS included consideration of CPTED matters and noted the following design aspects of the proposal to provide a safe environment through surveillance and activation:
 - ground level retail, commercial, community hub and SGCH offices
- The development to incorporate CPTED principles in the detailed design of the building.
- Prepare an OPM in consultation with Council and the NSW Police, for approval by the Planning Secretary.

fronting Gibbons Street, Marian Street and William Lane

- living areas and private and communal open space overlooking Gibbons Street, Marian Street and William Lane
 - glazed entry into the building with clear line of sight to the lifts
 - secure entry into the building
 - SGCH staff to be onsite during business hours and tenancy managers to be on call 24/7.
- The RTS included further consideration of matters raised by NSW Police (see **Section 5.3**) including security, hours of operation of the communal open spaces, and prohibition of alcohol consumption within these areas. The Applicant has advised an OPM would be prepared prior to occupation incorporating these measures.
 - The Department is satisfied the proposed development suitably incorporates necessary CPTED measures, subject to conditions including preparation of an OPM.

Waste management

- The EIS included a Waste Management Plan which outlines the provisions and procedures for operational waste.
 - All waste servicing would occur via the proposed driveway between William Lane and Gibbons Street.
 - The Department is satisfied the Waste Management Plan would appropriately manage the handling of waste on the site.
- Waste Management Plan to be implemented.

**Redfern-
Waterloo
Authority
Contributions
Plan 2006
(RWACP) and
Affordable
Housing
Contributions
Plan 2006
(RWAAHCP)**

- The RWACP and RWAHC authorises the Minister to impose a condition of consent requiring the payment of development contributions. The site is located within the Redfern-Waterloo precinct and is therefore subject to these Plans.
 - The RWACP contribution is \$47,467 (2% of the cost of works excluding affordable housing floorspace). The Applicant has estimated the cost of the proposed public domain works to Gibbons Street, Marian Street and William Lane, as \$136,500 and has therefore requested an exemption to this contribution.
 - Council considers both contribution plans should be applied to the commercial and retail components of the development as the proposed public domain works do not constitute a community benefit over what should normally be delivered for a development of this size.
 - UGNSW have agreed the RWACP contribution may be offset by the proposed works-in-kind and recommends a condition be imposed requiring either the payment of \$47,467 or the undertaking of public domain works to a minimum value of \$47,467.
 - The RWAAHCP contribution is \$82,884 (\$86.88 per m² of non-residential floorspace). The Applicant has requested an exemption on the grounds that they are a Tier 1 provider under the National Regulatory System for Community Housing and that the residential component of the proposed development would be used for affordable and social housing in perpetuity.
 - UGNSW have agreed the RWAAHCP contribution can be waived in recognition of the development being for affordable housing and have recommended a condition be imposed requiring the submission of evidence that the Applicant is a registered community housing provider and that the provision of 160
- Provide a contribution of \$47,467 or undertake public domain works to a minimum value of \$47,467.
 - Provide a contribution of \$82,884 or provide evidence to UGNSW that they are a registered community housing provider and that a restriction on title has been registered requiring the affordable housing apartments to be provided in perpetuity.

affordable housing dwellings are maintained in perpetuity.

- Noting the comments of UGNSW as the administrators of the contributions plans and the purpose of the proposed development to provide affordable and social housing, the Department concludes the payment of contributions under the RWACP and RWAHCP be waived, subject to conditions.

Cumulative impacts

- The Department acknowledges construction of the proposed development, if undertaken at the same time as other developments in the area, may increase impacts to neighbouring residents and businesses. However, subject to the recommended construction conditions, including the requirements for the CPTMP to consider cumulative traffic impacts (see above), any cumulative construction impacts would be minimised.
- In terms of the provision of infrastructure to service the cumulative increase in population, the proposed development is consistent with the strategic planning provisions for Redfern Town Centre.
- Prepare a Construction Environmental Management Plan, Noise and Vibration Management Plan and Air Quality and Odour Management Plan.
- Undertake environmental monitoring.
- Construction hours restricted to:
 - 7.30 am to 5.30 pm Monday to Friday
 - 7.30 am to 3.30 pm on Saturdays
 - No work on Sundays or Public Holidays.



7. Evaluation

The Department has reviewed the EIS, RTS, and all additional information, and assessed the merits of the proposed development, taking into consideration advice from Council and government agencies. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department has considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Department's assessment concludes the proposed development is consistent with the future direction of the Redfern-Waterloo area and is an appropriate development to facilitate the growth of the Redfern Town Centre. The proposed development also incorporates significant public benefit outcomes through the provision of 160 social and affordable housing apartments.

The proposed 18-storey height and FSR is consistent with the SSP SEPP and built form strategically envisaged for the Redfern Town Centre and would reinforce the strategic role of the town centre as a commercial, retail and residential hub.

The proposed development has been comprehensively considered by the SDRP and the Applicant has accommodated the SDRP's comments in the revised design. Noting the proposed design is supported by the GANSW, the Department is satisfied the proposed development achieves design excellence, has an appropriate built form and would positively contribute to the renewal of the Redfern Town Centre.

Although the proposed development would have some amenity impacts on views and solar access to existing and likely future residential tower developments within the Redfern Town Centre, the proposal is consistent with key development standards, including height and density as outlined in the SSP SEPP. Although a variation is sought with regard to the setback of the tower above the podium to Gibbons Street and Marian Street, the proposed development is consistent with the predominant tower separation and emerging built form in Redfern Town Centre and the proposed variation would have minimal impacts in relation to overshadowing and views.

The Department considers the proposed residential apartments would achieve an acceptable level of amenity with most apartments receiving a high level of amenity. Although the levels of solar access recommended by the ADG cannot be fully achieved, the Department considers the proposed development provides an appropriate level of solar access noting the site constraints and high levels of residential amenity are provided in terms of private open space, communal open space, size and layout. The proposed building separation distances are consistent with the character of the Redfern Town Centre and have been designed to incorporate measures to provide acceptable privacy to future tenants and existing and future neighbouring residents.

The proposed development is constrained by road and rail noise but would achieve appropriate acoustic privacy and incorporates a solar powered mechanical ventilation system to provide airflow to all apartments.

The Department also notes the proposed development would benefit from a high level of access to employment opportunities, services and facilities which further contributes to residential amenity.

The Department supports the provision of zero parking within the proposed development, noting the close proximity of the site to Redfern Train Station and bus stops, and the provision of 100 bicycle parking spaces, which would encourage use of public/alternative transport and reduce dependency on cars.

The Department is satisfied the recommended conditions and implementation of measures detailed in the Applicant's EIS and RTS report and as recommended by agencies would adequately mitigate the residual environmental impacts of the proposed development.

The Department concludes the proposed development is consistent with the strategic objectives for the area, as outlined in NSW 2021, the Greater Sydney Region Plan and the Eastern City District Plan. The proposal would result in a wide range of positive social and economic impacts, primarily the provision of increased social and affordable housing availability near public transport, employment opportunities and services.

