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21 July 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square
Parramatta

Dear Mr Betts

Attention: Mr Andy Nixey, Principal Planner

**Re: SSD 9194 13-23 Gibbons Street Student Accommodation
Request for further information / Supplementary Response to Submissions**

We write on behalf of Wee Hur Capital Pte Ltd (the Applicant) in relation to the State Significant Development Application (SSD 9194) for Student Accommodation at 13-23 Gibbons Street, Redfern.

The Applicant submitted a formal Response to Submissions (RTS) including updated plans in November 2019 to address issues previously raised during exhibition of the original application.

The RTS was placed on the Departments website and referred to persons who had previously made public submissions. It was also again referred to relevant government authorities.

Two public submissions were received in addition to submissions from the City of Sydney and Sydney Trains. The Department of Planning, Environment and Industry wrote to the Applicant on 20th December 2019, outlining its issues that required a further response following review of the RTS. Nine issues were identified. The Applicant met with the Department and representatives of the Government Architect's Office (GANSW) on 16 March 2020. Final comments from GANSW were also forwarded on 31 March 2020.

The Applicant and the specialist consultant team have reviewed and considered the matters raised by the Department, other government authorities, GANSW and the public submissions. The attached report sets out the Applicant's response to the key issues raised, and details the final project including a number of key revisions to the scheme. A detailed table setting out a response to all submissions made in response to the RTS is provided in **Appendix A** to the report.

Importantly, key concerns have been addressed by:

- reducing the overall scale of the proposal
- improving podium design and relationship with surrounding development
- improvements to façade design and improving window orientation to further reduce the potential for privacy impacts
- improving the through site link including incorporation of a coffee shop to improve activation
- improvements to landscaping and tree planting

- improving internal amenity of rooms

In relation to the outstanding issue of whether the floor space bonus applies to the site under the ARH SEPP, the Applicant has now also received joint legal advice from Adrian Galasso SC and Clifford Ireland which confirms its position that an FSR of 8.4:1 applies to the site as the consent authority should find that site is within an 'equivalent zone' for the purposes of the relevant provisions of the SEPP.

Nevertheless, the scale of the final design has been further reduced, to an FSR of 7.7:1, well below the allowable FSR.

It should also be noted that the final design was informed by a peer review undertaken by GM Urban Design and Architecture (GMU). GMU are the authors of the Redfern Centre Urban Design Principles which provide the primary guidance for design of development on this site, and all adjoining sites to the north and therefore are well placed to provide expert advice on appropriate design outcomes on this site. In particular, GMU considered design matters that relate to achieving compatible built form outcomes in term of the bulk and scale of the development. Their advice is detailed in the attached report.

We trust that the attached information is sufficient for the Department to finalise its assessment of the Application. We note that the project has particular importance in the current economic and social conditions caused by COVID-19 as:

- it will ensure the site is build-ready, enabling:
 - provision of approximately 240 jobs in the construction industry,
 - a capital investment of more than \$62 million,
- it will provide student housing to support the growth of the education sector and improve housing supply, creating a significant economic benefit to the local and broader NSW community in the form of additional employment and expenditure.

We trust this resolves all outstanding matters and we look forward to the finalisation of the Department's assessment.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Wilson', with a stylized, looping flourish at the end.

Chris Wilson
CW Strategic Planning Services

Supplementary Response to Submissions

Student Accommodation

13-23 Gibbons Street, Redfern

State Significant Development Application

SSD 9194



Prepared for Wee Hur Capital Pte Ltd

July 2020

by

CW Strategic Planning Services

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1.0 Introduction

The Response to Submissions Report was placed on the Departments website and referred to persons who had previously made public submissions and relevant government authorities.

