



**MAJOR PROJECT ASSESSMENT
CONSTRUCTION OF AN 18 STOREY
MIXED-USE BUILDING CONTAINING
RETAIL, COMMERCIAL, RESIDENTIAL
USES AND THE REDFERN RSL CLUB
157 REDFERN STREET, REDFERN**

**Proposed by DEICORP CONSTRUCTION
PTY LTD
MP 09_0039**



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

December 2009

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CONTENTS

1 EXECUTIVE SUMMARY 4

2 BACKGROUND 6

2.1 THE SITE AND SURROUNDINGS 6

2.1.1 Site location 6

2.1.2 Existing building 6

2.1.3 Site Context 8

2.1.4 Surrounding Development 8

2.1.5 Strategic Context 9

3 PROPOSED DEVELOPMENT 11

THE PROPOSED DEVELOPMENT 11

DEVELOPMENT DESCRIPTION 12

DEVELOPMENT STAGING 14

PREFERRED PROJECT REPORT 16

4 CONSULTATION AND ISSUES RAISED 17

4.1 PUBLIC EXHIBITION DETAILS 17

4.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT 17

5 STATUTORY CONTEXT 19

5.1 MAJOR PROJECT DECLARATION 19

5.2 PERMISSIBILITY 19

5.3 DIRECTOR GENERAL'S REQUIREMENTS (DGRS) 19

5.4 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 19

5.5 ESD PRINCIPLES 20

5.6 SECTION 75(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 20

5.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS) 21

5.7.1 Application of EPI's to Part 3A projects 21

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS 23

6.1 BUILT FORM AND URBAN DESIGN 23

6.2 AMENITY, ACOUSTIC AND SAFETY 27

6.3 TRAFFIC, CAR PARKING AND ALTERNATIVE TRANSPORT NODES 29

6.4 WIND IMPACTS 31

6.5 DEVELOPMENT CONTRIBUTIONS AND VOLUNTARY PLANNING AGREEMENT 31

6.6 AFFORDABLE HOUSING 32

6.7 HERITAGE AND ARCHAEOLOGY 32

6.8 RAIL CORRIDOR AND GEOTECHNICAL IMPACTS 32

6.9 ECOLOGICALLY SUSTAINABLE DEVELOPMENT 34

6.10 CONSTRUCTION IMPACTS 34

6.11 FUTURAL APPROVALS FOR SUBSEQUENT STAGES 35

6.12 UTILITIES AND SERVICES 35

6.13 OPERATIONAL IMPACTS 36

6.14 STATEMENT OF COMMITMENTS 36

6.15 PUBLIC INTEREST 36

7 CONCLUSION 37

8 RECOMMENDATION 38

1 EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval for the construction of a new 18 storey mixed used building, pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act"). The site is located at 157 Redfern Street, Redfern and is legally known as Lot A in DP 354297 and Lots 1 and 2 Section D in DP 7328. The site is situated in the City of Sydney LGA and is a designated Redfern Waterloo Authority (RWA) site in Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (the Major Development SEPP).

The proposal involves the demolition of the existing two-storey Redfern RSL club building and ancillary structures, and the construction of an 18 storey mixed-use building containing retail at first floor (764 m²), RSL club at second floor level (1,332 m²), commercial offices at levels 3 – 4 (1,759 m²), residential apartments at levels 5 – 18 (84 apartments with a total of 7,676 m²) and a five level basement car park (147 car spaces). The proponent is also requesting approval for strata subdivision. The building is proposed to be known as the 'DeiCota' tower. The project has a total gross floor area (GFA) of 11,531 m² which equates to an FSR of 7:1.

The proponent is DeiCorp Constructions Pty Ltd and the estimated Capital Investment Value (CIV) of the development is \$25,128,000.00. The proposal will create approximately 60 full time equivalent construction jobs and 103 full time equivalent operational jobs.

The proposal was exhibited for a period of 30 days from 29 July 2009 to 28 August 2009. During the exhibition period, the Department received a total of 6 submissions from Government Agencies and 9 submissions from the public.

Major Development SEPP

The site is identified within Schedule 3 of the Major Development SEPP under Part 5 Redfern–Waterloo Authority Sites, as detailed in Map 3. Section 5 of Schedule 3 of the Major Development SEPP stipulates that development with a CIV of more than \$5 million is a project to which Part 3A applies. The subject application has a CIV of \$25,128,000.00 and therefore on the 27 February 2009, the Director-General, as delegate for the Minister for Planning, formed the opinion that the development is a project to which Part 3A applies pursuant to Clause 6(1) of the Major Development SEPP.

Permissibility

Under Schedule 3 of the Major Development SEPP, the site is zoned as Business – Commercial Core and the proposal is consistent with the zone objectives and is permissible with consent. The Major Development SEPP imposes an 18 storey maximum height control and a 7:1 maximum FSR control on the site. The project is consistent with these controls.

Exhibition and Government Agencies

The Environmental Assessment (EA) was publicly exhibited for a period of 30 days from 29 July 2009 to 28 August 2009. The EA was also placed on the Department's website during the course of the exhibition period.

Submissions were received from the City of Sydney Council, Redfern-Waterloo Authority, Roads and Traffic Authority, Ministry of Transport and Sydney Water. Issues raised relate to urban design and building separation; public domain and landscaping; safety and activation; development contributions; wind impacts; ESD; car parking; and rail corridor impacts. The proponent responded to the issues raised by the Government agencies and public submissions in their Preferred Project Report (PPR). Upon lodgement of the PPR, the Department further consulted the City of Sydney Council and the RWA. The following issues were raised:

Redfern Waterloo Authority: key issues raised included the building's upper level separation from its southern boundary, public domain, contributions, wind impacts, cyclist facilities, safety and security, balconies, ESD and overshadowing. These issues are addressed in Sections 5 and 6 of this report.

City of Sydney Council: Council raised issues concerning the building design and separation, amenity, height of the podium, activation and safety, layout of the RSL club, residential and commercial entry lobby area, colonnades, landscaping and public domain areas. These issues are addressed in Sections 5 and 6 of this report.

Roads and Traffic Authority: The RTA did not object to the proposal and has recommended specific conditions of approval. These recommendations, where appropriate, have been included as conditions of approval.

NSW Transport and Infrastructure: raised issues about the proposed number of car parking spaces given that the site is well served by public transport.

RailCorp: RailCorp raised issues concerning the existing Illawarra rail corridor and the future CBD rail corridor and recommended to the Department conditions of approval to mitigate impacts on the existing rail corridor and the proposed CBD rail corridor. These conditions have been included in the Department's recommended conditions.

Sydney Water: Sydney Water requested that a Section 73 Certificate be obtained from Sydney Water. This has been included as a condition of approval.

9 submissions were received from the public with 2 being in support and 7 in objection. The 7 objection submissions expressed concerns about overshadowing, height, compatibility with surrounding area, traffic and car parking.

Preferred Project Report

On 16 October 2009 the proponent lodged a PPR which included amendments to the project and a response to all submissions. The key amendment was an increase in the southern setback of the upper levels from three metres to six metres, resulting in an increased building separation from the adjoining site to the south. Other amendments were also made in response to issues raised by the Department, Council and the RWA.

Assessment

Key issues considered in the assessment include: built form and urban design impacts, amenity and acoustic impacts, development contributions, traffic and car parking, public domain, wind impacts, geotechnical impacts and construction and operational impacts.

The Department has assessed the merits of the proposal taking into consideration the issues raised by Government Agencies, its own specialist urban design advice and public submissions.

In addition the impacts of the proposed development have been addressed via the proponent's EA and PPR and that any potential impacts can be satisfactorily mitigated by the Department's recommended conditions of approval.

The proposal is consistent with the strategic objectives relating to the renewal and revitalisation of Redfern and will deliver employment and dwellings targets in line with the State Plan and the Sydney Metropolitan Strategy.

Therefore, it is recommended that the project be approved, subject to the recommended conditions.

Planning Assessment Commission

Pursuant to Section 23 of the Environmental Planning and Assessment Act, the former Minister for Planning delegated her functions to approve a project application under Section 75J of the Act to the Planning Assessment Commission, where a statement has been made disclosing a reportable political donation or where an application is made in the Minister's electorate. The proponent has provided a statement indicating they have made a reportable political donation and the proposal is located in the former Minister for Planning's electorate of Heffron. As such, the project is to be determined by the Planning Assessment Commission pursuant to Section 23D(1)(a) of the Act.

2 BACKGROUND

2.1 THE SITE AND SURROUNDINGS

Site inspections were conducted by Department officers on 19 March 2009 and on 31 August 2009.

2.1.1 Site location

The site is located at 157 Redfern Street, Redfern which is within the local government area of the City of Sydney (refer to Figure 1) and is identified as a Redfern Waterloo Authority (RWA) site under the Major Development SEPP. The site fronts onto Redfern Street and is bounded by Gibbons Street to the west and a service lane to the east. The portion of Redfern Street that the site fronts onto is one way from west to east and is a shared pedestrian and vehicle zone. To the south is Williams Lane which provides rear lane access to the site, as well as adjoining properties facing Regents Street and Gibbons Street. The section of the site that fronts onto Redfern Street experiences a high volume of pedestrian movement as it is a key thoroughfare between Redfern Station and the Redfern town centre which is located further east along Redfern Street.

The site has an area of approximately 1,647m² and has a 2 metre fall from north to the south west. The site is currently occupied by a two storey brick building (the Redfern RSL Club). The site has a frontage of 34.41 metres to Redfern Street and 37.34 metres to Gibbons Street and is slightly irregular in shape. The site comprises three separate lots being Lot A in DP 354297 and Lots 1 and 2 Section D in DP 7328, as illustrated in Figure 2.

The site is located in close proximity to the existing underground Illawarra railway line which runs parallel under Gibbons Street and there is also the proposed CBD Rail link located below the site.

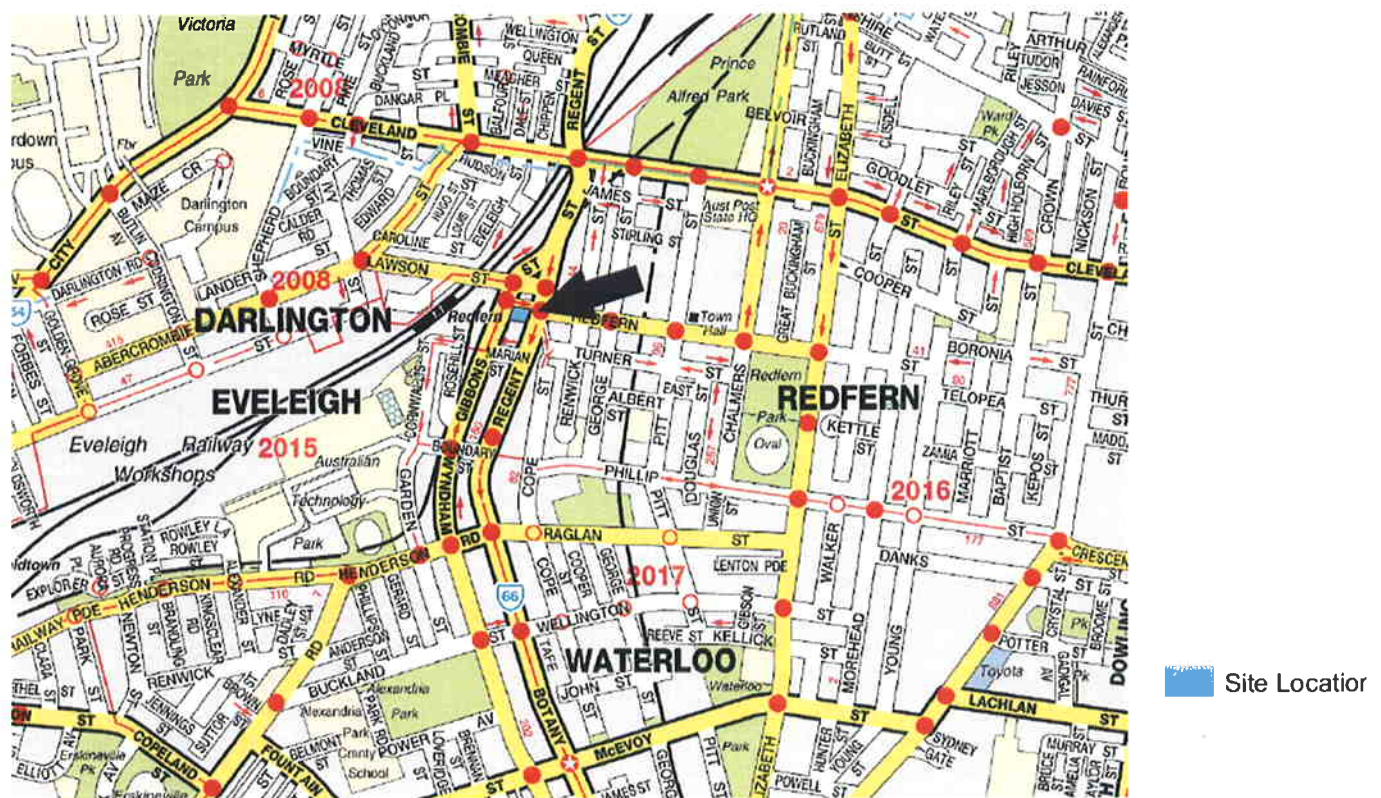


Figure 1: Site Location (blue rectangle provides indicative location of the site)

2.1.2 Existing building

The existing Redfern RSL building was built in the 1950's and is a two storey brick building with under cover car parking accessible from Gibbons Street. The Redfern RSL club has occupied the building since its construction. The Club includes a restaurant and dining area and is utilised for local entertainment functions and performances. The building is in need of renovation due to its dilapidated state. The proponent has submitted a Heritage Impact Statement which concludes that the building has no heritage significance.