In respect of the SEPP 1 objection provided by the Applicant, it is considered well founded on the basis that strict application would hinder the attainment of the objectives of the EP&A Act and the proposed development achieves the underlying objectives of the standards.

The Department considers the proposed development is approvable, subject to the recommended conditions of consent (**Appendix F**). This assessment report is hereby presented to the Commission for determination.



David McNamara

Director

Key Sites Assessments



Anthea Sargeant

30/4/19

Executive Director

Key Sites & Industry Assessments



Appendices

Appendix A – List of Documents

Appendix B – Relevant Supporting Information

Appendix C – State Environmental Planning Policy No.1 – Development Standards Objection: Height - Assessment

Appendix D – Statutory Considerations

Appendix E – Consideration of Community Views

Appendix F – Recommended Conditions of Consent

Appendix A – List of Documents

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

- Social and Affordable Housing – 11 Gibbons Street, Redfern – Environmental Impact Statement – State Significant Development Application SSD 7749, prepared by Keylan Consulting Pty Ltd, dated 28 September 2018.
- Response to Submissions and attachments, prepared by Keylan Consulting Pty Ltd, dated 21 February 2019.
- Response to Request for Additional Information, prepared by Keylan Consulting Pty Ltd, dated 22 March 2019.

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 Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10071>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10071>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10071>

4. Response to Request for Additional Information

<https://www.planningportal.nsw.gov.au/major-projects/project/10071>

Appendix C – State Environmental Planning Policy No.1 – Development Standards

Objection: Height – Assessment

The following assessment of the State Environmental Planning Policy No.1 – Development Standards (SEPP 1) Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as reiterated in *Wehbe v Pittwater Council* (2007) NSW LEC 827. In applying the principles set out in the Winten case, the SEPP 1 Objection has been considered by reference to the following tests:

1. Is the planning control in question a development standard?

The planning control in question is the height of building restriction in clause 21(1) of Part 5 of Schedule 3 of the State Significant Precincts SEPP (SSP SEPP). Specifically, the proposed tower extends within the 4 m setback control to Gibbons Street and Marian Street. The *Environment Planning and Assessment Act 1979* (EP&A Act) defines a development standard as being a provision by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including requirements or standards in respect of (c) the height of a building. As the height of building restriction is a development standard, any variation of this standard requires a SEPP 1 Objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The SSP SEPP does not include specific objectives for the building height development standard. The Department has therefore considered the overall objectives of the Business Zone – Commercial Core zone, as set out in clause 9 of Part 5 of Schedule 3 of the SSP SEPP. The objectives of the zone are as follows:

- a) to facilitate the development of a town centre,
- b) to encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,
- c) to permit residential development that is compatible with non-residential development,
- d) to maximise public transport patronage and encourage walking and cycling,
- e) to ensure the vitality and safety of the community and public domain,
- f) to ensure buildings achieve design excellence,
- g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in Section 1.3 of the Act?

The aim of the Policy in question is set out at clause 3 of SEPP 1, and seeks to provide flexibility in the planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 1.3 of the EP&A Act.

Wehbe V Pittwater Council (2007) NSW LEC 827 (21 December 2007) sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states:

'An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.'

Accordingly, the following assessment considers the objection made by the Applicant against objectives of the Business Zone – Commercial Centre zone contained under clause 10 of Part 5 of Schedule 3 of the SSP SEPP. The Department considers the proposal satisfies the zone objectives as it:

- would facilitate the development of a town centre with an 18-storey high residential development, including commercial/retail ground floor uses promoting an active streetscape
- directly generate employment opportunities through the provision of commercial/retail floor space and community hub and indirectly through increasing demand for local retail and services from increased residents in the town centre
- comprises a development that provides residential uses while still being compatible with non-residential uses given the street-level interface provided by the commercial/retail tenancies located on the ground floor
- is well located in relation to rail and bus transport and is within walking and cycling distance to key education and employment areas (see **Section 6.5**)
- contributes to the vitality and safety of the public domain through ground floor commercial/retail uses, ground level glazing, and passive surveillance opportunities from windows
- is considered to achieve design excellence in accordance with the design excellence provisions in the SSP SEPP (see **Section 6.2**)
- comprises landscaped communal open space areas providing visual and aesthetic values and internal amenity to the future residents.

Notwithstanding the proposed variation, the Department considers the building height exceedance is acceptable (see **Section 6.2**) given:

- the building would not have a dominant visual presence from street level, and provides good human scale through the use of a podium with a stepped back tower element above
- the proposal is consistent with the existing streetscape as it provides for a consistent three-storey podium form along the Gibbons Street and Marian Street elevations
- the proposed tower element setback would contribute to a consistent streetscape and would create a strong architectural statement
- the overall 18 storey height of the development complies with the development standard.

Furthermore, the Department considers requiring compliance with the height/tower setback development standard would hinder several objectives of the zone, and in particular the objective to encourage complementary employment and residential land uses.

The Department also considers the proposed development would not result in unreasonable overshadowing, view or other amenity impacts to neighbouring residential properties beyond that of a compliant scheme (see **Sections 6.3** and **6.4**).

As a result of this assessment the Department concludes, notwithstanding the non-compliance with the development standard, the proposed development meets the objectives of the zone, without additional adverse impacts beyond that of a compliant proposal.

The Department therefore considers it is both unreasonable and unnecessary for the proposal to comply with the maximum height standards for the zone, given the overall objectives of the zone and underlying objectives of the control continue to be met (see detailed consideration below).

The Land and Environment Court has established it is insufficient merely to rely on absence of environmental harm to sustain an objection under SEPP 1. This position was confirmed in *Wehbe V Pittwater Council*. The following

assessment considers whether the objection demonstrates strict application of the development standard and would hinder the attainment of the objectives of the EP&A Act. Under section 1.3 of the EP&A Act, the following is required of development:

- (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*
- (c) to promote the orderly and economic use and development of land*
- (d) to promote the delivery and maintenance of affordable housing*
- (g) to promote good design and amenity of the built environment.*

The Department considers the proposal would provide for the proper management and development of land within the City of Sydney for the purpose of promoting the social and economic welfare of the community and a better environment. The proposal is consistent with the strategic framework for the site, as set out in the Greater Sydney Region Plan, Eastern City District Plan and within the SSP SEPP. The Department considers the proposal facilitates the orderly and economic redevelopment of the site, providing social and affordable housing and employment opportunities, in an existing urban area in close proximity to public transport and the Sydney CBD. The Department further considers the proposed design achieves design excellence thus promoting good design and amenity of the built environment.