The Applicant and technical specialists have reviewed and considered the matters raised by the Department, other government authorities, GANSW and the public submissions. This report sets out the Applicant's response to the key issues raised, and details the final project including a number of revisions the scheme. A detailed table setting out a response to all submissions made in response to the RTS is provided in **Appendix A** to this report,

This report should be read in conjunction with the Environmental Assessment Report dated 11 January 2019 and the Response to Submissions Report dated 20 November 2019 and the following supporting documentation:

- Response to Agency and Public Submissions on RTS by *CW Strategic Planning Services* (**Appendix A**)
- Amended Architectural Drawings prepared by *Allen Jack + Cottier Architects* (**Appendix B**)
- Updated Supplementary Design Report prepared by *Allen Jack + Cottier Architects* (**Appendix C**)
- Urban Design Advice prepared by *GMU Urban Design & Architecture* (**Appendix D**)
- Amended Landscape Plans and Landscape Report by *Turf Design Studio* (**Appendix E**)
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- BASIX Certificate (**Appendix G**)
- ESD Report by *SLR Consulting* (**Appendix H**)
- Revised SEPP 1 Objection for FSR by *CW Strategic Planning Services* (**Appendix I**)
- Revised QS Certificate 'Cost of Development' by *WT Partnership* (**Appendix J**)
- Wind Impact Assessment by *SLR Consulting* (**Appendix K**)

2.0 Overview of Key Amendments to the development

The proposal has been further revised in response to the issues raised in the submissions and includes the following changes:

- An overall reduction in building bulk and scale, including:
 - further reduction in floor space from FSR of 7.85:1 (RTS) to 7.7:1 (current scheme)
 - reduction in building height by 2m from 61.55m to 59.55m;
- Deletion of the mezzanine level and reduction in podium height by 2 metres; and stepping of the podium height to align with adjacent development (refer to **Section 5.2**);
- Redesign of the podium to better align with Margaret Street, provide a greater visual separation between the podium and the tower and to improve wind impacts, whilst still providing increased footpath width. Ground level setbacks would be increased from 0.86m to 1m (refer to **Section 2.1**)
- Changes to street tree planting to retain existing trees in Gibbons Street and increase proposed street trees in Margaret Street from 2 to 3;
- Improvements to the design of the eastern façade of the building (refer to **Section 2.3**);
- Redesign of the tower facades and window arrangements to provide additional privacy to neighbouring sites at 11 Gibbons, 1 Margaret and 116 Regent Streets, including re-orientation of windows (refer to **Section 5.1** and Supplementary Design Report at **Appendix C**)
- Amendments to the design of the through site link to provide additional seating, larger tree planting, improved stormwater management and relocation of the public artwork to the northern end of the through site link (**Section 2.2**);
- Inclusion of a coffee shop fronting the through site link to improve street activation,
- Internal changes to common areas, including:
 - relocation of common rooms from the mezzanine to enlarged common spaces on ground floor, levels 2 and 3 and additional common space in the basement,
 - reduction in size of the balconies on levels 2 and 3 from 39m² to 20m²
 - reduction in total internal common area to 764m² (still generously exceeding DCP recommendations of 590m²),
 - addition of a common stair connecting levels 2 and 3,
 - redesign of Level 4 terrace and common room including provision of amenities,
- Internal changes to bedrooms to improve amenity, including increase in size of the Queen Studio rooms from 15.5m² (RTS) to 16.1m² (proposed), introduction of ensuite units (14.0m²) to Level 4 and minor changes to other room sizes (**Section 1.4**);
- Amendments to signage to remove projecting wall sign on western podium in favour of flush wall sign on northern façade (**Section 5.6**) ; and
- Update to ESD measures and Basix to ensure consistency
- Revised cost of development (from \$59,050,000 to \$58,500,000)

No changes are proposed to the overall number of bedrooms (419) or to the tower setbacks.

A comparison of the changes since the original and RTS schemes is provided in **Table 1** and key changes are described in detail below.