Figure 2: Existing lot layout



Figure 3: Aerial site photo (red outline provides indicative location of the site)

2.1.3 Site Context

The site is strategically positioned at the entry into the Redfern Centre precinct. Redfern is located in inner-city Sydney, approximately 2 km from the Sydney CBD. The site is located to the east of Redfern Station and further east along Redfern Street is the Redfern Town Centre. The site is serviced by rail and bus, and is located adjacent to Gibbons Street which is a key connection road that links the inner-city suburbs to the Sydney CBD. The Australian Technology Park is located to the south-west of the site.

The site is located adjacent to the Redfern Estate Conservation Area (area bounded by Cleveland Street, Elizabeth Street, Cope Street and Regent Street) and is located within close proximity to the Redfern Street streetscape area as defined by the South Sydney Local Environmental Plan 1998. The subject site does not contain any listed heritage items and there are no identified Aboriginal Archaeological items on the site. The proponent has provided a Heritage Impact Statement, Aboriginal Heritage Report and European Archaeology Report to support the proposal. This is discussed in Section 6 of this report.



Figure 4: Redfern RSL as viewed from Gibbons Street, showing undercover car park and vehicle access

2.1.4 Surrounding Development

The site is surrounded by mixed scale commercial and residential development.

To the north are the GCA towers which are known as Lawson Square. The GCA towers are 67 metres in height. To the west is Redfern Station, a small park and Gibbons Street. To the east are commercial properties which include a bank, some restaurants, hotel and other retail premises generally 2 to 3 storeys in height.

To the south is a property known as 7-9 Gibbons Street which currently is a 3 level car park. The Department has received a major project proposal for the demolition of the existing car park and construction of an 18 storey mixed use building with retail and basement car park at 7-9 Gibbons Street Redfern (which for the purposes of this report, will be referred to as the '7-9 Gibbons Street proposal'). The project has been declared a Part 3A project and DGR's have been issued for the proposal. The preliminary design for this project proposes a nil setback to the north, with a largely blank façade containing non-translucent glazed elements. Accordingly, a key assessment issue has been the relationship between the two proposed buildings and achieving an acceptable building separation. DeICorp has advised that they have undertaken discussions with the proponent for 7-9 Gibbons Street in order to provide a suitable building relationship between the two projects. The proponents for each project have agreed to maintain a

consistent podium height, being RL 41.4 metres and awning along Gibbons Street. The building relationship, separation and design is discussed in more detail in Section 6 and Appendix C of this report.



Figure 5: Car park located at 7-9 Gibbon Street

2.1.5 Strategic Context

NSW State Plan

The NSW State Plan seeks to achieve improved urban environments and deliver attractive and sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport. The State Plan aims to improve the design of cities, centres and suburbs and the proposal will achieve this by assisting in the ongoing renewal and redevelopment of Redfern.

Sydney Metropolitan Strategy “City of Cities”

The Sydney Metropolitan Strategy, developed to support the continuing economic growth of Sydney and enhance its standing as a global city, places the Redfern locality within in the Sydney City Subregion. The strategy sets housing and employment targets for the region at 55,000 dwellings and 58,000 new jobs by the year 2031, which are further refined in the Sydney City Draft Subregional Strategy. The proposal will deliver 60 construction jobs and 103 operational jobs.

Draft Sydney City Subregional Strategy

The site falls within the area defined as the Draft Sydney City Subregional Strategy. The key directions for the Sydney City Subregional area are as follows:

- Reinforce global competitiveness and strengthen links to the regional economy;
- Ensure adequate capacity for new office and hotel developments;
- Plan for sustainable development of major urban renewal projects;
- Plan for housing choice;

- Develop an improved and increasingly integrated transport system that meets the subregion's multiple transport needs;
- Improve the quality of the built and natural environment while decreasing the subregion's ecological footprint; and
- Enhance the subregion's prominence as a diverse global cultural centre.

The site is identified within the 'Redfern Centre' Precinct. The Redfern Centre is nominated as a renewal site which has the potential to assist in meeting the planned growth in dwellings and employment targets of the Subregion. Specifically, the Redfern-Waterloo area is estimated to provide an additional 2000 new dwellings as part of the implementation of the Redfern-Waterloo Built Environment Plan.

The Strategy also identifies the need to provide opportunities for the availability of affordable housing within the Redfern-Waterloo area and indicates that over the next 15 years there will be approximately 75 affordable housing dwellings. The implementation of these affordable housing dwellings is detailed within the Redfern-Waterloo Authority Affordable Housing Contribution Plan 2006.

The proposal will assist in contributing to the identified dwelling and employment targets for the Redfern Centre and will assist in revitalising the Redfern locality through the provision of new retail space and pedestrian connections.



Figure 6: Williams Lane will provide all vehicular access to the proposed DeiCota building

3 PROPOSED DEVELOPMENT

THE PROPOSED DEVELOPMENT

The proponent seeks approval for the demolition of the existing Redfern RSL building and ancillary structures and construction of an 18 storey mixed use building to be known as the 'DeiCota' tower. The proposal includes the following:

- Construction of 18 storey mixed use building with a gross floor area (GFA) of 11,531 m², including:
 - 10 retail premises on the first floor (ground level) (764 m²);
 - Redfern RSL club on the second floor (1,332 m²);
 - 12 commercial office premises on the third and fourth floors (1,759 m²); and
 - 84 residential apartments on the fifth to the eighteenth floors (7,676 m²), with associated balconies and rooftop terraces.
- Excavation to a depth of 15 metres below the existing ground for a 5 storey basement car park for 147 vehicles;
- Construction of two electrical substations within Basement level 1; and
- Strata Subdivision of the building.

Development Data

The table below provides a summary of the project's numerical calculations and compliance with gross floor area, landscaping, development footprint, height and car parking controls.

	Required by relevant EPI or Code	Exhibited EA	PPR
Site Area: 1,647m²			
GFA	N/A	11,531 m ²	No amendment
FSR	7:1	7:1	No amendment
Landscaped Area	Nil	578 m ² (artificial landscaping)	No amendment
Max RL	N/A	RL 98.6 metres	No amendment
Number of storeys	18 storeys	18 storeys	No amendment
Car parking	Maximum 165 spaces	147 spaces	No amendment
Setbacks			
North setback (Redfern Street)		Retail (First floor): 3 metres RSL Club: Nil Office podium (level 3/4): 8 metres Tower: 7.5 metres	Retail (First floor): No amendment RSL Club: No amendment Office podium: 6 metres Tower: 4.9 metres
South Setback		Retail (First floor): Nil RSL Club: Nil Office podium: 3.5 metres Tower: 3 metres Balcony: 1.5 metres	Retail (First floor): No amendment RSL Club: No amendment Office podium: 4.5 metres Tower: 6 metres Balcony: 4.5 metres
East Setback (Laneway)		Retail (First floor): Nil RSL Club: Nil Office podium: 3 metres Tower level 5: 5.4 metres Tower level 6-18: 7.6 metres	Retail (First floor): No amendment RSL Club: No amendment Office podium: 4 metres Tower level 5: 4 metres Tower level 6-18: 7.9 metres
West Setback (Gibbons Street)		Retail (First floor): 1.2 metres RSL Club: Nil Office podium: 4.7 metres Tower level 5: 4 metres Tower level 6-18: 3.5 metres	Retail (First floor): No amendment RSL Club: No amendment Office podium: 3 metres Tower level 5: 3.3 metres Tower level 6-18: 3.5 metres

Table 1: Development data table

DEVELOPMENT DESCRIPTION

The proposal includes 84 residential apartments which comprise of the following layouts:

- 14 x 1-bedroom apartments;
- 63 x 2-bedroom apartments; and
- 7 x 3-bedroom apartments.

Access to the retail, commercial and residential apartments has been separated, with public access to the RSL via a set of escalators fronting the corner of Gibbons and Redfern Street. Access to the commercial premises and additional access to the RSL is via a separate elevator from the main lobby. Access to the residential apartments is via the residential foyer that fronts onto Gibbons Street. Vehicular access to the car park is proposed via Williams Lane, with all egress onto Gibbons Street. The basement car park provides combined access for the retail, commercial and residential premises on the site and includes a loading dock area as well as 30 secured bicycle spaces for residents of the apartments.

The building incorporates a pedestrian colonnade along the Redfern Street frontage which assists in improving weather protection for pedestrians.

The proponent has indicated that 5 of the 84 apartments have been designed to be adaptable for use by mobile impaired people consistent with Australian Standards AS 4299-1995 – Adaptable Housing. This represents 6% of the total number of apartments in the building. All apartments have been designed to include a balcony. The 6 apartments on the eighteenth floor have been designed to have individual rooftop terraces which are accessible via an external spiral staircase.

The proponent has provided a floor plan for the layout of the RSL club which includes a large covered balcony area on the north western corner of the site for outdoor dining. The fitout and use of the RSL Club will be subject to a separate application.