The Department concludes, in the circumstances, strict application of the development standard would hinder the attainment of the objectives of the EP&A Act.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The SEPP 1 Objection states the compliance would be unreasonable and unnecessary in the circumstances of the case for the following reasons:

- the proposal is consistent with the maximum 18-storey height control and floor space ratio (FSR) control applying to the site
- the proposed built form is consistent with the emerging character of Redfern Town Centre and relates to the streetscape through the provision of a podium which is consistent with the controls and responds to surrounding sites
- compliance with the setback controls would result in an economically unsustainable development
- the proposal achieves the building separation objectives of SEPP 65 and the ADG
- the proposal would not result in unacceptable overshadowing impacts on adjoining developments or the public domain
- compliance would result in minor differences to view lines across the site
- compliance would result in negligible improved amenity outcomes for existing residents of adjoining properties and future residents of the proposed development
- the proposal would not result in unacceptable wind impacts
- surrounding developments have been granted similar variations.

The Department's analysis has found notwithstanding the non-compliance with the height development standard, the proposed development achieves the underlying objectives of the standard. Consequently, the Department considers the SEPP 1 Objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances and would result in a built form that would be largely consistent with the existing and desired future character of the area, as set out in the SPP SEPP.

5. Is the objection well founded?

The Department considers the SEPP 1 Objection provided by the Applicant is well founded on the basis that strict application would hinder the attainment of the objectives of the EP&A Act and the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance.

Appendix D – Statutory Considerations

In line with the requirements of section 4.15 of the EP&A Act, the Department’s assessment of the project has provided a detailed consideration to a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment of the project and has provided a summary of this assessment in **Tables 1** and **2** below.

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Summary
(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 would redevelop an existing inner-city site that is close to existing services and has excellent public transport access. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas. The provision of social and affordable housing 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	<p>The SSD application has been designed to achieve an 8-Star NatHERS rating across all apartments and also includes the following ecologically sustainable development (ESD) initiatives and sustainability measures:</p> <ul style="list-style-type: none"> • passive solar design to reduce heating and cooling loads on individual apartments • a 50kW roof-top solar PV system • an embedded electricity network to maximise economic sustainability and security of energy use • a hybrid natural ventilation system for all apartments utilising solar energy • provision of energy sustainability education to tenants • provision of low emissions transport through encouraging bicycle ownership and providing a bicycle share scheme. <p>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.</p>

(c) to promote the orderly and economic use and development of land	The proposal would deliver social and affordable housing and associated ancillary uses, the merits of which are considered in Section 6 .
(d) to promote the delivery and maintenance of affordable housing	The proposal includes the provision of affordable housing (see Section 2.2).
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<p>The proposal involves redevelopment of a previously developed site, does not involve the removal of any trees, and would not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.</p> <p>The proposal constitutes a 'pending or interim planning application' under clause 27 of the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>. Accordingly, the proposal does not require a Biodiversity Development Assessment Report under the provisions of the <i>Biodiversity Conservation Act 2016</i>.</p>
(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 addressed in Section 6.6 . The development includes public art, which would draw on the Aboriginal heritage of the area.
(g) to promote good design and amenity of the built environment	The proposal achieves design excellence as discussed in Section 6.2 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposed development would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The proposal is SSD and therefore the Minister is the consent authority. The Department consulted with Council and other relevant agencies on the proposal.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 5 of this report sets out details of the Department's public exhibition of the proposal.

Table 2 | Section 4.15(1) Matters for consideration

Section 4.15(1) Evaluation	Summary
(a)(i) any environmental planning instrument	The proposed development is permissible under the provisions of the SSP SEPP (see Section 4.2). The Department's consideration of other relevant EPIs is provided below.
(a)(ii) any proposed instrument	See below.
(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) where relevant.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The 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), 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,	Appropriately mitigated or conditioned - refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the EIS exhibition period and following lodgement of the RTS. See Sections 5 and 6 of this report.
(e) the public interest	Refer to Section 6 of this report.
Biodiversity values exempt if:	The proposal is a 'pending or interim planning application' for the purposes of clause 27 of the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> . As such, a Biodiversity Assessment Report (BDAR) or a BDAR waiver is not required.
(a) On biodiversity certified land	
(b) Biobanking Statement exists	

Environmental Planning Instruments (EPIs)

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

The proposed development constitutes State significant development under clause 2(g) of Schedule 2 of the SRD SEPP as it is development on land identified as being within Redfern-Waterloo with a CIV in excess of \$10 million.

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.

The site is located within The Redfern-Waterloo Authority Sites area, listed as a State Significant Precinct in accordance with Clause 7 and Schedule 3 of the SSP SEPP. An assessment of the proposal against the various development standards is contained within **Section 6.2** of this report. The Department supports the variation to the height/tower setback standards (see **Appendix C**). **Table 3** provides the Department's consideration of the relevant sections of the SSP SEPP.

Table 3 | Department's consideration of the relevant sections of the SSP SEPP

Relevant sections	Department's consideration	Compliance
6 Development to which Division applies		
Development on land within the Redfern-Waterloo Authority Sites	The proposed development is located within the Redfern-Waterloo Authority Sites	Yes
7 Land use zones		
(1) Land within the Redfern-Waterloo Authority Sites is within a zone shown on the Land Zoning Map	The site is zoned Business Zone – Commercial Core	Yes
(2) The objectives for development in a zone are to be considered where determining development applications		
9 Business Zone – Commercial Core		
(1) The objectives of the Business Zone—Commercial Core are as follows:		Yes
a) to facilitate the development of a town centre,	The proposed 18-storey mixed-use development comprising social and affordable housing with ground floor retail/commercial and office uses would provide for employment generating activities and facilitate the development of a town centre in close proximity to Redfern Train Station.	
b) to encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,		
c) to permit residential development that is compatible with non-residential development,	The proposed residential accommodation would be compatible with the ground floor uses.	
d) to maximise public transport patronage and encourage walking and cycling,	The proposed development has provided for 100 bicycle spaces and no car parking spaces and therefore would maximise public transport, walking and cycling.	
e) to ensure the vitality and safety of the community and public domain,		
f) to ensure buildings achieve design excellence,	The proposed development has been reviewed and refined through the State	

- g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes is prohibited on land within the Business Zone—Commercial Core: bulky goods premises; depots; dual occupancies; dwelling houses; hazardous industries; hazardous storage establishments; heavy industries; home occupations (sex services); industries; light industries; offensive industries; offensive storage establishments; restricted premises; sex services premises; transport depots; truck depots; vehicle body repair workshops; warehouses or distribution centres.
- (3) Except as otherwise provided by this Policy, development is permitted with consent on land within the Business Zone—Commercial Core unless it is prohibited by subclause (2).
- Design Review Panel (SDRP) process. The Government Architect NSW (GANSW) supports the proposed design and the Department considers the proposal achieves design excellence.
- The proposed mixed-use development is permitted within the zone.