Table 1: Comparison of original, RTS and Current Proposed Scheme

Aspect	Original Proposal	RTS Scheme	Current SRTS Scheme
Areas			
Site Area	1365.5m ²	1365.5m ²	1365.5m ²
Gross Floor Area	11,470m ²	10,713m ²	10,511m ²
- Commercial	- 92.7m ²	- 86.7m ²	- 83m ² (including coffee pod)
- Student Housing	- 11,377.3m ²	- 10,626.3m ²	- 10,428m ²
Floor Space Ratio	8.4:1	7.85:1	7.7:1
Built Form			
Height	18 storey building (3 storey podium and 15 storey tower) plus roof level plant and basement level maximum height: 64 m	18 storey building (3 storey podium incl. mezzanine and 15 storey tower) plus roof level plant and basement level maximum height: 63 m	18 storey building (3 storey podium and 15 storey tower: mezzanine deleted) plus roof level plant and basement level maximum height: 59.55 m
Setbacks			
- Podium:	North 0 m South 0 – 4.0 m East 5.9 – 11 m West 0 m	North 0 m South 0.9 – 4.5 m East 6.4 – 11.4 m West 0 m	North 0 m South 1.0 East 6.4 – 11.1 m West 0 m
- Tower:	North 2.3 – 6.1 m South 1.4 – 6.5 m East 7.5 – 11.0 m West 1.8 – 4.5 m	North 3.9 – 6.1 m South 4.0 – 7.0 m East 7.8 – 11.2 m West 4.0 m	No Change
Capacity and room size			
	488 single occupancy rooms, including: - 68 ensuite rooms (bathroom but no kitchen) - 420 studio rooms (kitchen and bathroom) - 19 accessible rooms included in the above Typical room sizes (including internal bathrooms and kitchens): - ensuite rooms 13m ² - studio rooms 15m ²	419 single occupancy rooms, including: - 44 ensuite rooms (bathroom but no kitchen) - 363 studio rooms (kitchen and bathroom) - 12 DDA / accessible rooms - Typical room sizes (including internal bathrooms and kitchens): - ensuite rooms 17m ² - studio rooms 15.5m ² – 21.4 m ²	419 single occupancy rooms, including: - 55 ensuite rooms (bathroom but no kitchen) - 352 studio rooms (kitchen and bathroom) - 12 DDA / accessible rooms - Typical room sizes (including internal bathrooms and kitchens): - ensuite rooms 14.0m ² – 17.6m ² - studio rooms 15.2m ² – 21.4 m ²
Floor by Floor			
Basement:	Gym, cinema rooms, laundry, bicycle parking, storage, waste room, plant	Bicycle storage, storage, waste room, plant	Gym, bicycle storage, storage, plant
Level 1	Retail unit, building entry, reception, staff offices, meeting rooms, student lounge, games area, quiet area, bike repair and storage, plant, through site link	Retail unit, building entry, reception, staff offices, meeting rooms, student lounge, games area, communal kitchen, bike repair and storage, plant, amenities through site link	Retail, entry, reception, offices, meeting rooms, student lounge, games area, communal kitchen, retail coffee pod, bike repair /storage, plant, amenities, waste room, through site link

