

Response to Agency & Public Submissions

Issue	Details	Response
City of Sydney		
SEPP 1 Objection – height and floor space	<p>In accordance with State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP SSP), the site is located in the Business Zone – Commercial Core zone and prescribes a maximum height of 18 storeys and a floor space ratio (FSR) of 7:1.</p> <p>The amended scheme presented in the RTS proposes a height of 18 storeys with a new mezzanine level and a FSR of 7.85:1. The RTS suggests that the site is eligible for bonus floor space by virtue of its location within an 'equivalent' zone to those listed under Division 3 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH).</p> <p>The City maintains the view that the provisions and floor space bonuses of SEPP ARH are not applicable for the development. As previously stated in our correspondence dated 12 March 2019, the site is located in the Business Zone - Commercial Core which is not a land use that is listed under Clause 26 of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p> <p>In light of the above, the proposal is an overdevelopment of the site and as detailed elsewhere in this letter, the proposal results in negative environmental impacts. The Department cannot be satisfied that the applicant's written request has adequately addressed the provisions of SEPP 1. The proposal is not in the public interest and accordingly, the submitted SEPP 1 Objection for the exceedance to the FSR control is not well founded.</p> <p>Further, the amended scheme presents a further breach to the principal development standards. Whilst SEPP SSP does not define the term 'mezzanine', The Standard Instrument defines 'mezzanine' as "an intermediate floor within a room". The proposed mezzanine is not an intermediate floor within the games and common room on the ground floor but rather a storey that provides additional rooms concealed within the double heighted volume of the ground floor. As such, the proposal presents a 19 storey development and is inconsistent with the 18 storey height control. A SEPP 1 Objection has not been submitted to justify the contravention.</p>	<p>As outlined in detail in Section 3.0 of the SRTS Report, the Applicant maintains its view that the ARH SEPP does apply to the development. Clause 26 applies to the listed zones or any zone 'that is equivalent'. In this case the site is considered to be in an equivalent zone and therefore an FSR of 8.4:1 applies to the proposal. The reasons for this have been outlined in significant detail in the EIS and RTS, and the SRTS Report and the City has failed to provide any clear reasoning to refute the Applicant's claim.</p> <p>On that basis the Applicant contends that the proposal is infact an 'underdevelopment' of the site compared to what could be achieved under the applicable FSR controls and a SEPP 1 objection is not required.</p> <p>Nevertheless, the revised scheme in this SRTS has further reduced the floor space to an FSR of 7.7:1 and is supported by an amended SEPP 1 objection.</p> <p>The revised SRTS scheme deletes the proposed mezzanine level and maintains a height of 18 storeys.</p>
Urban Design	<p><i>Built form and height</i></p> <ul style="list-style-type: none"> It is reiterated that significant consideration should be made on achieving an appropriate transition between the built form of the approved 18 storey development to the north (11 Gibbons Street) and the existing 5 storey development to the south at Margaret Street. This can be alleviated through improving the building expression of the development, as detailed below. Having regard to the mezzanine level mentioned above, the proposal presents a technical street frontage height of 4 storeys and is inconsistent with the Section 4.2 – Design Principles: High Rise Development Portions of the Redfern Centre Urban Design Guidelines (RCUDG). The proposed height of 14.85m for the podium is approximately double that anticipated by the RCUDG, which prescribes a "strong base of 2-3 storey or 6.5-7.5m that responds to the human scale". The RCUDG assumes that the podiums are built to the boundaries and only setback to Gibbons and Marion Streets and William Lane to provide footpath widening. However, the proposed podium does not extend to the Margaret Street boundary. There is a minimum 870mm setback to contribute more space to the footpath, but not a footpath widening, with a varying setback to Margaret Street. This approach of not building parallel to Margaret Street fails to 	<p><i>Built Form</i></p> <ul style="list-style-type: none"> Building expression has been improved as detailed below The mezzanine has been deleted and the proposal presents a 3 storey podium. As detailed in the main report and the Supplementary Design Report (Appendix C), podium height is consistent with all other approved podium heights along Gibbons Street under the same controls. The podium has also been redesigned to provide a more consistent street edge to Margaret Street and provide a greater delineation between the podium and the tower on this façade and to improve the human scale of the podium.