20 Subdivision

Land within the Redfern-Waterloo Authority Sites may be subdivided, but only with consent. Lot consolidation is proposed. Yes

21 Height, floor space ratio and gross floor area restrictions

- (1) The height of a building is not to exceed the maximum height shown on the Height of Buildings Map. The proposed height of building does not comply due to the setback of the tower to Gibbons Street and Marian Street. No (refer to **Section 6.2.1** and **Appendix C** of this report)
- (2) The floor space ratio is not to exceed the floor space ratio shown on the Floor Space Ratio Map. The proposed development complies with the maximum permitted FSR (including applicable ARH SEPP bonus). Yes (refer to **Section 6.2.2** of this report).

22 Design excellence

- (1) The consent authority must consider whether the proposed development exhibits design excellence. The proposed development has been reviewed and refined through the SDRP process. The GANSW supports the proposed design. Yes (refer to **Section 6.2.2** of this report)
- (2) In considering whether proposed development exhibits design excellence, A design competition was not required because the Department and GANSW

the consent authority must consider the following:

- a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
- (3) The consent authority may require a design competition for any development over 12 storeys consistent with guidelines issued by the Redfern–Waterloo Authority and approved by the Minister.
- (4) The Redfern–Waterloo Authority may draft a guideline to be approved by the Minister detailing what matters are to be addressed for design excellence and for the conduct of design competitions.

considered the design excellence outcomes would be achieved through the SDRP process.

The Department considers the proposed development exhibits design excellence as the proposed design has been refined through the SDRP process and the GANSW supports the proposed design.

25 Development to which Division applies

The provisions of the Division do not apply with respect to development that is a transitional Part 3A project.

The proposed development is not a transitional Part 3A project and therefore this Division applies.

Yes

26 Notification of advertised development

Notice of a development application is to be given in accordance with the provisions of any applicable development control plan

The Department publicly exhibited the SSD application as outlined in **Section 5**, which included notifying adjoining landowners, placing a notice in the newspaper and displaying the application on the Department's website and at Council's office.

Yes

27 Heritage conservation

A person must not impact a building, work, relic, tree or place that is a heritage item except with the consent of the consent authority

The proposed development would not impact on any heritage item.

Yes

28 Preservation of trees or vegetation

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the consent authority.

The proposed development does not involve the removal of any vegetation.

Yes

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 (Infrastructure) 2007

The Infrastructure SEPP (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.

The proposed development has a frontage to a classified road and therefore is subject to assessment under clause 101 and 102 of the ISEPP. The proposed vehicle access and the safety, efficiency and ongoing operation of the classified road is considered appropriate within the context of the site. The Department also considers the proposed development has appropriately managed the potential traffic noise and vehicle emissions.

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.

The proposal was referred to Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) and their comments are summarised in **Section 5** of this report. The Department considers the proposed development to be consistent with the ISEPP given the consultation and consideration of the issues raised by TfNSW has been undertaken in the Department's assessment in **Section 6** of this report and recommended conditions of consent.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure potential contamination issues are considered in the determination of a development application. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purposes of the proposed development.

A Preliminary Site Investigation (PSI) was submitted with the application to determine the potential for onsite contamination. The PSI identified site contamination issues associated with fill material and the presence of potential fuel infrastructure in the northern portion of the site.

A Remedial Action Plan (RAP) to address remediation/management of the site was therefore also submitted with the application. The RAP concludes the site can be made suitable for development subject to the implementation of measures recommended in the RAP. These include removal and disposal of the fuel infrastructure and impacted soils, excavation and removal of some fill materials, cap and containment of retained fill materials, off-site disposal of material, and validation.

The Department is satisfied the site is suitable for the proposed mixed-use development and that the site would be remediated before the land is used for this purpose, subject to a condition requiring compliance with the recommendations of the RAP.

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 proposed development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The Development proposes seven under awning/top hamper business identification signage zones along the Gibbons Street frontage. The signage zones range from 2.5 m to 5.6 m in length, have a depth of 0.8 m and would be located a minimum of 2.85 m above street level. **Figure 1** below illustrates the location of the proposed signage zones.

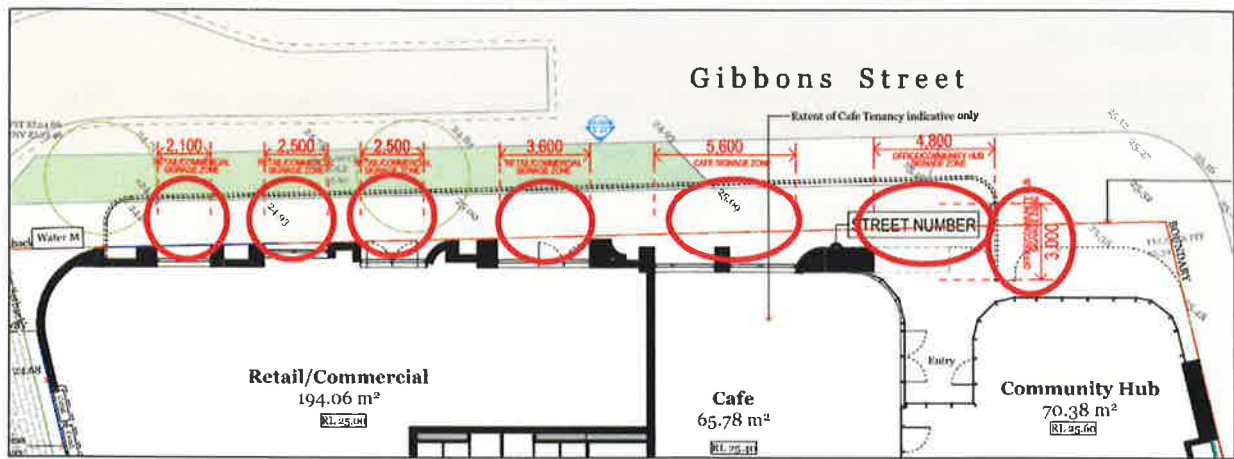


Figure 1 | Location of proposed signage zones (shown circled red) (Base source: Architectural Plans)

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria contained in Schedule 1. The Department considers the proposed signage zones to be compatible with the desired amenity and visual character of the area, would provide effective communication and would enable signage of a high-quality design. The signage zones are therefore consistent with the objectives of SEPP 64. The Department’s assessment of Schedule 1 of SEPP 64 is provided in **Table 4** below.