Aspect	Original Proposal	RTS Scheme	Current SRTS Scheme
Levels 2 & 3	Ensuite rooms, communal kitchen and dining, communal terraces / balcony	Mezzanine: Gym, communal study area, cinema, laundry, amenities	No Mezzanine
Level 4	Studio rooms, communal study space, meeting rooms, communal terrace	Predominantly ensuite rooms, communal kitchen and dining, communal balcony	Predominantly ensuite rooms, communal kitchen and dining, communal balcony
Levels 5 – 17	Studio rooms	Studio rooms	Ensuite and studio rooms, communal space, meeting rooms, lounge area, kitchen, laundry, communal terrace
Level 18	Studio rooms, student lounge	Studio rooms	Studio rooms
Roof	Plant and lift overruns	Plant and lift overruns, photovoltaic cells	Plant and lift overruns, photovoltaic cells
Parking			
Car / Motorbike	0	0	0
Bicycle	163	130	130
Materials and Finishes	<p>Podium: Red-brown face brick cavity wall and dark grey precast concrete panel</p> <p>Feature projection windows in white to match neighbouring church building</p> <p>Tower: precast concrete panels in natural finish and yellow and grey shades</p> <p>Vertical aluminium fins and horizontal solar shadings in grey and brown shades</p> <p>Window frames, steel balustrading and terrace and footpath awnings in dark grey / black.</p>	<p>Similar overall materials and finishes, although a wider variety provided for visual interest.</p> <p>Podium: Face brick cavity walls in two different red-brown tones. Brick header patterns incorporated for visual interest</p> <p>White feature projection windows deleted, but dark splayed reveals and windowheads are provided for visual interest. Window frames, steel balustrading and terrace and footpath awnings in dark grey / black. White perforated vertical fins / screens to southern podium windows.</p> <p>Tower: precast concrete panels in yellow and natural shades. Warm shades to front of building and cool shades to rear.</p> <p>Vertical aluminium fins and horizontal solar shadings in warm shades to front of the building. White perforated mesh fins and shading to the rear.</p> <p>Window frames, steel balustrading and terrace and footpath awnings in dark grey / black.</p>	<p>Similar overall materials and finishes,</p> <p>Updated Eastern façade as described in Section 2.3.</p>
Public Domain and Landscaping	Creation of a through site link to connect with William Lane and retain the alignment of the existing laneways to the north and south. The link will provide public pedestrian access though the site as well as servicing for the development. The link will incorporate permeable paving, soft landscaping, seating areas and lighting. There is space within the	Through site link provided, but redesigned to incorporate deep soil planting of 4 canopy trees in lieu of removable planters. Coffee cart and seating not proposed as part of the application, but there is sufficient space to provide in the future if a demand is established.	Through site link provided, but redesigned to incorporate improved landscaping, coffee shop, re-introduction of seating, improved paving

Aspect	Original Proposal	RTS Scheme	Current SRTS Scheme
	<p>link to enable a mobile coffee cart or similar use in the future.</p> <p>Retention and pruning where necessary of street trees on Gibbons Street, 2 x new street trees proposed on Margaret Street as part of wind mitigation.</p> <p>Associated changes to laybacks and footpath paving on Margaret Street and William Lane.</p>	<p>Removal and replacement of street trees on Gibbons Street, 2 x new street trees proposed on Margaret Street and 4 x new trees proposed on through site link.</p> <p>As before, but footpath on Margaret Street is also proposed to be widened.</p>	<p>Removal and replacement of street trees on Gibbons Street, 3 new street trees proposed on Margaret Street and 6 new trees proposed on through site link.</p> <p>As before, but footpath on Margaret Street is also proposed to be widened (widening increased from 0.86m to 1.0m)</p>
Access	<p>Vehicular access from Margaret Street and William Lane</p> <p>Main pedestrian entry on Gibbons Street.</p> <p>Secondary entry on through site link.</p>	<p>Access locations generally unchanged but access design and articulation improved- refer to Section 3.5.</p>	<p>No material change</p>
Public Art	<p>Artwork by indigenous artists incorporated into the through site link space</p>	<p>Artwork by indigenous artists incorporated into the through site link space</p>	<p>Artwork relocated to northern end of through site link to enable greater tree growth at southern end and to provide visual interest and amenity for the entire length of the through site link space, including the service areas</p>
Signage	<p>Three non-illuminated signs:</p> <ul style="list-style-type: none"> - Projecting wall sign at podium level to delineate the main building entry (0.7 x 5.2 m) - Two building identification signs on the western and southern parapets in 3D block lettering (0.95 x 10.01m) 	<p>Three non-illuminated signs:</p> <ul style="list-style-type: none"> - Projecting wall sign at podium level to enable site identification (0.7 x 5.8 m) - Two top of building identification signs on the western and southern facades in 3D block lettering (0.9 x 9.5m) 	<p>Four non-illuminated signs:</p> <ul style="list-style-type: none"> - Small Awning façade sign at above main entrance (0.4 x 3.6 m) - Two top of building identification signs on the western and southern facades in 3D block lettering (2 x 3.0 / 5.7m) - Flush wall sign on northern podium wall (0.7 x 5.3m)
Use and Operational Management	<p>Small retail space – Use, hours and capacity subject to future application. Well suited for café use or similar</p> <p>Student Accommodation - Residents must be students and will have a standard lease agreement with associated rules of occupation. Site will be operated by specialist experienced student accommodation provider, including 5 full time staff equivalent, in addition to maintenance, security and cleaning staff, as well as student resident advisors. Will operate in accordance with Operations Management Plan at Appendix W.</p>	<p>No change</p>	<p>Small coffee retail area added to kitchen on the through site link to improve activation.</p>