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	<p>reinforce the street alignment and the tower, in part, almost comes to ground. This is in conflict with the desire create a human scale.</p> <ul style="list-style-type: none"> To improve the relationship of the proposed built form, the podium should be designed to be a maximum 3 storeys and match the height of the approved podium of 11 Gibbons Street. This is in keeping with the RCUDG, which requires development to respond to the parapet and raised floor levels of existing buildings to create symmetry and consistency across streets and laneways. Matching the parapet height to the approved height of the podium of 11 Gibbon Street would reinforce the street wall that is eroded by the 6m setback to the southern boundary of 11 Gibbons Street. <p><i>Setbacks</i></p> <ul style="list-style-type: none"> The inability for the Proposal to deliver upper level setbacks in accordance with RCUDG is related to the insufficient site size. The minimum site area for high rise development within the RWA lands is 1400m². At a site area of 1385sqm, only 15sqm under the threshold, the site area is less than the prescribed site area and is more challenging. The Proposal complies with the street upper level setbacks of 4m to Gibbons and Margaret Street but is unable to provide the building separation of 18m between non-habitable rooms for buildings in excess of 8 storeys in the RCUDG. The Guidelines also indicate that each development site is to provide a minimum of 50% of the required separation distance as measured from the boundary. The required tower setback from the northern boundary is 9m. The proposed ranges from 4m to 6m and does not comply. Cumulatively, between 11 Gibbons Street and the subject site, the separation is approximately 12m. The majority of the proposed northern elevation is blank except for one of the middle rooms aligned with the core. There is little visual privacy created from the insufficient side setback. The intention of RCUDG in its building separation controls is to ensure a spatial relationship between towers is provided, where there is appropriate distance between the buildings to allow for view sharing and to create a more slender tower above the podium. There is a minor non-compliance to the 9m upper level setback from the eastern boundary, however, this results in an insufficient upper level setback to the northern boundary. Generally, the upper level setback is greater or equal to 4m to the southern boundary, however, it is less than that from the podium. This will create greater wind impacts. A minor 2m setback from the street frontage height is provided along Margaret Street. In this manner, the tower almost comes to ground. The non-compliances with the setback controls is unacceptable. It is recommended that the podium extends to the Margaret Street boundary, with a 4m upper level setback to the tower. This will reinforce the street wall and provide a transition to the adjoining areas to the south. Having regard to the exceedance in the FSR control, there is no reason why the proposal cannot comply with the tower footprint created by applying the upper level setbacks <p><i>Building expression</i></p> <ul style="list-style-type: none"> It is acknowledged that the development has been amended to incorporate an increased suite of materials and finishes as previously recommended in our objection letter. However, the development lacks articulation and the amended scheme presents additional issues of perceived building bulk as a result of the proposed building expression. 	<p><i>Setbacks</i></p> <ul style="list-style-type: none"> A 1% variation from the recommended minimum lot size would barely be perceptible and therefore could not be considered to result in any material challenges for development on the site. The tower complies with the 4 metre setback control along the street frontages and on these frontages there are no buildings opposite which are 8 storeys in height so there is no requirement for any greater setbacks. In any case the building has been designed to minimise opportunities for overlooking towards the south. Northern boundary setbacks have been considered at length in the RTS and it is demonstrated that the setback would be consistent with the approved adjacent development and other development approved on Gibbons Street, would not result in any overshadowing impacts, any privacy impacts or any view loss impacts. The proposed 12 metre building separation to the north replicates the spatial relationship between other towers in the locality, ensuring consistency with the character of the area. Refer also to design advice provide by GMU at Appendix D. The podium has now been redesigned on the southern elevation resulting in a greater separation of the podium from the tower setbacks, thereby improving visual separation and reducing likely wind impacts in this location. <p><i>Building Expression</i></p> <ul style="list-style-type: none"> The eastern façade of the building has been updated to provide a greater level of articulation and expression. Other facades are considered to be well articulated. Refer to Supplementary Design Report at Appendix C for detailed discussion of tower façade design and building expression.

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	<ul style="list-style-type: none"> Having regard to the other matters detailed above, further consideration should be made to improving the articulation of the building. This can be achieved through meaningful changes to certain façade elements to better integrate with neighbouring buildings and surrounding context. The City provides an extract of the east elevation (Gibbons Street) superimposed with the approved elevation of 11 Gibbons Street in Attachment A. To summarise, the building expression of the tower can be improved through the simplification of the horizontal elements into 3 evenly distributed parts. It is recommended that the shadow line between the tower and podium be maintained to break up the mass of the overall building. It is also recommended that the proposed podium be amended to match the podium height of 11 Gibbons Street and 'step up' to the corner of Gibbons Street and 'step down' along Margaret Street to correlate with the 2 to 3 storey scale to the south of the site. To this effect, the building expressions would be greatly improved and would positively responds to its context. Further, the RTS includes reference to "patterned precast panels". However, there is no sample of this indicated in the materials board. To understand the proposed expression of the building, it is recommended that an example or physical sample of the precast pattern be provided. Clarification is also sought on whether there is another indicative plan that is missing from the RTS set of architectural drawings that illustrate the different façade treatments for each elevation. <p><i>Signage</i></p> <p>The proposed top of building signage creates bulk and visual clutter. It is out of character with the adjacent low scale area to the south, nor are there any projecting wall signs at the top of the building within the Redfern-Waterloo Authority land to the north. A smaller projecting wall sign is proposed above the awning on Gibbons Street. The sign is not supported and would be more in keeping with signage in this area as a wall sign.</p>	<ul style="list-style-type: none"> Podium height has been amended to match adjoining building heights as suggested by the City – refer to the main report. Refer to Supplementary Design Report at Appendix C for materials and finishes <p><i>Signage</i></p> <p>The proposed top of building signage is not a projecting wall sign and has been designed in accordance with the requirements of Council's DCP. The smaller projecting wall sign at the entrance is deleted in favor of a wall sign on the northern façade of the building and a small awing sign. Refer to discussion in the main report and revised details in Appendix B.</p>
Heritage	<p>The site is located within close proximity to 'St Luke's Presbyterian Church', which is identified as a heritage item of local significance. The RTS presents a minor and tokenistic increase to the setback of the proposed development from the church. The City reiterates that the building footprint, notably the south-eastern corner, should be consistent with the footprint of the existing building so as to increase building separation and visual connectivity to the church and therefore, maintain a meaningful separation between the church and proposed development. By incorporating the recommendations detailed in the Building Expression discussion above, the development would have an improved relationship with the heritage item.</p>	<p>Refer to Section 3.11 of RTS report for discussion of heritage impacts to the Church. See also Section 5.1 of the Architects Supplementary Design Report at Appendix C.</p> <p>The footprint of the existing building is closer to the church building so it is unclear why Council recommends the building should adopt the footprint of the existing building.</p> <p>However, recommendations to step the podium to improve building expression have been adopted as discussed above, resulting an in improved visual relationship between the building and the heritage item.</p>