Table 4 | Department’s consideration of Schedule 1 of SEPP 64

Assessment criteria	Department’s consideration	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage zones are consistent with the emerging high-density mixed-use character of the Redfern Town Centre.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal provides for building and business identification, consistent with the signage for the surrounding buildings and the established theme.	Yes

2 Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage zones are not located within, nor detract from any other environmentally sensitive, heritage, natural, conservation, open space, waterways or residential area.	Yes
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3 Views and vistas

Does the proposal: <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers? 	The proposed signage zones are integrated into the proposed building design and would not compromise any important views, the skyline or interfere with other advertisers.	Yes
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4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage zones are appropriate for the streetscape and setting of the proposed development.	Yes
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Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage zones would contribute to the visual interest of the building by providing identification and recognition of the site.	Yes
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Does the proposal reduce clutter by simplifying existing advertising?	The site does not contain any existing advertising.	N/A
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Does the proposal screen unsightliness?	The proposed signage zones are integrated into a new development that exhibits design excellence, therefore there is no unsightliness.	Yes
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Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage zones would not protrude above buildings, structures or tree canopies in the area.	Yes
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Does the proposal require ongoing vegetation management?	The proposed signage zones would not impact upon any vegetation.	N/A
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5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage zones have been designed to be integrated with the building façade, compatible with the design and architecture of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage zones would not detract from the important features of the site and building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage zones are appropriately related to the building. Given the nature of the proposed development and intended future signage, the Department considers opportunities for innovation/imagination are limited.	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.	N/A
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7 Illumination

Would illumination: <ul style="list-style-type: none">• result in unacceptable glare?• affect safety for pedestrians, vehicles or aircraft?• detract from the amenity of any residence or other form of accommodation. Can the intensity of the illumination be adjusted? Is the illumination subject to a curfew?	The future signage would be backlit and illuminated during business hours. This would not result in unacceptable glare or affect the safety of pedestrian or motorist. The Department recommends a condition of consent to ensure the signage illumination does not exceed the relevant Australian Standards.	Yes
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8 Safety

Would the proposal reduce safety for: <ul style="list-style-type: none">• pedestrians, particularly children, by obscuring sightlines from public areas?• for any public road?	The proposed signage zones are for static, under awning signs only and would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines.	Yes
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State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design

principles for residential developments. The Department has assessed the proposal against the design quality principles of SEPP 65 in **Table 5** below:

Table 5 | Department’s consideration of the design quality principles of SEPP 65

SEPP 65 – Design Quality Principles	Department’s Response
<p>1. Context and Neighbourhood Character</p>	<p>The proposal is consistent with the use and built form requirements of the SSP SEPP, Redfern-Waterloo Built Environment Plan (2006 (BEP) (Stage 1), RCUDP and with the existing and future character of the Redfern Town Centre as discussed in Section 6.2.</p> <p>The proposal results in increased density as provided for by the planning controls for the site and would have acceptable impacts on the amenity of existing and future neighbouring development.</p>
<p>2. Built form and scale</p>	<p>The proposed maximum height and FSR are consistent with the controls (including the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) affordable housing incentive bonus), although the proposal exceeds the height controls within the required tower setbacks.</p> <p>The height and scale of the proposed building are appropriate within the context of the site and the desired future character for Redfern Town Centre. The proposed built form is considered in Section 6.2.1.</p> <p>The SDRP supports the proposed design and the Department considers the proposed building would achieve design excellence, as discussed in Section 6.2.2.</p>
<p>3. Density</p>	<p>The proposed building is of an appropriate density and scale consistent with the SSP SEPP and ARH SEPP.</p>
<p>4. Sustainability</p>	<p>An Ecologically Sustainable Design Strategy was submitted with the EIS and supplemented in the RTS. The Strategy concludes the proposed development incorporates sustainability techniques that exceed the requirements of BASIX water, energy and thermal efficiency targets. ESD is further considered in below.</p>
<p>5. Landscape</p>	<p>A Landscape Plan has been provided and includes details of the communal open spaces on the level 3 podium and level 17 terrace. The landscaped design of these areas, including 15 trees, would provide a high level of amenity for residents.</p>
<p>6. Amenity</p>	<p>The proposed building complies with the principles of SEPP 65 and satisfies the intent of the ADG in terms of achieving a high level of residential amenity for future residents (see Section 6.4 and Table 6 below).</p>

Various security measures are proposed including:

- secure entry into the building via the internal lobby
- well-lit and easily identifiable entry points
- active ground level uses fronting Gibbons Street, Marian Street and William Lane
- passive surveillance from balconies and living areas to Gibbons Street, Marian Street, William Lane and the southern driveway
- use of closed-circuit television cameras to cover entrances, perimeters, lifts and communal spaces.

7. Safety

Conditions require the development to incorporate Crime Prevention Through Environmental Design principles in the detailed design of the proposed development and preparation of an Operational Plan of Management in consultation with Council and NSW Police.

8. Housing diversity and social interaction

The development comprises 100% social and affordable housing which would provide a home for people in need. A range of studios, one, two and three-bedroom apartments are provided in a range of sizes and types, including two dual key apartments. Of the 160 apartments, 27 would be adaptable with the ability to convert other apartments if necessary.

The level 3 communal space has been designed as an active space with a focus on providing spaces for families. This also includes a resident common room to facilitate further social interaction. The level 17 communal space has been designed as a passive area for entertaining and passive enjoyment.

9. Aesthetics

The proposal demonstrates a high standard of architectural design that achieves design excellence. The proposal also includes an effective palette of materials and finishes that appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and relates suitably to the surrounding town centre.

An assessment of the proposal against the ADG best practice design principles is provided in **Table 6** below:

Table 6 | Department's consideration of ADG best practice design principles

ADG – Relevant Criteria	Proposal
3A Site Analysis	<ul style="list-style-type: none"> • The proposal is informed by an urban design and built form analysis which identified the likely visual impacts of the development and the
<ul style="list-style-type: none"> • Site analysis illustrates design decisions have been based on opportunities and constrains of the site 	

conditions and their relationship to the surrounding context.

appropriateness of the built form with respect to existing development in the vicinity.

3B Orientation

- Building types and layouts respond to the streetscape and site while optimising solar access within the development.
- Overshadowing of neighbouring properties is minimised during mid-winter.
- The proposed building is designed to define and address the street layout.
- The proposed building is orientated towards the west and appropriately addresses Gibbons Street with a defined corner at the intersection of Gibbons Street and Marian Street.
- Habitable rooms are orientated towards the north and west as much as possible with no south facing only apartments proposed.
- The proposed building is consistent with the 18-storey height control and is consistent with the form of development envisaged by the planning controls.
- The proposed three-storey podium is consistent with the controls and the emerging town centre streetscape. The proposed setbacks would also allow for increased 3 m and 3.8 m footpath widths to Marian Street and William Lane respectively.
- The extent of overshadowing is consistent with the impacts anticipated by the planning controls for the high density/town centre and desired character of the area (see **Section 6.3**).

3C Public Domain Interface

- Transition between public/private domain is achieved without compromising safety and security.
- Amenity of the public domain is retained and enhanced.
- The proposed building has been designed to provide active frontages at street level and to facilitate pedestrian movements in and around the building.
- Passive surveillance would be available from balconies, windows and communal open space which overlook the public domain.
- The amenity of the public domain would be enhanced through widened footpaths on Marian Street and William Lane and increased landscaping.

3D Communal and Public Open Space

- Communal open space has a minimum area equal to 25% of the site.
- 35% (557 m²) of the site area would be available to residents as communal open space in the form of a landscaped podium and roof terrace (levels 3 and 17), and level 4 terrace.

- Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter.
- Communal open space is designed to allow for a range of activities and to maximise safety.
- Public open space should be well connected with nearby parks and other landscape elements.
- A minimum of 50% of the principle useable part of the communal open space on level 3 would receive over two hours of direct sunlight in mid-winter with 43% achieving three hours.
- A minimum of 51% of the principal useable part of the communal open space on level 17 would receive over two hours direct sunlight in mid-winter with 53% achieving three hours.
- Although the 50 m² level 4 terrace would receive minimal direct solar access, the Department considers this acceptable given the total recommended minimum area of communal open space is exceeded by 102 m².
- The communal open spaces are well designed to maximise amenity. The level 3 communal space has been designed as an active space with a focus on providing spaces for families while the level 17 roof terrace has been designed as a passive area for entertaining and passive enjoyment. These areas include communal seating, landscaping and shade structures.
- The smaller level 4 terrace above the community room would not be landscaped and would not contain any fixtures.
- The communal open spaces would only be available to residents with the use of the building security access system.
- No public open space is provided as the proposal is built to the boundary on three sides with a private access driveway on the southern side. This reflects the prevailing built form in the town centre.

3E Deep Soil Zones

- For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).
- The ADG recognises achieving this design criteria may not be possible in the CBD, in high density areas, where there is 100% site coverage or where non-residential uses are at the ground floor.
- No natural deep soil zone is proposed. This is acceptable given the high-density town centre location, the proposed 100% site coverage, and proposed non-residential uses at ground level.

- The proposed development is consistent with other recent developments in the town centre which do not include deep soil zones given their high-density location.

3F Visual Privacy

- Minimum separation distance from building to side and rear boundaries:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

- The subject site is highly constrained by its size and town centre location. The proposed building does not comply with all ADG setback recommendations (see **Section 6.4.1**).

3G Pedestrian Access to Entries

- Building entries and pedestrian access connects to and addresses the public domain.
- Access, entries and pathways are accessible and easy to identify.
- Large sites provide pedestrian links for access to streets and connection to destinations.
- The main entry to the building is provided on Gibbons Street, close to the intersection of Marian Street. The entry is well located, designed, easily identifiable and addresses the public domain.
- An entry to the bicycle parking/bicycle share area and the SGCH office is also proposed from William Lane. The entries would also be easily identifiable and accessible.
- No through-site link is proposed. This is appropriate given the restrictions associated with the size and location of the site. The site is well-connected to transport links and employment areas.

3H Vehicle Access

- Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.
- Access to the proposed service driveway on the southern side of the proposed building would be accessed from William Lane with egress onto Gibbons Street.
- Appropriate sight lines are achieved and conflicts between pedestrians and vehicles would be minimised.
- See **Section 6.5.3**.

3J Bicycle and Car Parking

- Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.
 - For development in the following locations:
 - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
 - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre
 - the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less
 - the car parking needs for a development must be provided off street.
- Parking and facilities are provided for other modes of transport.
- Car park design and access is safe and secure.
- Visual and environmental impacts of underground car parking are minimised.
- Visual and environmental impacts of above ground enclosed car parking are minimised.
- No car parking spaces are proposed (see **Section 6.5.2**).
- 100 bicycle parking spaces are proposed, comprising:
 - 80 secure residential spaces;
 - 16 commercial/retail spaces; and
 - 4 visitor spaces.
- Although the proposed number of bicycle space is less than required under SDCP 2012, the Department considers this acceptable (see **Section 6.5.2**).

4A Solar and Daylight Access

- To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.
- Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area.
- While 67% (107 apartments) of apartments' living areas and private open spaces would achieve two hours direct sunlight between 9 am and 3 pm in mid-winter, only 4% (6 apartments) would receive no solar access between 9 am and 3 pm (see **Section 6.4.2**).

- Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.
- Daylight access is maximised where sunlight is limited.
- Design incorporates shading and glare control, particularly for warmer months.

4B Natural Ventilation

- At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated).
- Overall depth of a cross-over or cross-through apartment does not exceed 18m.

- Within levels 1-9 of the building, 44 of the 72 apartments (61%) would be capable of being naturally cross ventilated.
- Given potential traffic noise impacts from Gibbons Street and Regent Street and the need for future residents to be able to achieve both acoustic privacy and ventilation, a solar powered mechanical ventilation system, designed to provide fresh air from the roof level, is also proposed for each apartment (see **Section 6.4.3**).

4C Ceiling Heights

- Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
 - Habitable rooms 2.7 m
 - Non-habitable rooms 2.4 m.
- Ceiling heights meet or exceed the recommended minimums.

4D Apartment Size and Layout

- Minimum apartment sizes
 - Studio 35 m²
 - 1 bedroom 50 m²
 - 2 bedroom 70 m²
 - 3 bedroom 90 m².
- Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to 2.5 x the ceiling height.
- In open plan layouts the maximum habitable room depth is 8m from a window.
- All apartments meet or exceed the minimum size recommendations as follows:
 - 37 m² for studios
 - 50 m² to 67 m² for 1 bedroom
 - 70 m² to 78 m² for 2 bedroom
 - 96 m² for 3 bedroom.
- All habitable rooms are provided with a window in an external wall.
- All habitable room depth/width recommendations are satisfied.

- Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m².
- Bedrooms have a minimum dimension of 3m (excluding wardrobes).
- Living rooms have a minimum width of:
 - 3.6 m for studio and one bed
 - 4 m for 2 and 3 bed.
- The width of cross-over or cross-through apartments are at least 4m internally.

4E Private Open Space and Balconies

- Primary balconies are provided to all apartments providing for:
 - Studios apartments min area 4 m²
 - 1-bedroom min area 8 m² min depth 2m
 - 2-bedroom min area 10 m² min depth 2m
 - 3-bedroom min area 12 m² min depth 2.5m.
- For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m.
- Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.
- Primary open space and balconies maximises safety.
- All apartments include a balcony that satisfies the meet the minimum size and depth recommendations.
- The proposed balconies are integrated into and contribute to the architectural form and detail of the building.
- There are no ground floor level apartments.

4F Common Circulation and Spaces

- Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.
- For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.
- Natural ventilation is provided to all common circulation spaces where possible.
- Common circulation spaces provide for interaction between residents.
- Two lifts contained within one circulation core would serve the proposed 160 apartments (one lift per 80 apartments). Up to ten apartments are proposed on each level.
- While the ADG nominates the tipping point from one to two passenger lifts (40 apartments), it does not nominate the minimum lift requirements for lifts in groups of two or more.
- The Applicant has submitted a Vertical Transportation Analysis of the proposed lift installation.

- Longer corridors are articulated.
- Based on more applicable industry accepted criteria for vertical transportation design, the analysis concludes that two lifts would result in an acceptable level of service providing better average wait time and handling capacity performance.
- Windows at the northern end of each corridor would maximise sunlight to the corridors and allow for provision of natural ventilation.
- The residential lobby and circulation spaces provide opportunities for interaction. Direct access to the level 3, 4 and 17 communal open spaces is available from the corridor.
- The corridors extend up to 16 m from the lift core length and do not require articulation given windows are located at either end.
- The Department considers the Applicant has provided sufficient information to demonstrate two lifts would adequately service the building.