2.1 Changes to Podium

Overall podium height has been reduced by 2+ metres as a result of deleting the mezzanine level. The podium design has also been stepped in height to create a better visual relationship with adjoining development – refer to detailed discussion in **Section 4.2** below.

The podium footprint has also been redesigned on Margaret Street. The ground level setback has been further increased from .86m to 1.0m to improve footpath width. However, the podium facade has been realigned to create a more consistent street edge to Margaret Street. Note the comparison between the RTS scheme with the proposed scheme illustrated in **Figure 1**. No changes have been made to the tower setbacks but the amended podium results in a greater difference between the setback of the tower compared to the podium as shown in **Figure 2**.

This results in improved visual separation between the tower and the podium, which in conjunction with the reduced podium height, results in a superior pedestrian scale to this part of the site and a better visual integration with the lower scale development to the south. It also reinforces a street wall edge to the site, consistent with the Redfern Centre Urban Design Principles.

The greater separation also addresses concerns raised by the City of Sydney that a lack of tower setback in the RTS design would have created undue wind impacts as it would not deflect downdrafts from the tower. The proposed tower setbacks to the podium façade line would be between 3 and 6 metres and average setbacks would exceed 4 metres, ensuring a similar outcome to the built form envisaged by the controls while still enabling footpath widening and street tree planting.

The podium footprint has also been carefully designed to allow for provision of oblique windows to minimise opportunities for overlooking or privacy impacts to No 1 Margaret Street opposite. Refer to the Supplementary Design Report at **Appendix C** for a detailed consideration of design and privacy.

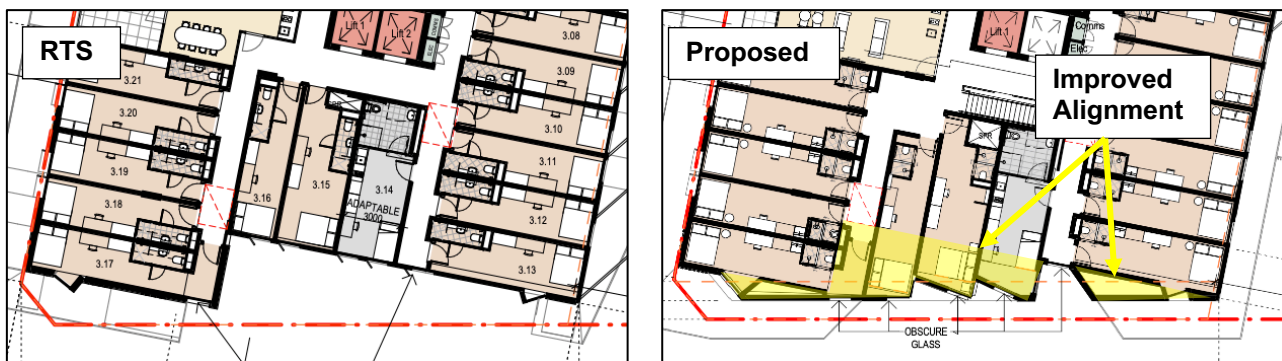


Figure 1: RTS and Proposed L3 plans showing setbacks to Margaret Street and improved alignment to Street. (source AJ+C Architects)