Active frontage	<p>The RCUDG provides principles for ground level activation. These include incorporating active uses to the ground floor and minimising blank walls of all new developments onto public streets, public spaces and pedestrian links and laneways as well as including retail/commercial tenancies and building entries leading directly to the street.</p> <p>The subject site has two street frontages to Gibbons and Margaret Street and a proposed frontage to the through-site link, and as such, presents an appropriate opportunity to activate the site on three frontages. However, the proposed retail tenancy being located on the north-western corner of the ground floor does very little in encouraging an active street frontage. The remainder of the ground</p>	<p>The revised scheme now incorporates a small coffee retail shop fronting the laneway to directly connect with the public domain and further improve activation of that area.</p> <p>Otherwise, as outlined in the RTS, the proposed student common rooms at ground level will make a significant contribution to activity levels as perceived on all three frontages. It is expected that these areas will be well utilised by the student population and therefore provide a sense of activity to the</p>

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	<p>floor is occupied by common room spaces of the boarding house, which do not have a relationship with the surrounding streets. Further, the ground floor southern façade is predominately blank resulting from the use of vertical aluminium fins that screen the common rooms. The awning over the entry on Gibbons Street does not offer weather protection due to its height. An awning over the entry is needed to protect pedestrians from downdrafts and rain. There is an awning proposed on the south eastern corner which partially hangs over the footpath and the planted area. This offers no continuous protection to pedestrians.</p> <p>Consideration should be made for retail uses and the boarding house lobby to be located on the ground level. The common rooms should be relocated to the first storey to therefore eliminate the need for screens for privacy. Shopfronts should be located at street level with individual entries and a continuous awning be implemented to genuinely provide weather protection to pedestrians to both the through site link and Margaret Street</p>	<p>benefit of the adjoining public domains similar to that provided by a café and much greater than the activation provided by most other retail and commercial uses. Further, unlike many other retail and commercial developments, the space is also likely to be well utilised in the evenings and on weekends, thereby providing a better level of activation compared to many other retail or commercial uses.</p> <p>The ground floor southern façade is not blank but is highly articulated, incorporates extensive glazing and window treatments provide a balance of enabling views to the street for natural surveillance and activation as well as minimizing overlooking of residential premises opposite. Refer to discussion in the Supplementary Design report in Appendix C. Provision of retail shops as suggested fronting Margaret Street in this location would be problematic due to required floor level heights above flood levels.</p> <p>The awning at the Gibbons Street entrance has been lowered to improve weather protection while still maintaining a step up to demarcate the entrance.</p> <p>The provision of awnings on Margaret Street is balanced by the need to provide street tree plantings and landscaping as also recommended by Council below. It is not possible to provide continuous awnings as well as street trees and landscaping. The proposed awnings, in conjunction with the proposed street trees, will provide a good level of pedestrian amenity and weather protection in this area, and a significant improvement from the existing situation which provides neither any awnings nor any street trees.</p>
Through Site Link	<p>In principal, TSL is supported. However as proposed, the design and form is unresolved and underdeveloped. The geometry of the eastern part of the site could be reconfigured to physically and visually connect with William Lane across Margaret Street. The location of the stairs to the common rooms could result in pedestrian and vehicular conflict. All seating and pedestrian amenity has been removed in the RTS. Instead, the amended architectural plans prioritise vehicular access, back of house uses, flooding and drainage measures within the TSL.</p> <p>The public domain in the TSL is designed as a heavy duty paved road for servicing the substations and for lifting and movement of equipment associated with the transformer and building. The lane is edged by a 800mm wide grated flood drain on the eastern boundary. There are no deep soil areas included for medium to large tree planting.</p> <p>The TSL is an opportunity to introduce landscaping and an active frontage. As proposed, the TSL is not pedestrian orientated with a minimal design and does not address the issues previously raised</p>	<p>The design of the TSL has been further refined and improved as discussed in detail in the main report.</p> <p>The stairs are set well back from the edge of the paved areas to allow visibility and space for pedestrians to check for traffic. However, it should be noted that vehicle movements will be limited, restricted through the use of bollards, and pedestrian movements managed at all times when deliveries are taking place. Extensive seating has also been reintroduced in the revised scheme.</p> <p>Redesigned landscape areas allow for extensive deep soil canopy tree planting adjacent to the building and a garden bed incorporating extensive plantings and climbers is proposed along the eastern side of the lane, providing a very green landscaped appeared to the length of the space. A variety of paving is used to provide visual interest and ensure the space presents as a pedestrian area rather than a roadway.</p>

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Wind Impacts	<p>The RTS and Environmental Wind Tunnel Test Report, prepared by SLR, provides wind tunnel test results for the amended development building proposal only. The testing omitted all wind mitigation recommendations such as landscaping, street and podium trees, overhead pergolas and awnings and perimeter windbreaks.</p> <p>The Report relies on the existing mature street trees on Gibbons Street to ameliorate significant wind speeds. However, to facilitate construction, all existing street trees on Gibbons Street are proposed for removal and replanted with new trees.</p> <p>Further, the Report suggests that the wind conditions along Margaret Street are generally worse for a compliant scheme. This is unexpected as the compliant scheme has a 4m upper level setback from the street frontage height whilst the proposed development presents, in part, a 1.5m setback from the street frontage height to Margaret Street. There is a correlation with setbacks to towers and wind impacts at ground level. Typically, the greater the tower setback from the podium, the more effective the amelioration of the wind at ground level. It is expected that a podium disrupts the down draft and disperses the wind before it impacts the ground level.</p> <p>Having regard to the above, the Report recommendations are not adequately justified and flawed. It is recommended that the Department commission a peer review of the Wind Report and the wind impacts. The revised wind analysis remains insufficient and the considerable wind impacts resulted from the proposal is unacceptable and the City's initial concerns remain outstanding.</p>	<p>As discussed above, activation is improved by the incorporation of a small coffee retail outlet.</p> <p>An updated report is provided (Appendix K) which includes consideration of all mitigation measures and demonstrates their significant ameliorative effects.</p> <p>It is proposed to improve street tree planning on Gibbons Street, replacing three extensively pruned trees (pruned due to the power lines) with advanced plantings of four new trees. It is also proposed to underground existing overhead power lines, enabling better long-term tree growth for the new replacement trees than the existing trees, and therefore ultimately resulting in better wind amelioration impacts than could be achieved by the existing trees.</p> <p>As discussed in the main report, the design of the podium has been amended to achieve a greater setback between the tower and the podium, with average setbacks exceeding 4 metres, therefore disrupting any down draft impacts to the same extent as any other building expected by the controls. Once ameliorative measures are accounted for, peak annual wind gusts on Margaret Street are expected to be between 10.0 m/s and 16.0m/s, suitable for walking comfort and in most cases, also suitable for standing / waiting / window shopping.</p>