4G Storage

- The following storage is required (with at least 50% located within the apartment):
 - Studio apartments 4 m³
 - 1-bedroom apartments 6 m³
 - 2-bedroom apartments 8 m³
 - 3-bedroom apartments 10 m³.
- All apartments would satisfy this recommendation.

4H Acoustic Privacy

- Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.
- Noise impacts within apartments are mitigated through layout and acoustic treatments.
- Noise transfer would be minimised through the appropriate layout of the building.
- Apartments are appropriately stacked and laid out to prevent noise transfer between apartments.
- The location of the communal open spaces and community room would minimise acoustic impacts, along with the operational management and mitigation measures discussed in **Section 6.6**.

4J Noise and Pollution

- The constrained nature of the site precludes siting the proposed building differently to avoid

- In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.
- Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.

potential traffic noise impacts from Gibbons Street and Regent Street.

- In accordance with the recommendations of the acoustic report, apartments would be appropriately insulated to ensure compliance from external noise sources (see **Section 6.4.3**).

4K Apartment Mix

- Provision of a range of apartment types and sizes.
- Apartment mix is distributed to suitable locations within the building.

- A variety of apartment sizes would be provided and logically located within the building.

4M Facades

- Building facades provide visual interest along the street while respecting the character of the local area.
- Building functions are expressed by the façade.

- The proposed building achieves design excellence and would positively contribute to the Redfern Town Centre (see **Section 6.2**).
- The design provides visual interest at street level.
- The retail/commercial and residential components are externally expressed in the building design and are clearly differentiated and articulated through changes in materials and built form.

4N Roof Design

- Roof treatments are integrated into the building design and positively respond to the street.
- Opportunities to use roof space for accommodation and open space is maximised
- Roof design includes sustainability features.

- A flat roof is proposed with a centrally located plant and lift overrun core and surrounding solar panels. This is consistent with existing tower developments in the town centre and minimises potential shadow impacts.
- Residents have access to the landscaped level 17 and level 3 podium roof areas.

4O Landscape Design and 4P Planting on Structures

- Landscape design is viable and sustainable.
- Landscape design contributes to streetscape and amenity.
- Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance).
- Plant growth is optimised with appropriate selection and maintenance.
- Building design includes opportunity for planting on structure.

- A detailed landscape plan has been provided for the level 3 and 17 communal open spaces. Proposed landscaping includes 15 trees, shrubs, grasses and climbers. One street tree is also proposed.
- A revised detailed landscape plan for level 3 is recommended to achieve interlocking tree foliage as recommended by the supplemental Wind Report.
- The plans demonstrate adequate soil depth for the proposed landscaping would be provided.

4Q Universal Design

- Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features.
- A variety of apartments with adaptable designs are provided.
- Apartment layouts are flexible and accommodate a range of lifestyle needs.
- The proposed development provides a total of 27 adaptable apartments (17%) with the ability to convert additional apartments if required.
- All apartments achieve a silver level performance rating (Liveable Housing Guidelines).
- All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.

4S Mixed Use

- Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement.
- Residential levels are integrated within the development, safety and amenity is maximised.
- The proposed development is appropriately located within the Redfern Town Centre and development appropriately addresses Gibbons Street, Marian Street and William Lane with active frontages provided.
- Residential circulation areas are clearly defined and access to communal open space is provided.

4T Awning and Signage

- Awnings are well located and complement and integrate with the building.
- Signage responds to the context and design streetscape character.
- The new awnings across the Gibbons Street and Marian Street frontages are incorporated into the design of the building and appropriately located.
- Signage zones comply with SEPP 64.
- Applications for future signage within the signage zones would be submitted to Council.

4U Energy Efficiency

- Development incorporates passive environmental and solar design.
- Adequate natural ventilation minimises the need for mechanical ventilation.
- The development would exceed BASIX water, thermal and energy efficiency targets.
- The building has been designed to maximise solar access. Natural ventilation cannot be achieved due to noise mitigation requirements from the proximity of the site to Gibbons Street and Regent Street (see **Section 6.4.3**).
- ESD measures are considered below.

4V Water Management and Conservation

- Potable water use is minimised.
- Urban stormwater is treated on site before being discharged to receiving waters.
- Water efficient fittings and appliances would be installed.
- A Site Flood Assessment has been prepared and flood management systems are integrated into the design.

- Flood management systems are integrated into the site design.

4W Waste Management

- Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity.
- Residential and retail waste storage rooms are located at ground level in convenient locations.
- Domestic waste is minimised by providing safe and convenient source separation and recycling.
- Separate waste and recycling containers would be provided.

4X Building Maintenance

- Building design detail provides protection from weathering.
- The building has been appropriately designed to allow ease of maintenance.
- Systems and access enable ease of maintenance.
- The proposed materials are robust.
- Material selection reduced ongoing maintenance cost.

Planning Circular 'Using the Apartment Design Guide'

On 29 June 2017, the Planning Circular 'Using the Apartment Design Guide' was issued by the Department. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.

The Circular supports the Department's approach to assessing the residential amenity of the proposed buildings in that all proposed 160 apartments cannot reasonably achieve every amenity design criteria in the ADG and that this is not the intention of the ADG. As demonstrated in the analysis above and in **Section 6.4**, the Department considers the proposed development achieves an acceptable level of amenity with many apartments receiving a good to high level of amenity. As such, the Department concludes the proposed building satisfies the intent of the ADG and are acceptable in relation to residential amenity.

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

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

The Department has considered the proposal against the ARH SEPP development standards within **Table 7** below.

Table 7 | Department's consideration of the ARH SEPP

Section	Control	Department's consideration
<p>Clause 13</p> <p>Floor space ratios</p>	<p>If the percentage of the gross floor area of the development is at least 20%, the maximum FSR of the development may be increased by 20% (if the existing permissible FSR is greater than 2.5:1).</p>	<p>The proposed development comprises 100% affordable/social housing. The permissible FSR is 7:1 which enables the development to achieve the 20% FSR bonus (8.4:1) (see Section 6.2).</p>
<p>Clause 14</p> <p>Standards that cannot be used to refuse consent</p>	<p>(1) (b) Site area</p> <p>The site must be at least 450 m²</p> <p>(c) Landscaped area</p> <p>Provide at least 35 m² of landscaped area per dwelling.</p> <p>(c) Deep soil zones</p> <p>In relation to the area of the site not built on, paved or otherwise sealed:</p> <p>(i) there is soil of sufficient depth to support the growth of trees and shrubs on not less than 15% of the site area (the deep soil zone)</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3 m</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area.</p> <p>(d) Solar access</p> <p>If living rooms and private open space for a minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter</p> <p>(2) (a) Parking</p> <p>0.4 parking spaces for each one-bedroom dwelling, 0.5 spaces for each two-bedroom dwelling, and 1</p>	<p>The site area is 1,578 m².</p> <p>Due to the high-density location of the site, landscaped communal open space, containing 15 trees, is provided on levels 3 and 17 (total of 497 m² or 3.1 m² per apartment). This exceeds the ADG minimum recommended area of communal open space (see ADG consideration above).</p> <p>No deep soil is proposed due to the high-density location of the site (see ADG consideration above).</p> <p>67% proposed (see Section 6.4 and ADG consideration in Table 6 above).</p> <p>No car parking is proposed (see Section 6.5).</p>

parking space for each three-bedroom dwelling.