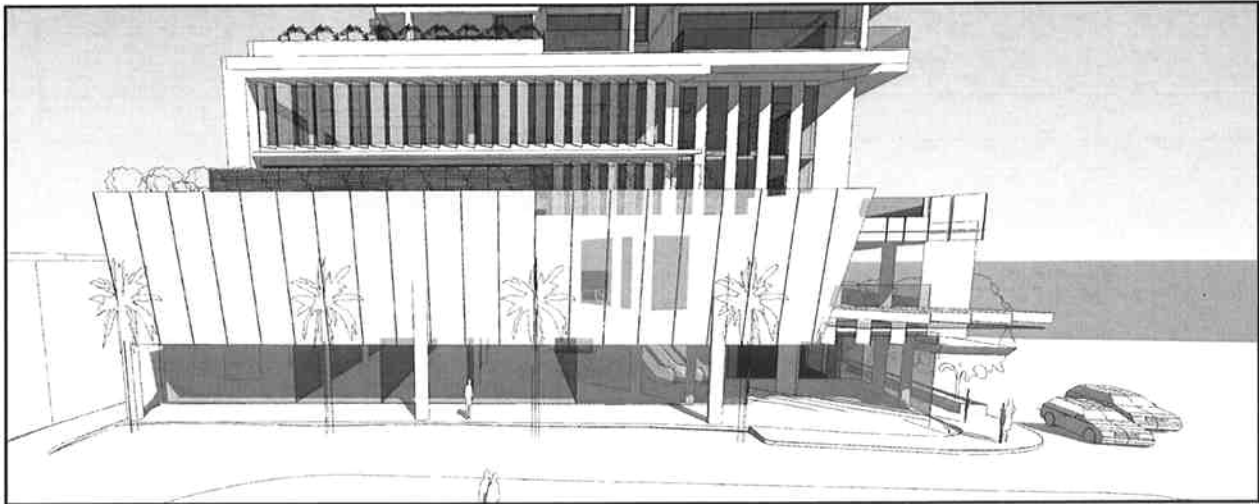


Figure 7: Redfern Street frontage and presentation

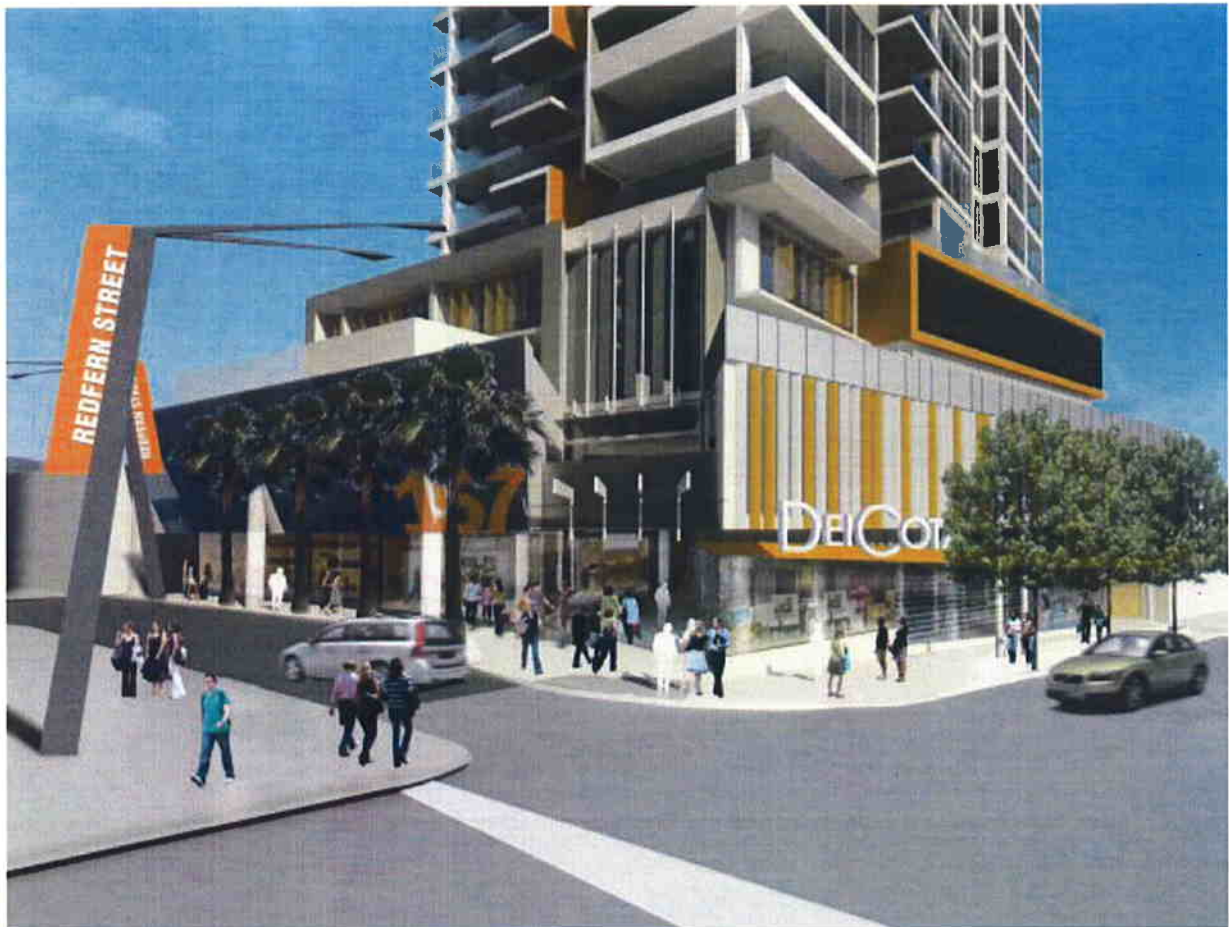


Figure 8: Photomontage of north west corner as viewed from Redfern Station crossing

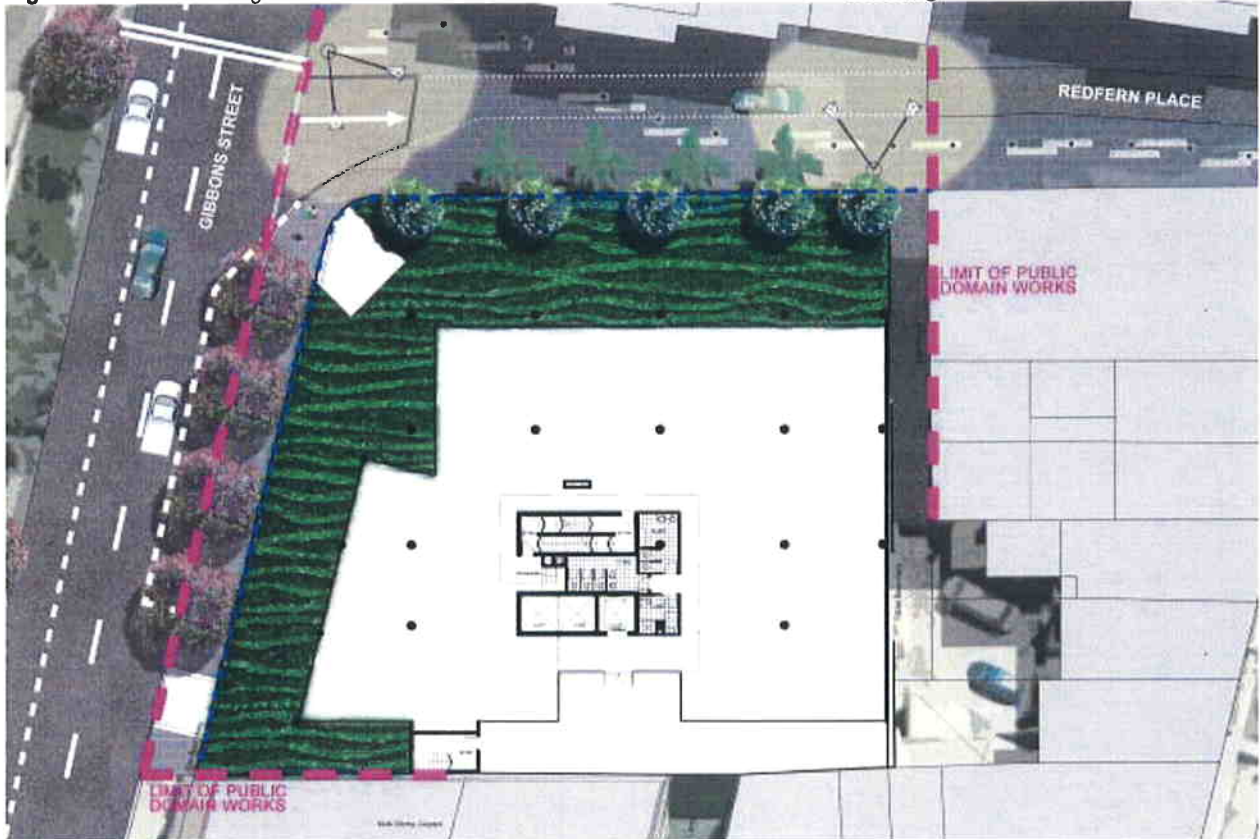


Figure 9: Proposed landscape along level 3

Landscape

The site currently accommodates minimal landscaping as the existing building occupies the majority of the site.

The proposal includes a level 3 podium landscaped area that will be made up of astro-turf. The landscaped area will be 578m². Initially, the proponent had indicated that the podium landscape area would not be accessible from the commercial premises on level 3, however after requests from City of Sydney Council and the Department, the podium landscape area has been amended to be accessible from all 6 commercial premises on level 3. This area also contains the enclosed mechanical plant room which is concealed from the public view by additional planting on the edge of the podium.



Figure 10: Redfern Street entry

Design Objective and Project Need

The proponent has stated that the project is designed to:

- establish a robust urban environment that reinforces the primary east-west pedestrian connection between the Railway Station and the Town Centre;
- upgrade the quality of the site's Redfern Street and Gibbons Street frontages by establishing active street frontages, a colonnade along Redfern Street and an architectural awning along Gibbons Street;
- eliminate blank facades between the building and the public domain in both Redfern and Gibbons Streets;
- improve the public domain areas surrounding the site in accordance with Sydney City Council's public domain policies;
- provide vehicular access arrangements off William Lane via Marian Street and to Gibbons Street, thereby eliminating the need for the proposed development to use Redfern Street for vehicular access;
- facilitate a more pedestrian-oriented and pedestrian-friendly environment along Redfern Street; and
- enhance safety and security of this area by the casual surveillance to be provided from the active street frontages and the various uses of the building and the lighting systems to be installed.

DEVELOPMENT STAGING

Construction will be undertaken in a single stage over a period of approximately 2 years.

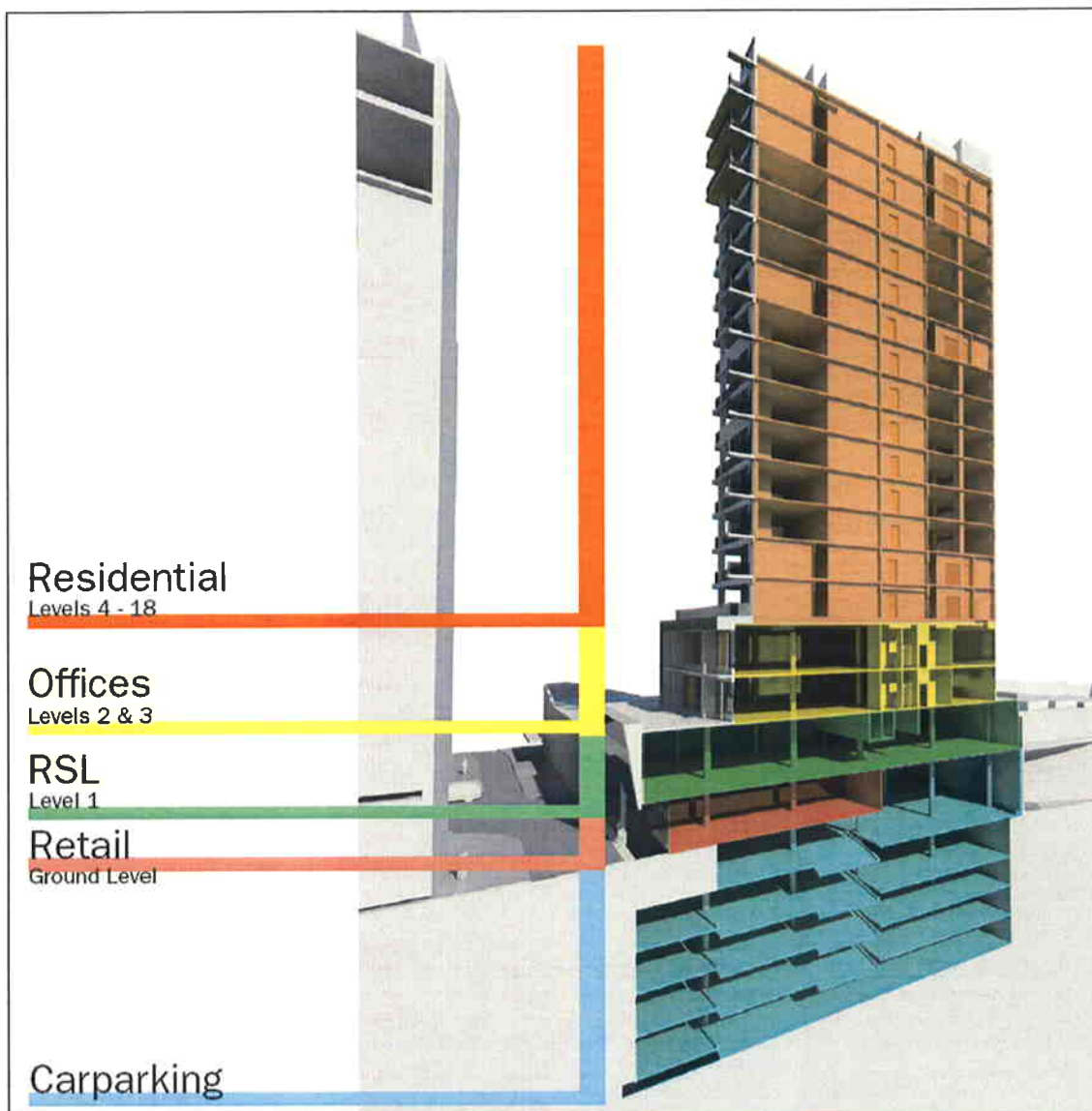


Figure 11: 3-D cross section of proposal illustrating basement car parking (viewed from west)



Figure 12: Photomontage view from north along Regents Street



Figure 13: Photomontage view from south east along Regents Street

PREFERRED PROJECT REPORT

On 16 October 2009 the proponent submitted a Preferred Project Report (PPR) which responded to issues raised in submissions by Government agencies and the public and included amendments to the proposed building and additional information to clarify outstanding issues. The amendments did not warrant re-notification of the application. The following key amendments and additional information have been submitted with the PPR:

- the tower element of the building has been re-positioned to increase the southern setback from 3 metres to 6 metres, with some minor internal reconfiguration to accommodate its re-positioning and minor amendments to other setbacks;
- access to the level 3 landscape area from the commercial premises has been provided;
- the residential entry at level 1 has been extended to be flush with the site's Gibbons Street boundary in order to improve safety and surveillance;
- a security barrier has been included on the building's Redfern Street front elevation to control after-hours access to the Club and office entry; and
- the balcony associated with the proposed RSL Club on level 2 has been repositioned and increased in size along the Gibbons Street elevation.