Overshadowing	<p>The RTS and the submitted shadow diagrams reason that the additional overshadowing resulted from the proposed development is acceptable given the extent of impact is relative to the shadows cast by a compliant envelope.</p> <p>Notwithstanding the above and discussed elsewhere in this report, the proposal results in other negative environmental impacts. Therefore, the justification for the additional overshadowing is inadequate and to permit the development and other associated environmental impacts is unacceptable.</p>	<p>The proposal does not result in any additional overshadowing beyond that expected by the controls which apply to the site and therefore must be considered to be reasonable and acceptable.</p>
Public Art	<p>Whilst the RTS acknowledges that a condition of consent is accepted for a detailed public art plan to be submitted prior to issue of a Construction Certificate, The City encourages that the future public art plan provide substantial detail of the artwork's relationship with its context and address how wind impacts in the TSL would impact the long term viability of the proposed suspended artwork in this location as well as the safety of pedestrians who traverse underneath. The final detailed public art plan must be in accordance with the City of Sydney Guidelines for Public Art in Private Developments</p>	<p>Agreed. This can be conditioned.</p>
Trees and Landscaping	<p>The RTS demonstrates little change to the landscape design of the development and remains unsatisfactory. The amended landscape design deletes design elements, rather than resolve key issues. It does not demonstrate landscape design excellence, provide acceptable amenity at ground and podium levels and does not adequately mitigate significant wind impacts, which overall, would affect the success of any proposed landscaping of the development.</p> <p><i>Tree Removal and Tree Planting</i></p> <ul style="list-style-type: none"> The Arboricultural Impact Assessment Report, prepared by Urban Arbor, has been reviewed and specifies that a total of 19 trees are to be removed. This includes the removal of all 16 trees within 	<p><i>Tree Removal and Planting</i></p> <ul style="list-style-type: none"> The Arborist report does not recommend removal of the street trees due to their poor form but rather because they will be adversely impacted by the development. Refer to Arborist report submitted with the RTS. The trees are

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	<p>the site and 3 street trees on Gibbons Street. The Report has recommended the removal of the 3 street trees due to their poor form from pruning practices by the overhead power lines company. The street tree canopies are biased towards the building and will conflict with the future awning on Gibbons Street.</p> <ul style="list-style-type: none"> • However, the street trees are Council owned and managed assets. Whilst the trees have been poorly pruned in the past, the trees are young, healthy and semi mature vigorous trees. As such, tree removal of the street trees is not supported. It is noted that 3 replacement trees on Gibbons Street as well as 2 replacement trees on Margaret Street are proposed to be planted. Notwithstanding this, the existing street trees on Gibbons Street must be retained. • The TSL will be considerably shaded throughout the day with likely wind tunnelling effects. The 4 hymenosporum falvum (native frangipani) that are proposed to be planted along the TSL are inappropriate tree species for this location and environmental conditions. Tree plantings within the TSL should be large canopy trees that provide amenity and contribute to the local area. • Landscaping of the site is minimal and does not achieve the City's 15% canopy coverage requirement under Sydney DCP 2012. Any design elements including awnings, street furniture and footpath upgrades within the public domain must ensure appropriate setbacks are provided from existing trees to allow maturity of the trees to be achieved. • Tree removal must be carried out by a qualified arborist (AQF Level 3 Arboriculture) and must be in accordance with AS 4373-2007 – Pruning of Amenity Trees. Tree planting must be in accordance with the City of Sydney Street Tree Master Plan 2012. <p><i>Landscaping on Level 4 Common Open Space</i></p> <ul style="list-style-type: none"> • The landscape plans describe the intended level of amenity for the communal open space with BBQ area, communal dining, seating, viewing and dwelling spaces. However, the wind report test results (senor locations 26-30) show that no sensor location meets the required 10 m/s criterion dining and sitting criterion. • The only areas that achieve the standing /window shopping level of 13m/s criterion are in the south western edge of the terrace nominated for a BBQ structure. Several sensor locations exceed the 13 m/s criterion. • The Level 4 proposal is reliant on raised planters with 16 small trees to the north and southern edges of the terrace that sit outside 1.8m high brick/glass walls that will be inaccessible for maintenance. There is no strategy for alternate wind mitigation should the trees fail. • Overall, the Level 4 landscaping is unresolved and unviable. The terrace would be predominately covered, enclosed and would not be comfortable in high winds for dwelling, sitting or short periods. • The north-western edge of the open terrace exceeds walking criteria and therefore unlikely to be used. The tower creates significant wind impacts for the only common open space within the development proposal. The design should not rely on the use of trees or landscaping for wind mitigation. 	<p>also required for removal in order to underground the overhead powerlines. As described above it is proposed to replace the three extensively pruned trees with advanced plantings of four new trees. Removal of the trees to underground the powerlines will ultimately result in a better outcome for the growth of street trees on this frontage.</p> <ul style="list-style-type: none"> • Updated landscape plans (Appendix E) now include canopy trees in the TSL including a Wattle (mature height 15 metres), Lilli Pilli (12 metres) Ash Tree (10 metres) Cudgerie (10 metres) and two Native Frangipanis. The Landscape Architect has advised that the Frangipanis are considered suitable for this environment regardless of the afternoon shading and wind environment. The Applicant is willing to consider an alternative species if Council has a specific suggestion. • The proposal is designed to allow trees to grow to maturity. • Agreed. This can be conditioned. Street Tree species have been chosen to comply with the City's Masterplan (Water Gums in Margaret Street, Plane Trees on Gibbons Street) <p><i>Landscaping on Level 4 Common Open Space</i></p> <ul style="list-style-type: none"> • As recommended by the wind report, an additional pergola has been included to further mitigate wind impacts. Also, the proposed Level 4 plantings (which were not included in the modelling) would have significant amelioration impacts. • The raised planters <i>will</i> be accessible for maintenance and there is no reason to consider that the landscaping would fail. • The podium design has been refined and allows for even greater areas of landscape plantings to further improve wind amelioration. Seating has been provided in the south-western part of the terrace, providing a sheltered location on the windiest days. • Further, the modelling demonstrates the results for peak annual wind gusts only. For most days of the year, wind levels will not reach those modelled and the open space will provide very high levels of amenity. On exceptionally windy days students may choose to sit in a more sheltered location or inside in the adjacent common room.