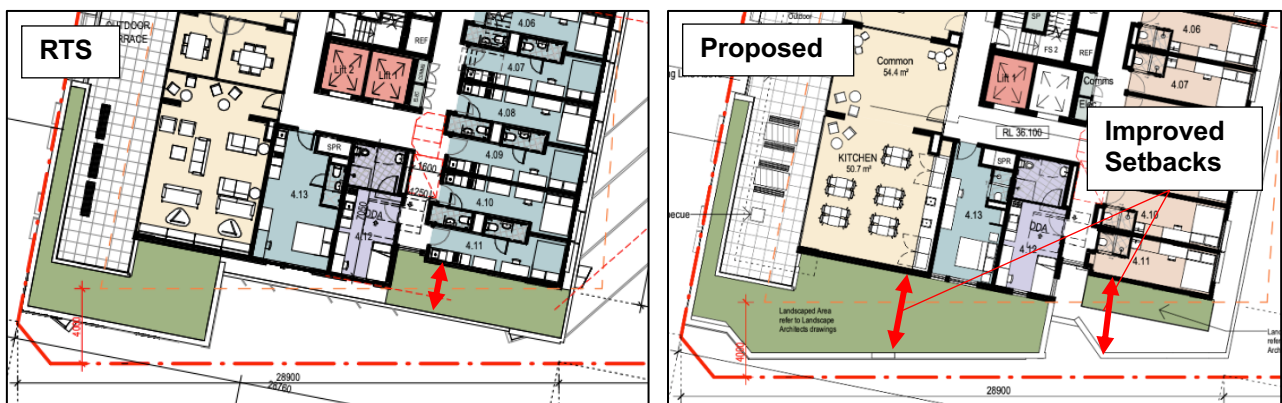


Figure 2: RTS and Proposed L4 plans showing improved tower setback compared to podium. (AJ+C Architects)

2.2 Changes to Through Site Link and Activation

The design of the through site link has been further refined in the revised SRTS scheme to maximise the public benefits of providing the through site lane. Updated Landscape Plans are included at **Appendix E**. Key improvements include:

- Improved landscaping, including additional canopy tree planting with six proposed trees reaching mature heights of 10 – 15 metres;
- Improved boundary plantings along the eastern edge of the link, providing a green landscaped appearance to the entire length of the link;
- Inclusion of a small coffee shop fronting the through site link to improve activation of the space;
- Improved articulation to the ground floor façade facing the link through the use of recesses, awnings and variation in materials;
- Reinstatement of a range of seating areas within the link;
- Relocation of the public artwork to the northern end of the through site link, to reduce conflict with tree growth and ensure visual interest and pedestrian amenity along the entire length of the through site link: dense tree planting improving amenity at the southern end and the artwork contributing to visual interest and amenity at the northern end;
- Improvements to paving, incorporating a variety of finishes to add visual interest and ensure the space presents as a pedestrian area rather than a roadway; and
- Improvements to stormwater management, including permeable paving and replacement of stormwater drain with vegetated swale.

Figures 3 - 5 illustrate the proposed through site link.



Figure 3: Proposed revised through site link.
(source AJ+C Architects Revised Supplementary Design report)



Figure 4: Proposed seating adjacent to entry and coffee shop
(source Turf Design Studio)



Figure 5: Ground Level Landscape Plan
(source Turf Design Studio)

2.3 Changes to Eastern Façade Design

Minor refinements have been made to all facades, particularly to re-orient windows to further reduce opportunities for overlooking (refer to Supplementary Design Report at **Appendix C**).

However, the eastern facade has been significantly updated, including:

- the introduction of a setback 'waist' at level 4 between the tower and podium;
- improvements to the tower façade materials and detailing to add articulation and visual interest; and
- the reduction in podium height and redesign of podium façade to provide greater articulation at the ground level through stepping / use of recesses, awnings, and variation in materials.



Figure 6: RTS and Proposed eastern façade fronting the laneway
(source AJ+C Architects Supplementary Design Report)

2.4 Changes to Bedroom Design

Design refinements have been made to the internal design of the bedrooms.