The proponent also submitted a supplementary Traffic and Transport Assessment, SEPP 65 Assessment and BCA report to support the PPR.

The PPR forms the basis of the assessment of this report. A copy of the architectural plans are contained in **Appendix H**.

4 CONSULTATION AND ISSUES RAISED

4.1 PUBLIC EXHIBITION DETAILS

In accordance with Section 75H of the Act, a "Test of Adequacy" was undertaken by the Department which determined that the matters contained in the DGRs were adequately addressed in the Environmental Assessment prior to public exhibition.

The Environmental Assessment was publicly exhibited for a period of 30 days from 29 July 2009 to 28 August 2009 at the following locations:

- Department of Planning (Head Office) – Information Centre, 22 - 33 Bridge Street, Sydney
- City of Sydney Council – Level 2, Town Hall House, 456 Kent Street, Sydney
- Redfern Neighbourhood Centre – 158 Redfern Street, Redfern
- Redfern Waterloo Authority – Level 11, Tower 2, 1 Lawson Square, Redfern

The EA was placed on the Department's website during the course of the exhibition period.

Local residents surrounding the site were informed of the project application in writing and invited to make a written submission. Details of the application were also published in the public notices section of the Sydney Central Courier and the Sydney Morning Herald. The advertisement provided details of the proposal, exhibition locations and dates and how interested parties could make a submission. Government agencies, the Redfern Waterloo Authority and the City of Sydney Council were also consulted.

During the exhibition period, the Department received submissions from the Redfern-Waterloo Authority (RWA), the City of Sydney Council, the Roads and Traffic Authority (RTA), NSW Transport and Infrastructure (formerly the Ministry of Transport), Sydney Water and RailCorp. 9 submissions were received from the public with 2 being in support and 7 in objection.

The proponent also conducted their own consultation with Government agencies during the design process, including the City of Sydney Council, the RWA, NSW Transport and Infrastructure and the RTA. The proponent also undertook consultation with the local Aboriginal community via a public notice in the Koori Mail and the South Sydney Herald and community meetings with Aboriginal representatives.

The proponent responded to submissions on 16 October 2009 in the form of a PPR.

4.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT

To fulfil the requirements of Section 75I Clause 2(b) this report includes advice provided by public authorities regarding the issues to be addressed by the proponent in the EA. These issues formed part of the key issues raised in the DGRs. The Department has reviewed the EA, submissions to the preparation of the DGRs by Government agencies, the submissions received from Government agencies during the EA exhibition period and the EA and PPR submitted by the proponent. Unless noted to the contrary below, the Department is satisfied that the responses provided by the proponent in their EA and PPR to issues raised in submissions are reasonable.

The issues raised by Government agencies relate to urban design and building separation; public domain and landscaping; safety and activation; development contributions; wind impacts; ESD; car parking; and rail corridor impacts. The proponent responded to the issues raised by the Government agencies and public submissions in their PPR. Upon lodgement of the PPR, the Department further consulted the City of Sydney Council and the RWA. The following key issues were raised:

RWA: raised issues about the building's southern setback and future building separation, public domain, contributions, wind impacts, cyclist facilities, safety and security, balconies, ESD and overshadowing. These issues have been addressed in Appendix C and Section 6 of this report. Specifically, the building's southern setback has been increased and further documentation has been submitted by the proponent to support the design of the proposal including a detailed SEPP 65 and Residential Flat Design Code assessment.

City of Sydney Council: Council raised issues concerning the building's southern setback, amenity, height of the podium, activation and safety, layout of the RSL club, residential and commercial entry lobby area, colonnades, landscaping and public domain areas. As discussed, the building separation has been increased and further documentation has been submitted detailing the design and amenity of the proposal. The proponent has also

amended the layout of the RSL club and residential and commercial entry lobby areas to improve safety and activation. These issues have been addressed in Section 6 of this report.

Roads and Traffic Authority: The RTA recommended specific conditions of approval regarding stormwater, basement entry, construction management, swept path, car parking, demolition and excavation. These recommendations, where appropriate, have been included as conditions of approval.

NSW Transport and Infrastructure: stated that the proposal has not adequately addressed measures to promote public transport usage and recommended that the proposed level of car parking be reduced. NSW Transport and Infrastructure also recommended that the proponent prepare a Workplace Travel Plan and Travel Access Guide. This issue is considered in Section 6. The proposed level of car parking is less than the minimum requirement by Council and RTA standards and the proponent has included secured cycling areas for residents.

RailCorp: RailCorp raised issues regarding the existing Illawarra rail corridor and the future CBD rail corridor and recommended conditions of approval to mitigate impacts on the existing rail corridor and the proposed CBD rail corridor.

Sydney Water: Sydney Water requested that a Section 73 Certificate be obtained from Sydney Water. This has been included as a condition of approval.

The above issues have been comprehensively addressed in this report and where relevant have been adequately resolved by way of conditions of approval.

The 7 submissions of objection were concerned about overshadowing, height, compatibility with the surrounding area, traffic and car parking, and amenity impacts. The 2 submissions of support stated that the development of the site was overdue as well as requesting the adequate provision of parking and that potential structural impacts during construction are addressed.

5 STATUTORY CONTEXT

5.1 MAJOR PROJECT DECLARATION

State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) outlines the types of development declared a major project for the purposes of Part 3A of the EP&A Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or delegate) forms the opinion that the development meets criteria within the SEPP.

Schedule 3 Group 5 of the Major Development SEPP provides that a project within land identified in Map 3 (Redfern Waterloo Authority Sites) and with a Capital Investment Value of more than \$5 million is a Part 3A project. The Capital Investment Value for the proposal is estimated at \$25,128,000.00 and the site is identified within Map 3.

On 27 February 2009 the Director General, as delegate for the Minister for Planning, formed the opinion that Part 3A of the Act applied to the proposed development. In doing so the Director General declared the proposal to be a Part 3A project.

5.2 PERMISSIBILITY

Under Schedule 3 of the Major Development SEPP, the site is zoned as Business – Commercial Core and the proposal is permissible with consent. The proposed development complies with zone requirements. The Major Development SEPP imposes an 18 storey maximum height control and a 7:1 maximum FSR control on the site. The project is consistent with these controls.

5.3 DIRECTOR GENERAL'S REQUIREMENTS (DGRS)

On 25 March 2009, the Director General Requirements (DGRs) were issued pursuant to Section 75F of the EP & A Act. The key issues to be addressed in the DGRs issued related to:

- Built form and urban design;
- Environmental and residential amenity;
- Safety, public domain and landscaping;
- Proposed uses in zone;
- Car parking, transport and accessibility impacts (construction and operational);
- Rail impacts;
- Ecologically Sustainable Development (ESD);
- Drainage and flooding;
- Utilities;
- Staging; and
- Consultation.

The Department considers that the Environmental Assessment adequately addressed the DGRs. The DGRs are provided in **Appendix B**.

5.4 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the EP & A Act, including the objects of the Act.

The objects of the Act in section 5 are as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection, provision and co-ordination of communication and utility services,
- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and

- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and
- (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i) and (ii) are significant factors in forming the determination of the application and the project is considered to comply with these objects of the Act. Further the project does not raise significant issues with regards to (vi) and (viii).

5.5 ESD PRINCIPLES

The *Protection of the Environment Administration Act 1991* provides five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (**the integration principle**);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (**the precautionary principle**);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (**the inter-generational principle**);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (**the biodiversity principle**); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (**the valuation principle**).

The Department has considered the proposal in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** – The project provides for the redevelopment of the site and will assist in the ongoing urban renewal of the Redfern centre. The project includes 84 new dwellings with a mix of apartment sizes, thus providing a variety of housing options. This assists in the social development of the area.
- **Precautionary Principle** – The site is identified as having a low level of environmental sensitivity. Conditions of approval have been recommended to mitigate any potential impact on the environment arising from the development.
- **Inter-Generational Principle** – The project will provide new housing and business opportunities for the Redfern locality, by providing new shops, apartments and office space. The proposal is not considered to compromise the environment and therefore the existing environment will be protected for future generations and the development will have ongoing benefits for future generations.
- **Biodiversity Principle** – There is no natural vegetation on the site due to the existing building covering the majority of the site. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. It is concluded that there is no threat of serious or irreversible environmental damage as a result of the proposal.
- **Valuation Principle** – The project application will provide will provide employment opportunities through the construction and ongoing operation of the project which will assist in the urban renewal and economic development of the Redfern centre. The proposal has been designed to minimise adverse impacts on the environment through the construction management plan and Statement of Commitments.

5.6 SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's report is to address a number of requirements. These matters and the Department's response are set out as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA and PPR are located on the assessment file and in a CD-Rom in Appendix D and E .
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for consideration is set out at Appendix F of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed in Appendix C .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to all environmental planning instruments is provided in Appendix C .
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proponent's EA addressed the DGR requirements and is considered to have satisfied those requirements as addressed in this report. Refer to the Conclusion in Section 7 of this report for a statement relating to this requirement.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Section 6 of this report.
Any aspect of the public interest that the Director General considers relevant to the project	The public interest is discussed in Section 6 of this report.
The suitability of the site for the project	The suitability of the site for the project is discussed in Section 6 of this report
Copies of submissions received by the Director General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 6 of this report.

5.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

5.7.1 Application of EPI's to Part 3A projects

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project application.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(3) Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as the DGR's and Section 75I(2)(e) of the Environmental Planning and Assessment Act 1979 require the Proponent to address such standards and provisions and the Department to duly consider them.

The primary controls guiding the assessment of the proposal are:

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

A consideration and assessment of these instruments is contained in **Appendix C**. The Department has considered the proposed Project Application against the objectives and aims of these instruments, and is satisfied that the proposed project, subject to the implementation of the recommended conditions of approval, is generally consistent with the provisions of these instruments.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment include:

- Built form and urban design;
- Amenity, acoustic and safety;
- Traffic, car parking and alternative transport nodes;
- Wind Impacts
- Public Domain works;
- Development Contributions and Voluntary Planning Agreement ;
- Affordable Housing;
- Rail Corridor and Geotechnical Impacts;
- Heritage and Archaeology;
- Ecologically Sustainable Development;
- Construction Impacts
- Future Approvals
- Utilities and services
- Operational Impacts
- Statement of Commitments;
- Public interest.

6.1 BUILT FORM AND URBAN DESIGN

Building Separation and Relationship

Building separation was raised as key issue by the Department's Senior Urban Design Specialist, the City of Sydney Council and the Redfern-Waterloo Authority, with the main concern being the southern building separation. The proponent responded to this issue by relocating the tower to increase the southern setback from 3 metres to 6 metres thereby increasing the southern building separation.

North Elevation

The proposed northern building separation between the habitable rooms of DeiCota tower and the non-habitable rooms (commercial offices) of the north western GCA tower will be 15 metres. This represents a minor departure from the 18 metres required under SEPP 65, however will facilitate a larger southern separation and therefore this departure is supported. The 15 metre setback will provide adequate solar access to the northern apartments of DeiCota that complies with the SEPP 65 minimum solar access requirements. The 15 metre setback is considered to have minimal impacts upon residential amenity given the southern façade of the GCA towers is largely blank and there would be minimal privacy issues. Adequate solar access would remain available to the northern apartments of DeiCota tower.

East Elevation and West Elevation

The eastern building separation ranges between 6 metres at the podium level to 10 metres for the residential tower. To the east are 2 to 3 storey commercial buildings. Both the 6 metre podium and the 10 metre tower separation comply with the SEPP 65 requirements.

The proposed western separation is 18 metres from the nearest adjoining site on the western side of Gibbons Street. This complies with the SEPP 65 requirements.

South Elevation

The EA for the project proposed a 3 metre southern setback for levels 5-18. With 1.5m deep balconies on the southern façade, this setback was in part reduced to 1.5 metres. This proposed setback was identified as an issue by the Department, the RWA and Council, particularly given the redevelopment potential of the site to the immediate south at 7-9 Gibbons Street.

Although the 7-9 Gibbons Street site is currently occupied by a 3 storey carpark, it is currently proposed to be redeveloped for an 18 storey mixed use building, with residential use from level 4 and above. The preliminary design of this building involves a nil setback to its northern boundary, with a largely blank façade articulated by non-translucent glazing elements.¹

The Department considers that the future redevelopment of the 7-9 Gibbons Street site is relevant to the assessment of the current project application, given the importance of the future building relationship in producing acceptable design and amenity outcomes. On this basis, the originally proposed principal southern boundary setback of 1.5 to 3 metres was considered to be unacceptable in terms of:

¹ It is noted that the Project Application for the 7-9 Gibbons Street site is yet to be lodged for Test of Adequacy. Accordingly, the proposed development of this site, including its northern setback, is subject to possible change and that any increase in this setback would result in an increased future building separation with the subject proposal.