Health and Contamination	<p>The City recommended that the submitted Contamination Assessment Detailed Site Investigation (DESI), prepared by Douglas Partners, be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement be submitted to certify that the site is suitable for the proposed use.</p> <p>Whilst the RTS outlines that there is no reasonable basis to require the DESI to be peer reviewed, the proposed use is for a form of residential accommodation that is identified as a sensitive land use under Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land. The Clause mandates</p>	<p>Clause 7 of SEPP 55 only requires a preliminary investigation where a change of land use is proposed in conjunction with other triggers as set out in sub-clause (4). It only requires a detailed investigation if the finding of the preliminary investigation warrants it.</p>

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	<p>that the consent authority must not consent to the carrying out of any development unless it is satisfied that the land is suitable for the proposed development. Accordingly, it is appropriate to require an accredited Site Auditor to peer review the DESI to ascertain that the land is suitable for development so as to satisfy the provisions of the SEPP.</p>	<p>In this case the site is already used for residential purposes. It is not proposed to change that land use or introduce any other sensitive uses that would trigger a requirement for a preliminary investigation. Therefore, neither a preliminary nor detailed site investigation is required. Nevertheless the Applicant conducted a detailed site investigation, which did not find evidence of contamination and concluded the site is suitable for the proposed development.</p> <p>On this basis the Department can be satisfied the land is not contaminated and does not require remediation. If it is so satisfied, there would be no need to further ascertain that the land is suitable for the development through a peer review or site audit statement.</p>
Public Domain	<p>The proposed widening of the footpath on Margaret Street from 1.7m to 2.6m is supported. The difference of 0.9m should remain in private ownership, which could be delineated by a control joint in the concrete paving. Further, the footpath widening could allow for one additional street tree to be provided. As such, it is recommended that additional planting be explored on Margaret Street.</p> <p>Additionally, the RTS does not alter the previously recommended conditions associated with storm water and flood planning.</p>	<p>Noted. Further design refinements have been made to improve the podium streetwall and the separation of the podium and tower along Margaret Street while also allowing for further footpath widening and street tree provision. An additional street tree has been included in the revised scheme as recommended.</p>
ESD	<p>The amended ESD Report, prepared by SLR, submitted as part of the RTS does not improve or demonstrate the sustainability requirements outlined in the SEARs. The Report conflicts with the BASIX commitments in terms of natural ventilation, shower ratings, solar energy. The architectural plans also lack any reference to the BASIX commitments as required by SEPP (Building Sustainability Index: BASIX) 2004. The Report refers to the Green Star and Well Building Standard rating schemes, but neither are proposed for the development.</p> <p>Overall, the RTS fails to demonstrate any genuine attempt to deliver a reasonable environmental performance building. A significant commitment or at a minimum, evidence of some environmental performance and sustainability is required.</p>	<p>An updated ESD Report is provided at Appendix H and updated Basix certificate is provide at Appendix G. The two reports include a consistent approach to ESD and relevant BASIX commitments are shown on the plans.</p> <p>Compliance with BASIX ensures the proposal will meet applicable ESD targets for water efficiency, energy efficiency and thermal comfort.</p>
Amenity and Bedroom Size	<p>The RTS states that smaller room sizes are offset by larger communal living spaces. It also states that students have different needs to typical residents in a boarding house, they usually reside for shorter periods of time and typically spend less time alone in their rooms and more time socialising and using common areas. While the communal space is important for socialisation, the bedroom size should facilitate space and room to pursue study, which should be provided within their room, rather than at a local café, as suggested in the RTS. The insufficient amenity provided by the wind affected common areas and confined configuration of bedrooms do not adequately justify a dispensation for the substandard amenity within the bedrooms</p>	<p>Bedroom layouts have been redesigned to provide greater levels of internal amenity and the main room type (Queen Studios) have increased in size. Overall the revised room layouts and proportions create an overall greater feeling of spaciousness within the rooms. Refer to discussion in the main report. Room still remain larger than many other approved student accommodation developments in the vicinity of the site as discussed in the EIS and RTS.</p>
CPTED and Boarding House Operation	<p>The CPTED Report, prepared by Elton Consulting, has been reviewed. The Report states that there will be an onsite duty manager and a night manager. The City recommends that procedures for dealing with emergencies and anti-social behaviour be developed for the boarding house. A Plan of Management (POM) is referenced in the Report, however is not submitted with the RTS. The submission of this document is imperative to understand the management and operation of the proposed boarding house use, particularly with respect to security, access control and site management.</p>	<p>The Plan of Management was submitted with the EIS – refer to Appendix W of that document</p>

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Sydney Trains		
General	In order to protect the rail assets and operations, [Sydney Trains] requests the Department impose the conditions as listed in Attachment A. Sydney Trains requests that these conditions as worded are not amended without further consultation.	No concerns are raised with respect to the proposed conditions.