(b) Dwelling size

Each dwelling to have a GFA of at least:

- (iv) 35 m² for studios
- (v) 50 m² for one-bedroom dwelling
- (vi) 70 m² for two-bedroom dwelling
- (vii) 95 m² for three-bedroom dwelling.

Complies (see **Section 6.4** and ADG consideration in **Table 6** above).

Clause 16	Continued application of SEPP 65.	Consideration of the proposed development against SEPP 65 is provided in Section 6.4 and Table 5 above.
Clause 16A Character of local area	The consent authority must take into consideration whether the design of the development is compatible with the character of the local area.	Refer to Section 6.2 .
Clause 17 Character of local area	Must be used for affordable housing for 10 years.	The Applicant is a social and community housing provider and the site would be used in perpetuity for social and affordable housing.

In light of the assessment detailed in **Section 6** of this report and **Table 14** above, it is considered the proposal displays an acceptable level of consistency with the development standards within the ARH SEPP.

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

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

A BASIX Certificate has been provided for the proposed development. The EIS also included an ESD Strategy and a BCA Report confirming compliance with the relevant energy efficiency section of the BCA. Conditions recommending compliance with the BASIX Certificate and BCA Report requirements are recommended.

Appendix E – Consideration of Community Views

Issue	Consideration
<ul style="list-style-type: none"> Increased overshadowing 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal is consistent with the 18-storey height control and floor space ratio control (inclusive of the State Environmental Planning Policy (Affordable Rental Housing) 2009 bonus for affordable housing) and is consistent with the form of development envisaged by the planning controls. The extent of overshadowing is consistent with the impacts anticipated by the planning controls for the high density/town centre and desired character of the area. The proposed setback variations would result in minor additional overshadowing compared to a fully compliant development, limited to narrow slivers on the eastern, western and southern sides. There would be very minor additional overshadowing to the southern tip of Gibbons Street Reserve prior to 10 am. This issue is considered in Section 6.3.1. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions required.
<ul style="list-style-type: none"> Proposed height 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed development comprises an 18-storey building, including a three-storey podium, and therefore complies with maximum height control for the site and is consistent with the general form of development envisaged by the provisions of the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) for Redfern Town Centre. Due to the proposed tower being located within 4 m of the Gibbons Street and Marian Street property boundaries, the proposed development does not comply with the maximum height control of three storeys within 4 metres of these street frontages. The variations to the height/tower setback controls achieve the development outcomes as envisaged by the SSP SEPP and the Redfern Town Centre Plan Urban Design Principles (RCUDP) and any impacts would be negligible. This issue is considered in Sections 6.2 and 6.3. <p><i>Conditions</i></p> <p>No conditions required.</p>
<ul style="list-style-type: none"> Wind impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS Wind Environment Study concluded wind conditions at ground level around the development, and on the outdoor level 3 communal space, would be subject to strong winds. The report recommended various treatments to reduce the wind impacts in these locations, including extending the awning along the Marian Street

frontage, provision of a wind screen on the northern side of the level 3 communal space, and increasing the chamfer on the south-western corner of the podium. The proposed plans incorporate these treatments.

- The supplemental Wind Report also recommended that for landscaping to be an effective wind mitigation measure, the planting should be spaced to achieve an interlocking foliage.
- Subject to the recommended treatments, the proposal would not result in any unacceptable wind impacts for pedestrians, residents and visitors to the proposed building or at adjoining properties.
- This issue is considered in **Section 6.6**.

Conditions

- Implement the recommendations of the Wind Environment Study.
- Provide a revised detailed landscape plan incorporating the required spacing of planting to achieve an interlocking foliage.

- Noise impacts

Assessment

- All construction works are proposed to comply with the DECCW Interim Construction Noise Guidelines (DECCW Guidelines) subject to appropriate noise mitigation measures, including acoustic enclosures and silences on machinery.
- The proposed construction hours exceed Council's standard construction hours as they seek to commence work at 7 am Monday to Saturday (instead of 7.30 am) and finish work at 6 pm Monday to Friday (instead of 5.30 pm).
- The proposed construction hours are inconsistent with the construction hours approved by the Department's for similar developments in Redfern Town Centre and a variation for the proposed development is not considered justified due to the proximity of neighbouring residential properties.
- The construction works would be temporary, and the noise impacts can be reasonably mitigated by conditions.
- The Applicant has agreed to prepare an Operational Plan of Management (OPM) which would incorporate operational noise mitigation measures, including hours of use of the communal open spaces, prohibiting amplified noise/music within these spaces, and prohibiting alcohol within all common areas of the building, including outdoor spaces.
- This issue is considered in **Section 6.6**.

Conditions

- Prepare a Construction Environmental Management Plan (CEMP) and Construction Noise and Vibration Management Plan (CNVMP).
- Undertaken environmental monitoring.
- Construction hours restricted to:
 - 7.30 am to 5.30 pm Monday to Friday
 - 7.30 am to 3.30 pm on Saturdays

- No work on Sundays or Public Holidays.
- Limit the maximum noise emissions arising from general use, operation and plant.
- Limit the hours of use of the communal open spaces to 7 am to 10 pm Monday to Saturday and 8 am to 9 pm Sunday and public holidays.
- Prohibit amplified noise/music within the communal open spaces.
- Prepare an OPM, in consultation with the NSW Police, for the approval of the Planning Secretary.

- Cumulative impact of development in the area

Assessment

- Construction of the proposed development, if undertaken at the same time as other developments in the area, may increase impacts to neighbouring residents and businesses.
- Subject to the recommended construction conditions, including the requirements for the CPTMP to consider cumulative traffic impacts, any cumulative construction impacts would be minimised.
- This issue is considered in **Section 6.6**.

Conditions

- Prepare a CPTMP.
- Prepare a CEMP, CNVMP and Air Quality and Odour Management Plan.
- Undertaken environmental monitoring.
- Construction hours restricted to:
 - 7.30 am to 5.30 pm Monday to Friday
 - 7.30 am to 3.30 pm on Saturdays
 - No work on Sundays or Public Holidays.

Appendix F – Recommended Conditions of Consent

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

<https://www.planningportal.nsw.gov.au/major-projects/project/10071>