- Urban form and design – the minimal setback potentially results in a large building mass of two almost contiguous towers with a height of approximately 65 metres and a total length of over 75 metres; and
- Amenity – overlooking between the two buildings and reduced solar access to dwellings.

Figure 14 below shows the Gibbons Street elevation of the two proposals with the 1.5 to 3 metre building separation.

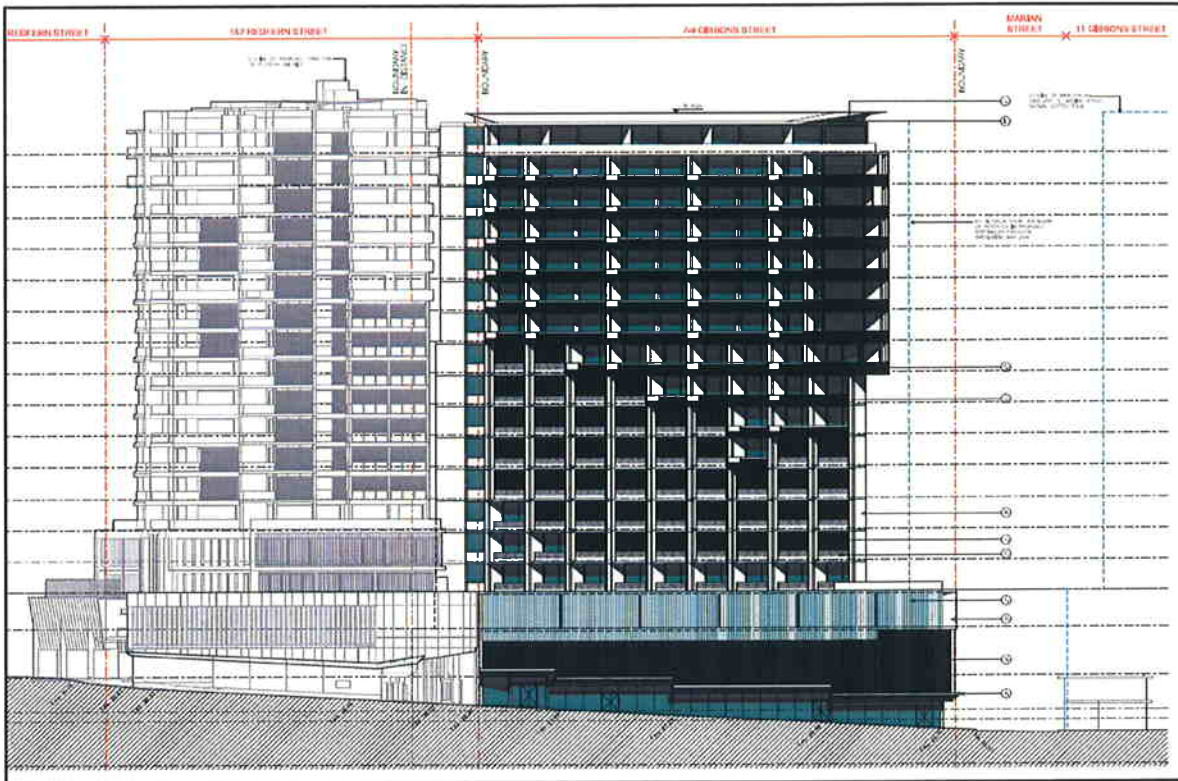


Figure 14: DeiCota to the left and the 7-9 Gibbons Street proposal to the right, as viewed from Gibbons Street

The Department subsequently requested the proponent to address this issue and specifically advised that consideration should be given to increasing the southern setback. Consequently, the proponent, via their PPR, submitted an amended scheme that increases the principal southern setback of levels 5-18 from 3 metres to 6 metres. This is further discussed below.

The Major Development SEPP does not contain any specific setback or building separation controls that are relevant to the two sites. Instead, the controls can be interpreted to enable a zero setback between the two sites, regardless of building height. This is shown on the Height of Buildings Map in Figure 15 below, which shows upper level setbacks around sites contained within street blocks rather than on individual sites themselves.

Site constraints

The subject site is relatively constrained in terms of overall size and proximity to the existing CGA Towers to the north. The site has a variable depth from Redfern Street to the south of 36.5 m to 38.87 m. For the site to accommodate a 9 metre southern setback (assuming application of the 18 metre building separation from the Code) and the proposed 4.9 metre northern setback, the tower's developable area depth would effectively be reduced to between 22.6 to 24.97 metres. Given the current proposal involves a tower building depth of 30.5 metres, the reduction of the building footprint to this extent would significantly reduce the residential yield of the project, as well as potentially diminishing the feasibility of the project, which may undermine the realisation of the strategic objectives for the site outlined above.

As discussed below, acceptable built form and amenity outcomes can still be achieved with the proposed 6 metre principal southern setback. Accordingly, in light of the site's constraints, it is not considered necessary to strictly apply the numeric building separation distances from the Code to the subject proposal.

Built form and amenity outcomes

The resulting built form is considered to be suitable and appropriate for the site's context. The increased southern setback will improve the overall design and relationship with any future development on 7-9 Gibbons Street and provides adequate separation. The proponent's SEPP 65 assessment demonstrates that the proposal meets the solar access requirements of the SEPP. The proposal protects the residential privacy of future occupants through the use of barriers separating balconies and minimising direct views to living and bedroom areas.

It is noted, however, that in areas identified for high density redevelopment such the Redfern Centre, it would not be unreasonable for some overlooking between adjacent sites. Amenity is further discussed in Section 6.2 and Appendix C.

On the basis of the above, it is considered that strict compliance with the numeric building separation standards of the Code is not appropriate for the subject proposal and that variations are justifiable. The proposed 6 metre southern setback is therefore considered to be an acceptable outcome for the site.

Urban Design, Bulk and Scale

The proposed new building will be 18 storeys in height with a gross floor area of 11,531 m². This represents a FSR of 7:1. The proposed height of the building is 67.4 metres, as measured from the first floor main entry to the top of the lift overrun on the roof level. Whilst the proposal does involve a significant increase in general scale and bulk, as compared to the existing building on site, the proposed development is similar to the bulk and scale of the immediately adjoining GCA Towers (which have a height of 67 metres) and complies with the FSR and height controls for the site.

The podium structure is two storeys, with a height of over 9 metres to Redfern Street. This was raised as an issue by the City of Sydney Council, with specific concerns that the podium does not relate to the scale of existing shop fronts along Redfern Street. The proponent states that the height is required in order to accommodate the RSL club and that adjoining shop fronts to the east on Redfern Street can be redeveloped to achieve a similar podium height. In particular, the podium height will be consistent with the proposed future development on 7-9 Gibbons Street as both parties have agreed to a podium height at RL 41.4 metres.

The tower incorporates modulated and articulated elements including the use of vertical elliptical louvres, metal cladding, glass canopy structures and the use of feature colours. The Gibbons Street elevation has incorporated the use of a palette of materials and colours to create an interesting built form element and the retail frontages along both Redfern and Gibbons Streets assist in providing active street frontages whilst the new RSL Club provides an area for community interaction, leisure and entertainment. The design of the balconies contribute to the architectural treatment of the building by articulating the facades and providing a variety of different balustrade treatments. The awning structure along Gibbons Street provides weather protection for pedestrians.

The bulk and scale of the proposal is considered suitable and the proposal has included adequate urban design treatments to provide visual interest to the building.

Overshadowing

The existing site and surrounding areas to the south experience high levels of overshadowing in the morning period during the winter solstice as a result of the GCA towers located on 1 Lawson Square. This is also attributed to the dense urban environment of the locality. Both GCA towers emit large overshadowing to the south during the winter solstice, which in some instances, covers the entire block bounded by Redfern Street, Regent Street, Marian Street

and Gibbons Street. Some properties already do not receive a minimum of 3 hours of sun access due to the GCA towers. However overshadowing does significantly reduce during the March and September equinox, and during these periods, shadowing is contained to the subject site and some properties on the corner of Regent Street and Redfern Street.

During exhibition of the EA, the RWA requested that the proponent provide shadow diagrams for other times in the day (i.e. 10am and 2pm) to determine the increase in shadow impacts, with particular attention to the public domain. Overshadowing was also raised as an issue in a number of public submissions. The proponent has included further shadow diagrams as part of their PPR.

The shadow diagrams illustrate that the proposed development does increase the already high level of overshadowing to southern properties including the public park to the south on Gibbons Street. The surrounding southern street network (Gibbons and Marian Street) and road area will also be susceptible to high levels of overshadowing during the morning period in the Winter solstice. In the afternoon period, properties to the east of the site bounded by Redfern Street, Regent Street and Cope Street will also experience increased overshadowing. This increase in overshadowing mainly occurs during the winter solstice period, however there is also a moderate increase in over shadowing during the March and September equinox.

In determining the impacts of shadowing, the use of the 'Planning Principles' from the Land & Environment Court has been applied (refer to *Parsonage v Ku-ring-gai Council* [2004]). They state that a general rule regarding overshadowing is that in low density areas, there is a reasonable expectation that a dwelling will retain access to sunlight (being minimum of 3 hours), however in high density areas there exists a reasonable expectation of overshadowing to adjoining properties and buildings.

The proposal does increase the already high level of overshadowing. However the shadows cast are not anticipated to unduly prejudice the amenity of adjoining properties which are anticipated to retain a minimum total of 2 hours of solar access between different intervals during the day, thereby not compromising their existing access to sunlight. Consideration is given to the location of the development in a dense urban environment and it is anticipated that any development on this site which is generally consistent with the controls, would be expected to cast shadows on adjoining properties. Further, the relocation of the tower as part of the PPR has had a very minor decrease in overshadowing. Therefore the overshadowing impacts are considered reasonable given the existing high levels of overshadowing and the location of the development in a dense urban environment.

RSL Layout

The project proposes that level 2 of the building be used by the Redfern RSL. Level 2 is 1332m². As part of the PPR, the proponent has provided a basic layout for the RSL club, which includes a balcony area on the Gibbons Street elevation and main escalator entrance in the middle of the club. The City of Sydney Council has indicated initial support of the floor layout for the RSL and has recommended that any future gaming machines are not located directly adjacent to the street facades. This will be considered as part of a subsequent application for the fitout and use of the RSL club.

6.2 AMENITY, ACOUSTIC AND SAFETY

Amenity

The proposal is considered to provide an acceptable level of residential amenity for future occupants. The design has included balconies for all apartments that provide suitable privacy and are adequately separated to provide acoustic privacy. The residential apartments have been designed to provide solar access and cross ventilation compliant with SEPP 65, and the proponent has submitted a BASIX report demonstrating compliance with BASIX.

Council and the RWA raised concerns that the internal studies in the west-facing apartments from levels 5 to 18 and the two north facing apartments on level 5 to 18 experience poor amenity and outlook. The proponent responded by stating that the studies are designed to be used as media or computer rooms and therefore will not be used for habitable purposes.

The design of the tower includes a modulation on the northern façade which results in the two north facing apartments' second bedroom having recessed windows. Council considers that this feature provides poor amenity to those bedrooms through reduced natural light. The proponent responded that the design of the recessed windows promotes visual interest in the building and the floor to ceiling height windows provide adequate solar access to the bedrooms. The proponent has also stated that the proposal complies with the minimum solar access requirements under SEPP 65. The Department considers that on the basis of the proposal's compliance with SEPP 65 and the design benefits provided through the façade modulation, the proposed layout of these bedrooms is acceptable.

Pedestrian Amenity

Council requested that the proposal incorporate an awning along Redfern Street to provide weather protection for pedestrians. The proponent argued that Redfern Street is a shared zone and that an awning structure may impact vehicle movements on Redfern Street.

The Department notes that the colonnade would cover the proposed footpath and that an awning would therefore project beyond the footpath and over the carriageway. On this basis, the Department considers that the provision of an awning in addition to the colonnade is not warranted.

Acoustic Impacts

The site is located adjacent to a rail corridor and therefore consideration to noise and vibration is necessary. Clause 87 of the Infrastructure SEPP provides controls for residential development on land in, or adjacent to a rail corridor that is likely to be adversely affected by rail noise or vibration. Clause 87(2) of the SEPP requires noise not to exceed:

- 35dB(A) in any bedroom in the building at any time between 10.00pm and 7.00am; and
- 40dB(A) elsewhere in a residence at any time.