State Design Review Panel		
Design Excellence	<ul style="list-style-type: none"> A request to bring 13-23 Gibbons Street (SSD-9194) to the SDRP for a third review session was made on 6 January and declined by GANSW on 14 January. Following SDRP 2 GANSW recommended that the project not return until an FSR compliant model could be presented. The proposal remains FSR non-compliant. Additionally, it was almost 18 months since the project had last been seen by the Panel (on 3 October 2018) and the assessment process was well underway. GANSW's last advisory letter as informed by the SDRP states that the scheme as proposed (with increased floor area over allowable) is not leading to a design excellent outcome. Notwithstanding some improvements since this time, this position has not changed. We note the following: <ul style="list-style-type: none"> the site is highly constrained achieving a design excellent outcome in these conditions is therefore highly challenging any proposal which seeks additional FSR beyond allowable must work even harder to achieve a design excellent outcome. While a number of secondary issues have been addressed (as detailed below), on balance it remains the position of GANSW that the current proposal does not demonstrate design excellence. Design excellence may be possible with a compliant scheme, however, as this has not been provided to the SDRP for review, this has not been demonstrated. Further, as required by the SEARs, no proposal has been put forward for post-approval engagement with the SDRP to ensure design integrity. 	<ul style="list-style-type: none"> As set out in the SRTS Report the Applicant maintains that the proposal is not only FSR compliant, it is well under the permitted FSR on the site. However, the FSR has been further reduced in this SRTS scheme to 7.7:1, thereby resulting in a further decrease in floor space significantly below that permitted by the ARH SEPP. An alternative 'compliant' 7:1 model was submitted with the RTS The RTS demonstrated that the proposed development would have no additional impact compared to that alternative 'compliant' scheme. This demonstrates that design excellence does not correlate to numerical compliance with a specific FSR standard. While compliance with a specific FSR standard ensures an overall bulk and scale outcome, it does not ensure any specific design outcomes. We note that previous comments from the SDRP do not raise concerns with bulk and scale but rather with activation, laneway design, façade articulation, noise mitigation, retail provision and aboriginal cultural heritage. Resolution of these issues (discussed below) has little bearing on floor space calculations and therefore compliance with an FSR of 7:1 is not seen as relevant to any matters of design as raised by the SDRP. However, to help resolve this issue, and demonstrate that the bulk and scale of the scheme results in acceptable impacts, the Applicant sought expert design advice from GMU Architects, the authors of the Redfern Centre Urban Design Guidelines which apply to the site. Refer to their advice at Appendix D. In particular, GMU considered design matters that relate to bulk and scale as relevant to considerations of compliance with any FSR standard. Amendments to the scheme were made in consultation with GMU to resolve any residual concerns with bulk and scale. GMU's assessment found that the: <ul style="list-style-type: none"> Building footprint proportions are consistent with other towers in the block and the building has a form that is oriented to both street frontages;

Issue	Details	Response
		<ul style="list-style-type: none"> Podium building lines are appropriate and podium scale is consistent with emerging surrounding development; Generous eastern setback accommodates a pedestrian through-site connection improving permeability and the active movement network; and Tower setbacks articulate the tower form as separate from the podium, reinforce the street wall scale, and respond appropriately to their context. <p>No concerns were raised with any matters relating to bulk, scale or FSR.</p>
William Lane laneway accessibility and use	<ul style="list-style-type: none"> Support the reduction in the extent of service/back of house frontage to the lane. Support the amended landscape design which is now more pedestrian friendly through the introduction of larger trees and seating. The frontage of the bike repair/storage room has been increased, however the balcony off the communal kitchen has been removed. Detailed design of the façade in this location is critical to ensure operability and permeability from in/out. The ground plane should be an extension of the public domain. If stairs are unavoidable, exploration of a more nuanced stair design with seating opportunities is recommended. The only public use in the laneway is the bike repair/storage room. While retail may not be viable, enterprise opportunities should be explored as a way to activate the laneway. Further articulation of the façade fronting the laneway is required. The use of awnings and recesses should be balanced with any CPTED requirements. 3D studies of this area should be provided to better understand it's spatial qualities. 	<ul style="list-style-type: none"> Support noted. Support noted. The plans have been revised to reinstate the balcony. The floor level is constrained by flood planning requirements. Seating opportunities around the entrance stairs have been introduced. Refer to the Landscape Plans in Appendix E. The plans have been revised to incorporate a small retail coffee shop / coffee pod which could serve both the student community as well as open out to the public domain and serve a retail function to activate the laneway. Significant additional articulation of the laneway façade has been incorporated through stepping / use of recesses, awnings, reinstatement of the balcony and variation in materials. Refer to Plans at Appendix B and the 3D visualisations in Appendix C.
Entry locations and articulation	<ul style="list-style-type: none"> Support the wider entrance on Gibbons Street and the amended podium height which now reflects the height of neighbouring podiums 	Support noted.