The proponent has submitted a Noise and Vibration Assessment that confirms the following:

- rail noise levels of the most noise affected facades and floor levels of the development based on the maximum train movements during the day and nighttime periods comply with the noise level requirements;
- calculated road traffic noise levels exceed the Department of Environment and Climate Change's *Environmental Criteria for Road Traffic Noise* for new residential development and recommended building design measures will satisfactorily attenuate noise levels to comply with the indoor sound levels nominated in AS 2107:2000 for all traffic noise (both road and rail);
- building design measures have been recommended for the proposed Club premises; and
- ground vibration was not perceived during site visits and will not give rise to structure borne noise or vibration impacts.

Subject to the implementation of the recommendations of the Acoustic Report, any residential acoustic impacts should be adequately mitigated. Any noise impacts associated with the RSL Club are to be assessed and considered with a future application for its fitout and use.

Safety and Activation

Safety, security and activation were raised as issues by the RWA and Council, due to the location of the recessed residential and retail/RSL entries in the original EA. The proponent has submitted a Security Review Report to support the proposal. The Report recognises that the spaces leading into the town centre must be designed to be safe places and that the proposal should be a 'welcoming and safe' environment. The report recommends specific measures that should be implemented to ensure that the DeiCota tower is constructed in accordance with Crime Prevention Through Environmental Design (CPTED) principles. The proponent has included a Statement of Commitment to this effect.

The proposal includes CPTED measures such as passive surveillance from balconies and the retail and Club areas; technical surveillance and monitoring through CCTV; lighting design and by providing separate commercial and residential entries. The provision of retail premises on the street level along Gibbons Street and Redfern Street will also assist in activating the street area and will provide opportunities for casual surveillance of the surrounding areas.

In response to issues raised by RWA and Council, the proponent amended the residential entry to be flush with the building's Gibbons Street elevation at the footpath level and has included a security barrier to be installed flush with the building's Redfern Street front elevation to control after hours access to the RSL and commercial offices. Council has requested that the final detailed design of the security barrier be provided prior to determination given it will affect the street presentation of the building. The Department agrees that this information is required and has included a condition of approval requiring the proponent to submit a detailed design to the Department for approval prior to the issue of a construction certificate.

Council also raised concerns regarding safety when entering the RSL club and commercial area. In response, the proponent has amended the entry to the RSL club entry by making it visible from the street and has also amended the size and location of the balcony to improve casual surveillance.

6.3 TRAFFIC, CAR PARKING AND ALTERNATIVE TRANSPORT NODES

The proponent has submitted a Transport Impact Assessment (TIA) that assesses the traffic impacts of the proposal as well as car parking details and public transport accessibility. As part of the PPR, the proponent submitted a supplementary Traffic Assessment.

Public Transport

The site is in close proximity to the Redfern Train station and three separate bus services. This is illustrated in Figure 16. The site is also serviced by the City of Sydney Council's 'Village to Village' Bus Service which provides a free bus service from Redfern to Broadway. Therefore given the high level of available public transport that services the Redfern locality, it is considered optimal that future residents, staff and users of the development maximise the use of public transport and reduce general vehicular reliance. NSW Transport and Infrastructure recommended that a Transportation Access Guide be provided by the proponent. The Department considers that this is not necessary given the proposal already provides less than the required number of car parking spaces and includes 30 secured bicycle storage spaces for residents of the apartments within the basement car park. In addition, given the site's proximity to public transport, it is reasonable to expect that there would be a high level of public transport use by visitors, workers and residents.

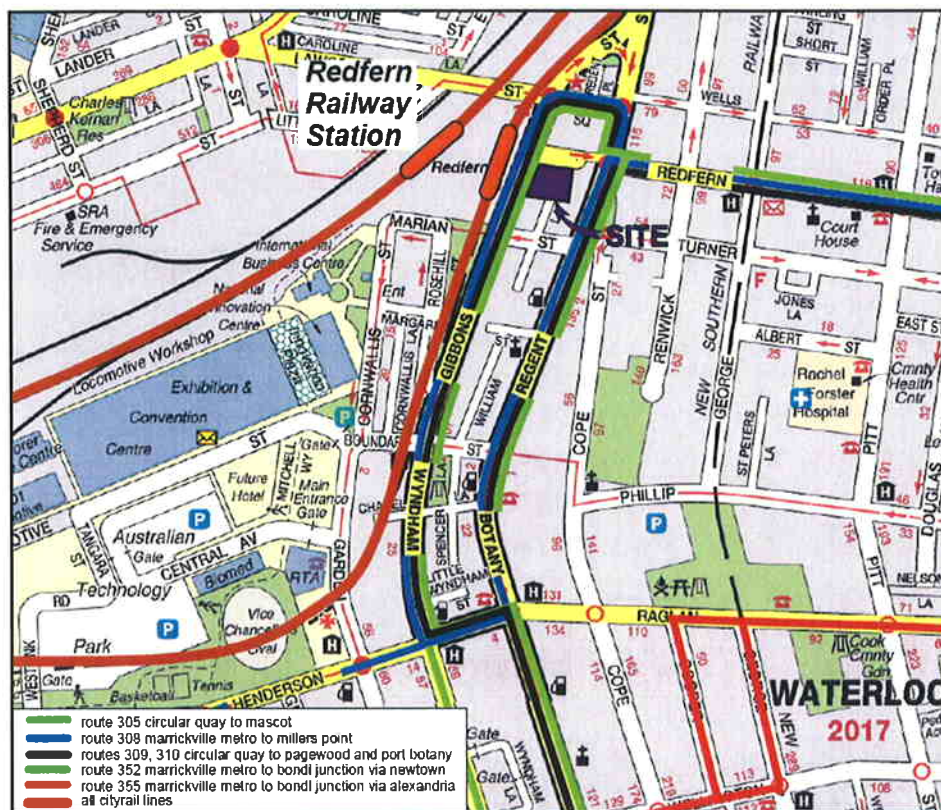


Figure 16: Location of public transport services

Traffic

The surrounding road network is made up primarily of one-way traffic, with Gibbons Street being one-way northbound, Regent Street being one-way southbound, Redfern Street being one-way eastbound and Marion Street being one-way west bound.

The TIA report estimates that the traffic generated would be a total 66 trips per hour during the AM peak period and 96 trips per hour in the PM peak period. The report indicates that the surrounding key intersections will continue to operate well during both peak traffic periods and will result in minimal to average vehicle delays. The study indicates that the traffic generated by the development can be accommodated by the surrounding road network and would not have adverse impacts on existing traffic volumes or congestion.

Car Parking

The proposal provides 147 off-street car parking spaces that are located on the 5 storey basement. These spaces are to be allocated on the basis of:

- seventy-five (75) spaces for the retail, commercial and Club facilities; and

- seventy-two (72) spaces for the eighty-four (84) apartments.

The car park provides 8 disabled parking spaces which equates to 5% of total parking provided.

The table below has utilised the parking requirements as specified by the Council's South Sydney DCP 11 and the RTA's Guide to Traffic Generating Development:

Use and Floor Space	Council DCP 11 (Maximum required)	RTA Guide (minimum required)	Proposed
Retail @ 764 m ²	@ 1/50 sqm= 15.28	@ 6.1/100sqm = 46.60 sp.	Sub-total: 75
RSL @ 1,332 m ²	@ 1/20 sqm= 66.6	Study required	
Commercial @ 1,759 m ²	@ 1/125 sqm= 14.1	@ 1/40sqm = 43.9sp.	
	Sub-total: 95.98	Sub-total: 90.5	
14 x 1 bedroom units	@ 0.5/unit= 7 sp	@ 0.6/unit = 8sp.	Sub-total: 72
63 x 2 bedroom units	@ 0.8/unit= 50.4 sp	@ 0.9/unit = 56.9sp.	
7 x 3 bedroom units	1.2/unit= 8.4 sp	@ 1.4/unit = 9.8 sp.	
	Sub-total: 65.8	Sub-total: 74.7	
	Total (maximum): 161.78 sp	Total (minimum): 165.2 spaces	Total= 147 spaces
Visitor Parking	1/6 units: 14	0.2/unit: 16.8	Nil

Table 2: Car parking calculations

Council adopts a control that provides the maximum number of spaces, whilst the RTA's Guide to Traffic Generating Development adopts a minimum control for spaces. The above RTA calculations for the commercial and retail components have been calculated on the basis of an 'unrestrained' model, i.e development not located in close proximity to public transport. However the subject development is a 'restrained' model given its close proximity to Redfern railway station. In this instance, the RTA's Guide states that restrained type developments should rely on Council car parking requirements. Therefore the minimum requirement under the RTA Guide should not be strictly applied to the site. The site's proximity to Redfern Station means the subject site is optimally located to encourage public transport use and therefore reduced on-site car parking is considered acceptable. As such, it is considered appropriate that the proposed car parking on the site should be less than both Council and RTA's requirements.

This is reiterated by NSW Transport and Infrastructure (formerly Ministry of Transport), who has recommended that the number of car parking spaces (147) be further reduced and that there should be further measures to promote public transport usage.

The proponent has justified the number of spaces on the basis that a reasonable level of parking is required for marketability reasons to encourage tenants into the development and that the proposed number of spaces is less than Council and RTA requirements (14 spaces and 18 spaces respectively). The minimalist approach to car parking from the proponent would in effect result in more workers, residents and visitors being required to catch public transport, thereby satisfying the NSW Transport and Infrastructure's recommendations. Therefore in balancing the needs of staff and residents of the site and the proposed environmental benefits of increased public transport usage, it is considered that the proposed level of parking is acceptable.

All vehicle ingress into the development is to be through William Lane via Marian Street and all vehicle egress is to be via Gibbons Street. This is illustrated in Figure 17. The loading dock will also be accessible via William Lane. The proponent has provided a swept path analysis to demonstrate that trucks can access the loading dock and vehicles can access the basement car park. The RTA indicated that there may be potential conflict due to service vehicles reversing into the loading bays and cars entering the basement, however due to the confined nature of the site, this is acceptable subject to a delivery management plan being developed and service deliveries limited to time of day when traffic entering the premises is at its lowest. These requirements have been included as a condition of approval. The proponent has included specific Statement of Commitments in relation to the loading dock and the number of car parking spaces.

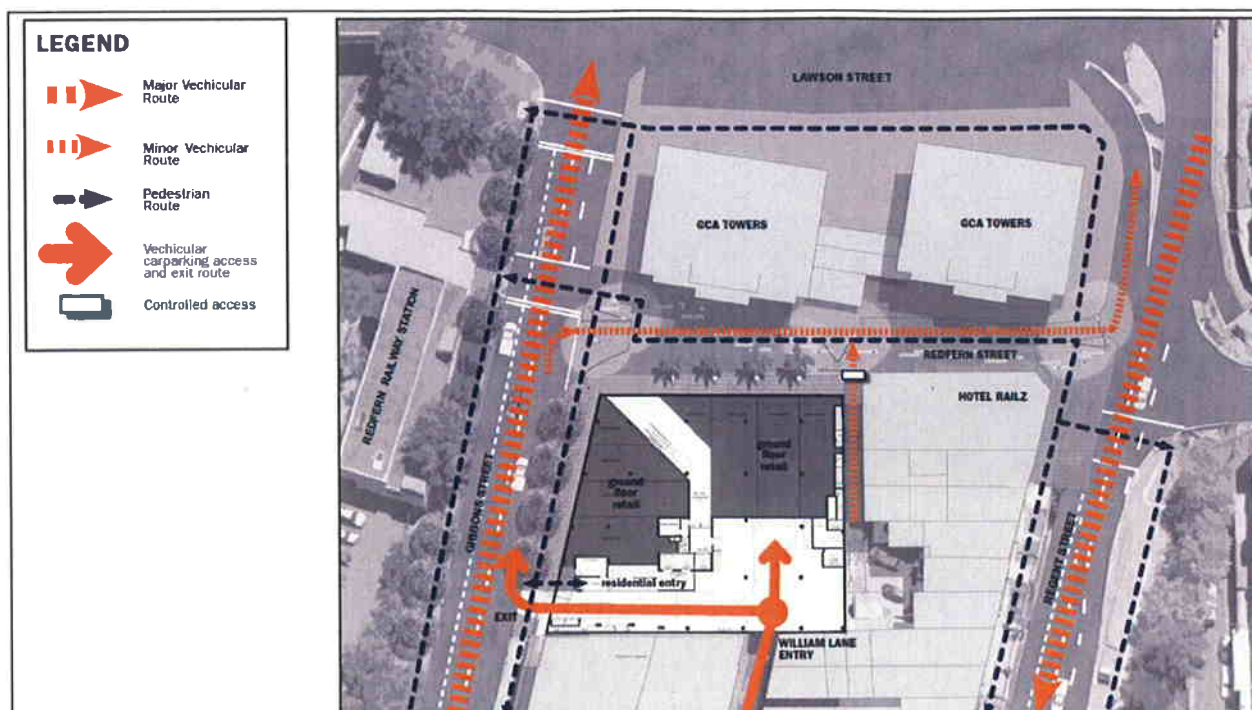


Figure 17: Vehicular access arrangements into the site

6.4 WIND IMPACTS

The RWA raised concerns regarding wind impacts, stating that wind is a major problem within the Redfern town centre and particularly within Redfern Street. The proponent submitted a Wind Environment Study prepared by Windtech. The results of the study indicate that the existing wind conditions along Redfern Street are particularly strong and exceed criteria for comfortable pedestrian activity. The existing wind conditions on Gibbons Street satisfy the criteria for comfortable pedestrian activity.

The RWA advised that they have previously engaged a wind specialist to provide advice on wind conditions and impacts and that the recommendations were for a minimum 2 metre wide awning; that building entrances be away from corners and that inset balconies rather than protruding balconies be provided. The building provides an awning structure that is greater than 2 metres wide, however the building does include the main entry on a corner and there are balconies that protrude.

The Wind Study undertook wind speed measurements for the ground level areas and surrounding areas. The Study concludes that the proposal has been designed to satisfactorily address wind environment issues associated with the proposed development and that the proposal will significantly improve the existing wind conditions along Redfern Street so that they meet the criteria for comfortable pedestrian activity and that wind conditions along Gibbons Street will remain equivalent to the existing conditions.

The Department considers that the proponent's Wind Study adequately assesses the impacts of the proposal, however recommends that ongoing wind testing be undertaken by the proponent post occupation, and where necessary additional treatments be provided. This is included as a condition of approval.

The Wind Study also recommended that 1.2m high impermeable balustrades be installed on the perimeter of all trafficable areas as well as specific balconies and terraces. Accordingly a condition of approval has been included to this effect.

6.5 DEVELOPMENT CONTRIBUTIONS AND VOLUNTARY PLANNING AGREEMENT

The Redfern Waterloo Authority Contributions Plan 2006 applies to the site. Section 8 of the Contribution Plan specifies that the development levy is 2% of the cost of the proposed development. The Capital Investment Value of the project is \$25,128,000.00 and accordingly the levy payable equates to \$502,560.00. Schedule 2 of the plan provides details of the intended use of the development levy. The applicable works for the project are:

- Item 1 - new civic space and the upgrading of the Redfern Street thoroughfare, including site preparation, planting, irrigation, paving, street furniture, lighting and public art (estimated cost \$2.9million);

- Item 7 - the upgrading of the Gibbons Street public domain, including upgrading of footpaths, planting, lighting and street furniture (estimated cost \$550,000); and
- Item 10 - traffic management and/or public domain works in the vicinity of the Town Centre or other Redfern-Waterloo Authority sites to improve pedestrian safety and amenity along streets and improve traffic circulation (estimated cost \$14.8million).

The proponent has indicated they intend to undertake public domain works on Redfern Street and Gibbons Street which are estimated to be approximately \$335,160.00. The proposed public domain works are consistent with Works Schedule in the Plan (Schedule 2), being items 1, 7 and 10. The proponent has requested that the sum of the total public domain works be discounted from the applicable contribution rate. This would result in a contribution of approximately \$224,840.00.

Under Section 16 of the Contributions Plan, a proponent may include an offer to carry out works or provide a material benefit toward works to which the levy is to be applied. The proponent has submitted a letter of offer in accordance with s93I(3) of the Act to enter into a Voluntary Planning Agreement (VPA) with the RWA and Council to deliver the public domain works. Therefore the proponent has the option to pay the 2% contribution or enter into a VPA to deliver the public domain works.

Discussions have been held with the RWA and Council on the most appropriate way to deliver the public domain works. The RWA requested that a condition be included requiring the proponent to pay the 2% contribution to the RWA prior to the issue of the first strata certificate. However the condition can exclude the 2% contribution requirement, if the proponent decides to enter into a VPA within 6 months of the date of determination. The Department has included this in its recommended conditions.

6.6 AFFORDABLE HOUSING

As detailed in Section 4.9.2 the site is subject to the provisions of the Redfern-Waterloo Affordable Housing Contributions Plan 2006 and a condition of approval has been included requiring a contribution of \$602,331.00 to be paid to the RWA prior to the issue of the construction certificate.

6.7 HERITAGE AND ARCHAEOLOGY

The Major Development SEPP encourages the protection of heritage values through identification, evaluation, interpretation and re-use where possible. The proponent has submitted a Statement of Heritage Impact and an Archaeology Assessment the details both Aboriginal Archaeology and European Archaeology.

The Heritage Impact Statement states that the proposed development will have no adverse impacts on heritage significant items in the vicinity of the site. The Archaeology Assessment states that the Aboriginal Heritage Information Management System (managed by the DECCW) has no Aboriginal sites listed for the subject site or immediate surrounding area. The Aboriginal Archaeology Assessment Report concludes that the site presents a low to moderate potential for containing any Aboriginal heritage remains and therefore recommends that suitable management measures be implemented during excavation. A condition of approval has been included requiring the proponent to undertake monitoring of soil profiles and artefacts during excavation. The proponent has advised that it has now obtained a S140 excavation approval from the Heritage Branch to undertake archaeological works.

6.8 RAIL CORRIDOR AND GEOTECHNICAL IMPACTS

The proposal involves excavation of up to 15 metres below the existing ground level to accommodate the proposed 5 level basement car park. This excavation is constrained due to the site's close proximity to the existing Illawarra underground railway line and the proposed CBD rail link. The Illawarra tunnel is located between 12 and 16 metres from the site's western boundary running below the ground, whilst the proposed CBD rail link corridor is located adjacent to the eastern site boundary approximately 39 metres below the proposed excavation level (approximately 55 metres below the existing ground level). Figure 18 illustrates an approximate location of both tunnels.

The proponent has submitted a Geotechnical Report prepared by SMEC Engineering and a Structural Engineers Report that assesses the subsurface conditions and impacts of the excavation. The report states that subject to there being a minimum 10 metres of sound sandstone above the tunnel, there will be no impacts on the rail link. The Geotechnical assessment drilled three boreholes on site and encountered sandstone at a depth of 28.8 metres. This indicates that there is approximately 21 metres of sound sandstone over the proposed tunnel and therefore meets the requirement.

The Project Application was referred to RailCorp which has indicated in principle support to the application, subject to conditions of approval. The conditions require that all excavation and construction be undertaken in accordance with

the details of the Geotechnical Report and Structural Report, and also include other requirements to control and manage any potential impacts on both rail corridors. These requirements have been included as conditions of approval.

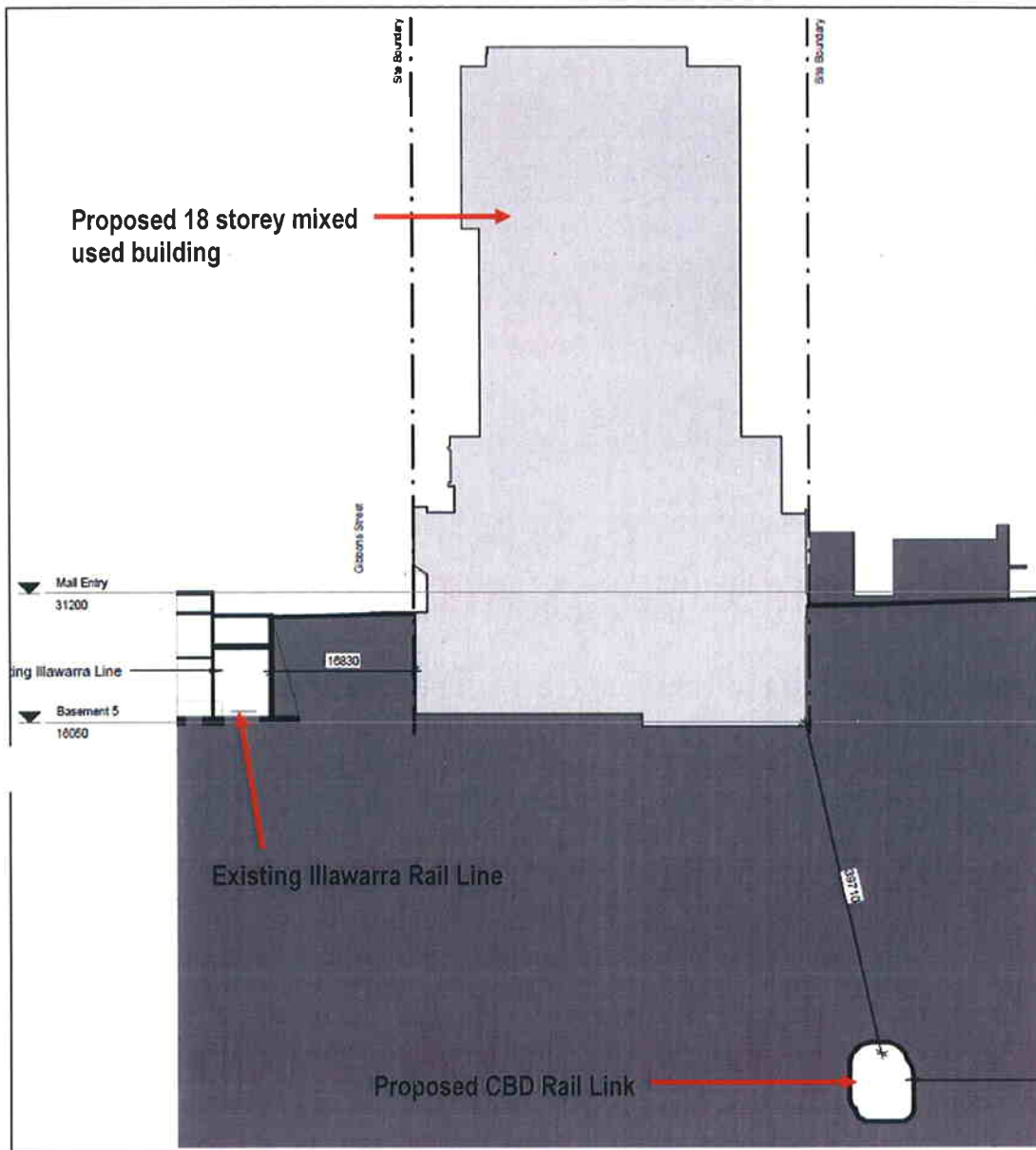


Figure 18: Location of existing Illawarra Rail line and proposed CBD Rail Link

The Geotechnical Reports indicate that the subsurface area is made up of silt clays, medium to high strength shale and sandstone. The excavation for the basement will potentially reach adjoining property boundaries and buildings and therefore the Geotechnical Report recommends that a suitably qualified Geotechnical Engineer and Vibration Specialist be engaged during excavation to mitigate any potential impacts on adjoining properties. Mitigating measures may include constructing temporary support for the adjoining exposed rock areas in the form of concrete piles and anchors. A condition of approval has been included requiring that all excavation and construction be undertaken in accordance with the Geotechnical Report and Structural Report and that suitably qualified engineers be present during the works. Figure 19 illustrates the proposed excavation line in context with the existing Illawarra rail corridor.

A requirement of RailCorp is that development adjacent to electrified rail corridors investigate the potential for the presence of stray traction current in the ground resulting from Railcorp's infrastructure and to identify measures that should be taken to ensure that stray current does not present a corrosion hazard to any development. The proponent has submitted a Stray Traction Report that indicates that stray traction current can be expected to be present on the site and specifies measures that need to be undertaken during construction to ensure that it does not present a

corrosion hazard to the development. A condition of approval has been included requiring all excavation and construction works be undertaken in accordance with the Stray Traction Report.