Noise mitigation through façade treatment and articulation	<ul style="list-style-type: none"> A concept engineering solution is required to understand the balance of mechanical and natural ventilation and how it will be managed to respond to noise impacts 	<p>Refer to the mechanical ventilation details as demonstrated in the Supplementary Design Report at Appendix C. Fresh air is able to be provided to all rooms by:</p> <ul style="list-style-type: none"> Openable windows; and From the rooftop and supplied to each room via risers <p>This has been designed in collaboration with acoustic and mechanical engineers and with consideration of the <i>City of Sydney's Draft Alternative natural ventilation of apartments in noisy environments: Performance pathway guideline</i> and allows for the provision of fresh air without acoustic impacts.</p>
Plant / services	<ul style="list-style-type: none"> Support the reduction in services fronting William Lane. Support relocation of the bin room to the ground floor from the basement. 	<ul style="list-style-type: none"> Support noted. Support noted.

Issue	Details	Response
location and retail provision at grade	<ul style="list-style-type: none"> While retail may not be viable, enterprise opportunities or other broader community uses should be explored as a way to activate the laneway and improve its overall amenity. 	<ul style="list-style-type: none"> As above: The revised plans incorporate a small retail coffee shop to activate the laneway
Room size & ventilation	<ul style="list-style-type: none"> Support 3.25m/3.3m ceiling heights to common areas and dorm rooms on levels 2/3, and 2.8m ceiling heights on typical floors which will assist in offsetting the small size of these spaces in plan. Given studio rooms which comprise the majority of rooms on offer (363 of 419) remain below the DCP requirement, the provision of common space for student amenity is critical. While this is provided on other floors, the concern is that there is a lack of common space of any size on residential floors. Calculations must be provided which show the sqm of common space per student and demonstrate that this exceeds minimum requirements. While it is stated that 'internal planning does not preclude cross ventilation', a concept engineering solution is required to understand the balance of mechanical and natural ventilation and how it will be managed to respond to noise impacts 	<ul style="list-style-type: none"> Support noted. Podium level ceiling heights reduced from plans reviewed by SDRP, but generous heights still provided to Levels 2, 3 and 4. Ceiling heights in the tower remain unchanged from the RTS scheme. The studio rooms have been redesigned with better proportions and size to provide improved internal amenity as described in the main report. The City of Sydney DCP recommends the provision of 1.25m² of communal living space per resident and 1.2m² kitchen space for each resident without a kitchenette. This equates to a recommended 524m² of living space and 66m² kitchen space, totalling 590m². The revised SRTS proposal includes 764m² of communal living and kitchen space, and therefore generously exceeds the recommendations of the DCP. Refer to the mechanical ventilation discussion above and the Supplementary Design Report at Appendix C.
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> Support the ongoing collaboration with a local Indigenous artist to develop the public artwork in the laneway. Implementing the artwork and other recommendations made in the 'Integration of Aboriginal cultural heritage values into development design' report provided as part of the EIS, should be included in the conditions of consent should the proposal be approved 	<ul style="list-style-type: none"> Support noted. Agreed, can be conditioned
Public Submissions		
D & A Markakis Pty Ltd	<ul style="list-style-type: none"> The development is too large in scale, bulk and size given its context and the immediate low scale surroundings of the site to its east and south and especially in consideration of its proximity to the heritage property St Luke's Church. Please refer to the Issues with Scale, Bulk and Size of Proposed Development given the Site and Locality section of our original submission for more information in this regard. In relation to the overall scale, bulk and size of the development, we submit that these factors of the development remain substantially the same in its revised form and that, even in its incrementally reduced form, the proposed development retains almost all of the same issues noted in our original submission (with the exception of the somewhat improved revised design of the building façade and the necessary removal of the arched 'feature window'). In relation to the overall scale, bulk and size of the development however, a sensible and reasonable planning outcome should consider an appropriate lesser building massing, further setbacks from Margaret St and a reduction in the height of the proposed development to bridge the impacts between the southern low scale development and northern high scale developments. The visual impact of the revised proposed development is substantially detrimental to the heritage of St Luke's Church due to the development's proposed use, bulk and scale. Please refer to the Visual Impact of on Church section of our original submission for more information 	<ul style="list-style-type: none"> The size of the development is consistent with the planning controls which apply to the site. The planning controls provide that an 18-storey height control is an appropriate outcome on this site, adjacent to the heritage church. Other than the 3-storey podium control, the controls do not envisage any other stepping down in height due to the adjacent heritage church. It is confirmed that the tower does not encroach into the three storey podium height control area. The proposal fully complies with the height controls applicable to the site. The revised SRTS scheme has lowered the height of the podium and revised the podium design so that the tower is setback further from the podium edge. This results in a better visual relationship between the podium element of the building and the heritage listed church.