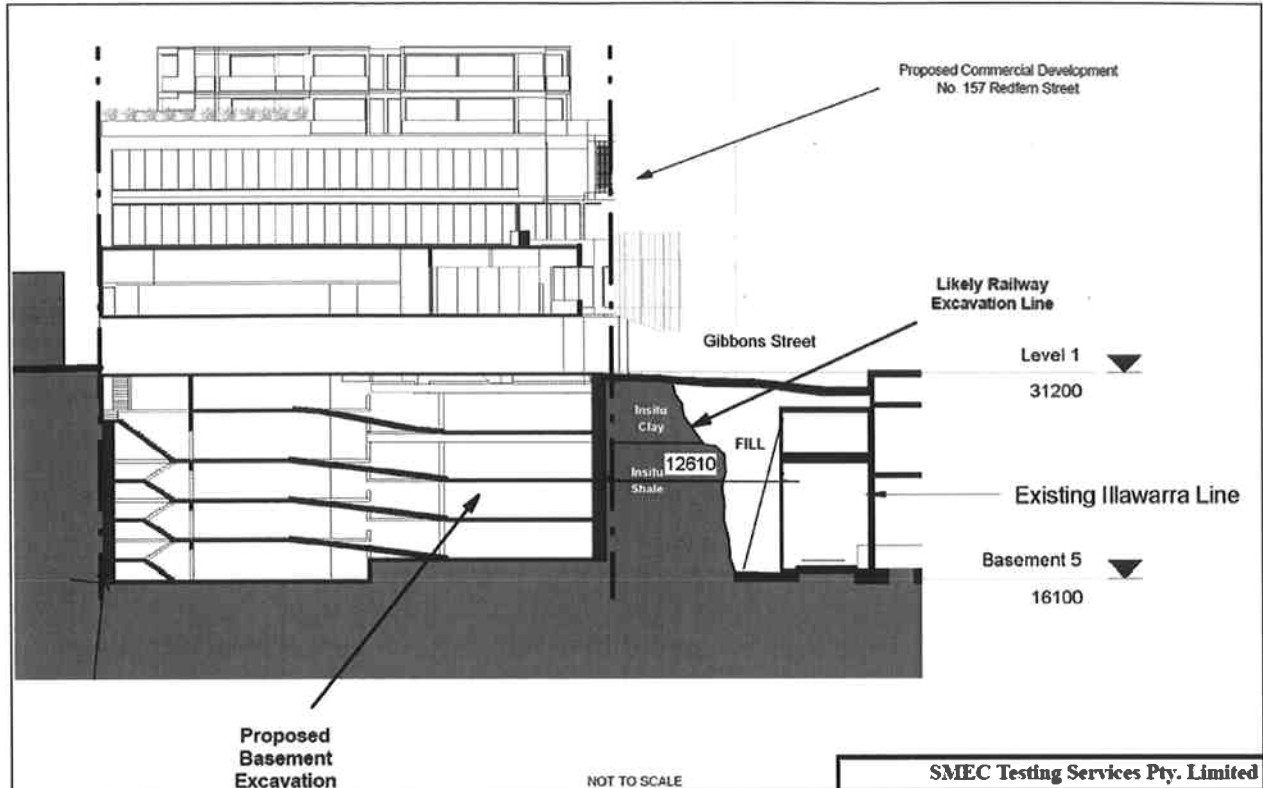


Figure 19: Proposed excavation line in proximity to existing Illawarra rail line

6.9 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposal has adopted best practice energy and water conservation measures in terms of the installation of energy and water efficient fittings and equipment, including the optimisation of the use of the site's northerly orientation and minimisation of the width of the building to allow daylight penetration and the adoption of best practice energy conservation measures in terms of energy efficient lighting and other electrical fittings.

The proponent has submitted a BASIX assessment which states that the proposal complies with the requirements of BASIX and has incorporated ecologically sustainable design features in the building. The proponent has also submitted a BCA Report which states that the proposal can achieve compliance with Section J of the BCA. Accordingly the proposal will adequately meet ESD principles.

6.10 CONSTRUCTION IMPACTS

The construction of the proposed development has potential to impact on the immediate surrounding locality due to the construction period of 2 years and the general level of excavation and works to take place.

The proponent has submitted a construction management plan that outlines the manner in which construction of the project will be managed and includes measures to be implemented to mitigate potential impacts on adjoining properties, traffic and pedestrians during the construction phase. Specifically, all materials handling and delivery will be via Redfern Street with a construction zone being temporarily established to allow traffic, pedestrians and construction vehicles to operate safely. In addition, a 'B Class' hoarding will be installed on Gibbons Street and Redfern Street once demolition commences. The construction zone and hoarding areas are illustrated in Figure 20. A condition of approval has been included requiring the proponent to submit a detailed Construction Management Plan to the Department, the RWA and Council prior to the commencement of works.

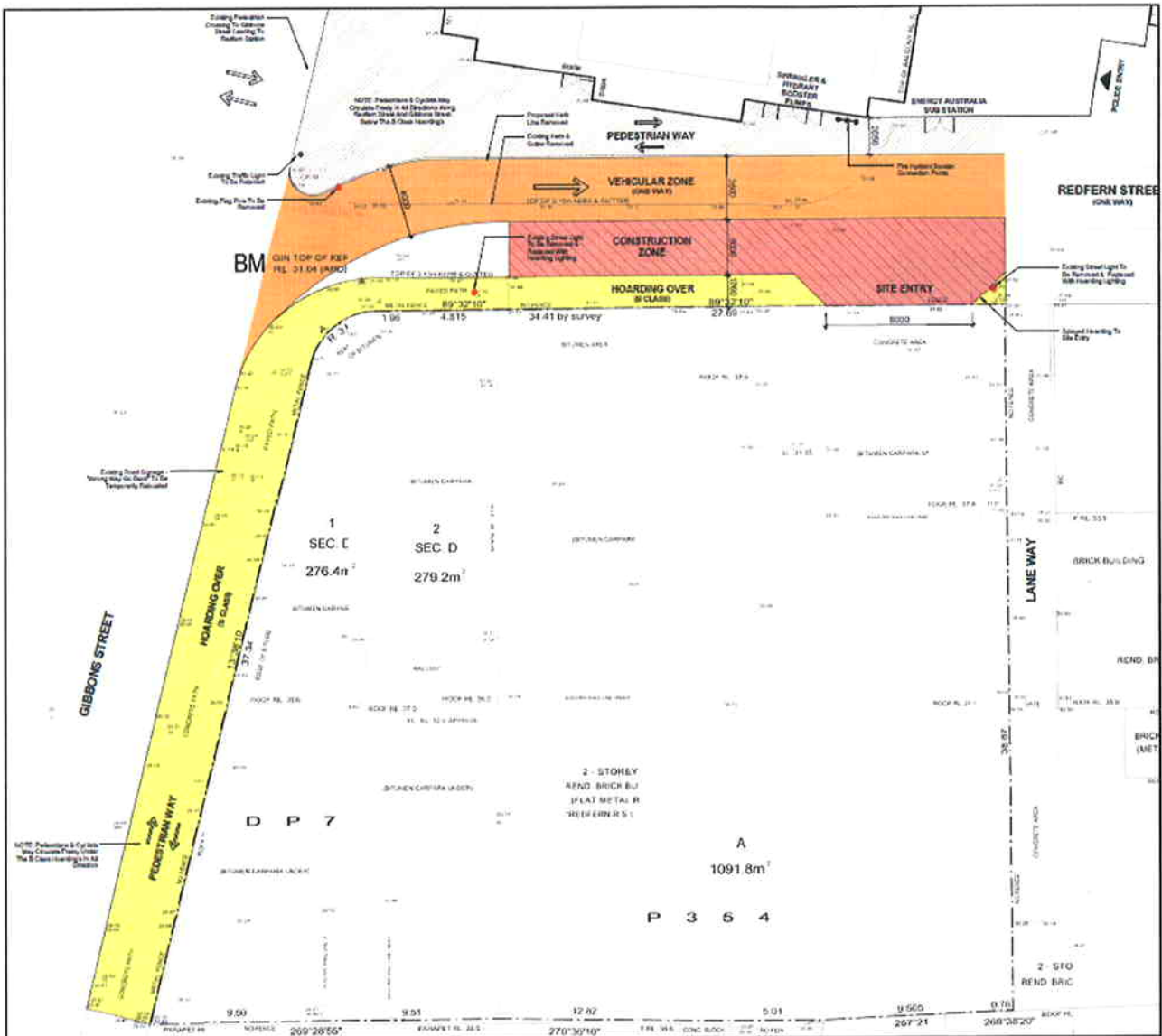


Figure 20: Construction plan

6.11 FUTURAL APPROVALS FOR SUBSEQUENT STAGES

In accordance with Section 5 of Schedule 3 of the Major Development SEPP, any development on the site with a CIV of more than \$5 million is a project to which Part 3A applies. Therefore any subsequent development on the site that has a CIV less than \$5million will be subject to Part 4 of the Act in accordance with Section 75P(1)(b) of the Act. This relates to development for the purposes of the fitout and use for all commercial and retail premises and the RSL Club. Therefore a condition of approval has been included stating that the subject approval does not include the fitout and use of the retail and commercial premises and the RSL Club.

6.12 UTILITIES AND SERVICES

The proponent has consulted with Sydney Water who confirms that the existing water main and sewer main has sufficient capacity to serve the proposed development. A section 73 Certificate will be required and has been included as a condition of approval.

A BCA report has been provided that states that the proposal will be able to achieve compliance with the necessary requirements of the BCA particularly fire safety, access and egress, services, special use (club use) and energy efficiency.

The proponent has submitted stormwater plans that detail the proposed stormwater and drainage treatments designed to service the building. In particular, the site will be connected to a 10,000 litre rainwater tank, 30,000 litre domestic water tank and a combined fire service tank of 220,000 litres that will be serviced by a hydrant pump and sprinkler pump. The stormwater system will involve installing a new kerb entry and pit along Redfern Street to allow for stormwater to be drained to the RTA's existing system. The RTA has recommended that the stormwater plans be

submitted to the RTA for approval prior to the commencement of works. A condition of approval has been included to this effect.

The proponent has consulted Energy Australia regarding the construction of two transformer substations. Energy Australia requires that an accredited service provider design the substation chamber and that the design be submitted to them for approval prior to the commencement of works. A condition of approval has been included to this effect.

6.13 OPERATIONAL IMPACTS

Operational impacts associated with the RSL, retail and commercial premises will be assessed and addressed by subsequent applications for the fit out and use of these premises.

The proponent has included a designated garbage room for RSL, Retail and Commercial tenancies have been provided in Basement Level 1 as well as a central garbage chute to service all the residential apartments. The chute will discharge into a collection unit for collection of general waste in Basement level 1.

6.14 STATEMENT OF COMMITMENTS

The Statement of Commitments that were submitted with the application are located at **Schedule 3** of the Instrument of Approval. Key issues identified in the commitments include:

- Demolition;
- Remediation;
- Building works and the BCA;
- Construction Management;
- Water Management;
- Public domain;
- Safety and security;
- Rail infrastructure;
- Acoustic and vibration;
- Car parking, loading and access;
- Retail and commercial uses;
- ESD;
- Archaeology;
- Stormwater drainage;
- Access for disabled people;
- Public utilities;
- Development contributions; and
- Occupation

The Statement of Commitments are considered acceptable.

6.15 PUBLIC INTEREST

The project is in the public interest on the basis that the proposal complies with the objectives of the Metropolitan Strategy and Draft Sydney East Subregional Strategy for dwelling and employment targets and will assist in the ongoing renewal and revitalisation of Redfern. All outstanding issues have been assessed and adequately addressed and the project appropriately serves the public interest.

7 CONCLUSION

The Department has reviewed the environmental assessment and duly considered advice from public authorities as well as issues raised in public submissions in accordance with Section 75(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

The development of the DeiCota tower will be a significant element in the ongoing renewal and revisitation of Redfern. The development is consistent with the strategic objectives for the area, being consistent with the Sydney Metropolitan Strategy, the draft Sydney City Subregional Strategy and the Major Development SEPP and will deliver 60 construction jobs and 103 operational jobs.

The Department is of the view that the proponent has adequately addressed the DGRs and satisfactorily mitigated the potential environmental impacts associated with the proposal. The recommended conditions (at **Appendix A**) and implementation of the measures detailed in the proponent's EA and appendices, PPR and appendices and Statement of Commitments seek to maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

On balance, therefore, the Department considers the site to be suitable for the proposed development and that the project application is in the public interest. Consequently, the Department recommends that the project be approved, subject to conditions.

8 RECOMMENDATION

It is recommended that the Planning Assessment Commission:

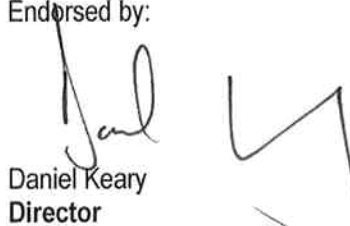
- (A) Consider all relevant matters prescribed under Section 75J (2) of the *EP & A Act 1979*, including those relevant matters prescribed by Section 75I (2) as contained in the Director General's Environmental Assessment Report (TAG A);
- (B) Having considered all relevant matters under the Act in accordance with (A) above, approve Project Application (MP 09_0033) subject to conditions pursuant to Section 75J (1) of *EP&A Act 1979*; and,
- (C) Sign the Instrument of Approval at TAG B.

Prepared by:

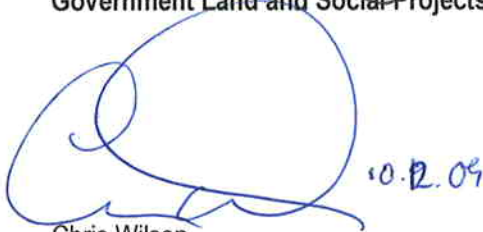


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