Issue	Details	Response
	<p>in this regard. Please also see the extract below from the Applicant's 'Response to Submission' Architectural Drawings demonstrating the immense incompatibility in bulk and scale to as well as visual impact on heritage item St Luke's Church and the proposed development.</p> <ul style="list-style-type: none"> • In response to s 3.11 of the Applicant's 'Response to Submissions' Report, we query if the proposed development still encroaches into the 3 storey height control area (if the applicant could please clarify this to the Department and to those who have made public/organisation submissions concerned about setbacks, bulk and scale). From reviewing the placement and size of the floor plates for the proposed building and the revised setbacks, the building is clearly of unreasonably enormous bulk and scale to the detriment of the surrounding properties, specifically in relation to its close proximity to the buildings along the Southern side of Margaret Street, and is especially detrimental to the visual prominence required and impact on the heritage significance of the church building for its occupants and the community. The above extract reflects a proposed development that is clearly too large with its massing imposing on St Luke's Church and the properties along the Southern side of Margaret St. We also note that in the Applicant's 'Response to Submissions' Report, Figure 21 is clearly a closer photograph of the existing building at 13-23 Gibbons St Redfern than of the rendered photograph of the proposed development in Figure 22 and therefore the comparison between Figure 21 and Figure 22 is not a fair and reasonable comparison of the overall visual impact and reasonable reflection of the proposed development's impact. Figure 22 also crops the top of the proposed development which negates the visual impact from its increased height. In consideration of all of the above, we arduously advocate that the proposed development should be considerably further set back, with a reduced height and a reduction in massing set as far away from Margaret St as possible to result in an improved planning outcome. • A significant increase in overshadowing would occur as a result of the proposal development over St Luke's Church which requires sunlight to be enjoyed by the community and for its occupants, being a heritage property and given its prominent history in the surrounding area. Please refer to the Overshadowing section of our original submission for more information in this regard. • In response to s 3.7.2 of the Applicant's 'Response to Submissions' Report, we submit that the impacts of the proposed development on St Luke's Church cannot be mitigated by considering the potential overshadowing of alternative 'compliant' developments (as whilst they may be by definition compliant, they are still not necessarily approved, well planned, well considered or result in a good planning outcome – this is why developments go through an approval process). Furthermore, 'future' adjoining buildings are speculative, not approved and cannot be relied upon in overshadowing analysis in reaching a fair and reasonable planning outcome. The fact is that the current development proposal is proposing immense and detrimental overshadowing to St Luke's Church which remains unchanged in its revisions and which undermines the visual impact, solar access to and heritage status of the property. We would also note that the church building, although no longer functioning as a church, from its low intensity current use as a kitchen supply store is even more inclusive and open to the community through set trading hours open for all to enter and appreciate the heritage architecture and features. Resultantly, the existing solar access is vital to be retained and preserved for the former church building, its occupants and for the reasonable enjoyment of the locality and community. • The proposed use of student accommodation results in a considerable decrease in amenity to the surrounding area through the increase in congestion and impact on heritage. Please refer to the Decrease in amenity to Surrounding Area section of our original submission for more 	<ul style="list-style-type: none"> • GMU have reviewed the scale of the development (Appendix D) and found that the <i>"stepped profile provides transition to the residential area to the south and is sympathetic to the proportions of the heritage listed church"</i>. • There are no planning controls which require solar access to be retained to the Church. In any case the RTS demonstrates that the proposal does not result any material overshadowing of the windows of the church beyond that created either by other <u>approved</u> development to the north of the site (now under construction), or the existing building on the site. The proposed development would not materially add to overshadowing of the church beyond that created by the approved and existing buildings. • Concern that the student accommodation use would result in detrimental impact to the area due to traffic impacts, antisocial behaviour, or impacts to the heritage nature and culture of Redfern are not supported. Traffic, student management and cultural heritage are considered at length in the EIS and RTS and it has been demonstrated that the proposal would result in positive outcomes for the area with regard to traffic and cultural heritage. Management of antisocial behaviour has also been addressed, including an Operational Management Plan which would apply to the operation of the site. • Construction and vibration impacts will be managed in accordance with the Construction Noise and Vibration Management Plan submitted with the EIS, which includes recommendations to ensure the structural integrity of the church is not compromised. Extensive excavation (the primary cause of vibration) is not required as the proposal utilises an existing basement area. Standard conditions of approval requiring dilapidation reports and assessment may also be included in the consent.

Issue	Details	Response
	<p>information in this regard. In relation to our original concerns and issues raised, they remain unaddressed in the Applicant's response to submissions.</p> <ul style="list-style-type: none"> Concerns over the construction and vibration impact on the heritage former church property. Please refer to the Construction and Vibration Impacts on St Luke's Church section of our original submission for more information in this regard. In relation to our original concerns and issues raised, they remain unaddressed in the Applicant's response to submissions. As affirmed in our original submission, the applicant's Heritage Impact Statement recommends on page v that... <i>"The cumulative impact of ongoing development in the area, as designated for the Redfern Waterloo Growth Centre, should be considered in future assessments in the area to ensure impacts to heritage items are minimised where possible."</i> In response to the above recommendation and given the lack of necessary reduction in bulk, scale, size, visual impact, overshadowing, construction and the overarching heritage concerns in the revised development proposal and in the Applicant's response to submissions, we urge that the development proposal in its revised form be refused by the Minister of Planning due to the development application's many detrimental impacts which would be created on the southern boundary of the Redfern-Waterloo sites area and which would be specifically and immensely detrimental to St Lukes Church. 	
Brad Campbell	<p>I have just read through the responses to the objections for 13-23 Gibbons Street. It seems to me that there are areas that have been ignored by the developer, one is the actual need for student accommodation in the immediate area. This is something that was mentioned in many of the submissions. The same applies to the height of the building - while they have made adjustments it is still 18 storeys. Many of the submissions question the height of the proposal given the relative height of buildings further down Gibbons Street. At what point does this type of development stop? Is the whole street to become a landscape of 18 storey buildings?</p> <p>The increase in population density is also a factor that has been glossed over. Minor changes to the proposal are not going to hide the fact that this building, if approved, will bring hundreds more people to an area that is already densely populated and is becoming increasingly more so with the new 18 storey affordable accommodation building (an excellent idea) on the corner of Marian Street and another Iglu student accommodation building on Regent street</p>	<p>The need for student accommodation is addressed in the original EIS. Refer to that for a discussion on the growing demand for student accommodation.</p> <p>The 18 storey height control applies to the site and to the area bounded by Margaret Street, Regent Street, Lawson Square and Gibbons Street.</p> <p>The increase in population density was considered appropriate when the planning controls were established to allow for the uplift of development on these sites. The site is considered to be well suited for additional population due to its close proximity to the major transport hub of Redfern Station, proximity to the CBD and in this case, proximity to a number of universities.</p>