Key changes to the main room type (Queen Studio rooms) include:

- A more regular room arrangement, rather than the stepped / recessed wall arrangement previously proposed. This results in improved room proportions, with a wider, more useable space and improved feeling of 'openness' to the room;
- Relocation of the handbasin from inside the ensuite to within the main room area. The technical size of the bathroom area does not change (the handbasin is still included in the bathroom size calculations), but this also results in an improved feeling of openness and apparent size of the main living space; and
- An increase in overall room size, from 15.5m² (RTS) to 16.1m² (proposed), representing only a minor (0.8m²) variation from the 16.9m² size recommended by SDCP 2012.



Figure 7: RTS and Proposed Queen Studio layouts
(source AJ+C Architects)

Some of the King Single Studio rooms (2 out of 3 rooms on each tower level) have been slightly reduced in size (from 15.7m² to 15.5m²), but are no smaller than the minimum studio size previously proposed in the RTS. These rooms also benefit from relocating handbasins into the room where appropriate.

The amended scheme also replaces studio units on Level 4 with ensuite rooms. The Level 4 ensuite rooms would be smaller than those proposed on Levels 2 and 3 due to the introduction the setback 'waist' at this level as described above. Rooms would be 14m² in total (including 12m² room size and 2m² ensuite). This represents a small (0.9m²) variation from the SDCP 2012 recommended room size of 14.9m² which would not be discernible. Further, the rooms at this level all have very generous ceiling heights of 3.28m, further ensuring a sense of spaciousness to the rooms and offsetting the minor variation from the DCP recommendation. There is also one smaller (15.2m²) King Single studio on this level.

All other rooms remain above recommended minimum sizes.

3.0 Application of Floor Space bonus under ARH SEPP

The Applicant has now also received joint legal advice from Adrian Galasso SC and Clifford Ireland which confirms its position that the floor space bonus under State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) applies to the development and therefore an FSR of 8.4:1 applies to the proposal. The reasons for this position have been previously outlined in significant detail in the EIS and RTS, however, key matters to note are:

- The question of whether or not the bonus applies depends on whether there is a finding of equivalency between the actual zoning (Business Zone – Commercial Core) and one of the listed standard instrument zones in the ARH SEPP. Equivalency should be found if equivalent land uses are permitted in the Business Zone – Commercial Core to those permitted in one of the listed zones (Clause 5(1)(b)).
- Using this test, the Business Zone – Commercial Core is equivalent to a number of the listed zones, in that *all* the uses expressly permitted in the following listed zones are also permitted in the Business Zone – Commercial Core:
 - Zone R3 Medium Density Residential
 - Zone R4 High Density Residential
 - Zone B1 Neighbourhood Centre
 - Zone B2 Local Centre
 - Zone B4 Mixed Use
- Although, due to the broad way the ARH SEPP instrument was drafted, the Business Zone – Commercial Core also permits a wide range of additional uses, this does not detract from the fact that equivalent uses to all of those permitted in the above listed zones are also permitted in the Business Zone – Commercial Core.
- The question of equivalence has been considered in a number of cases. Relevantly:
 - In *Stebbing v Byron Shire Council* [2012] NSWLEC 1129 the court's assessment of equivalency was based on whether the permitted uses in the listed standard instrument zones were also permissible in the actual zone. Whether the remaining range of innominate uses not listed as prohibited in the actual zone were also permissible in the listed standard instrument zones was not a relevant factor for consideration. In that case there was a finding of equivalency where all of the permitted uses in one of the listed standard instrument zones were also found to be permissible in the actual zone. Applying this approach to the current application, there must be a finding of equivalency between the Business Zone – Commercial Core and any of the above listed standard instrument zones.
 - In *Chehade v Bankstown City Council* [2012] NSWLEC 221, the Court emphasised that the correct focus was first on the uses permissible in the listed standard instrument zone, and then to determine whether these uses are permissible in the actual zone being assessed for equivalency. This confirms the above approach and that there must be a finding of equivalency between the Business Zone – Commercial Core and any of the above listed standard instrument zones as all of the uses permitted in any of these zones are also permitted in the Business Zone – Commercial Core.
 - In *Abdo v Fairfield City Council* [2012] NSWLEC 247 a different approach was taken. The two compared zones were found not to be equivalent. In that case 7 of the 18 permitted uses in the actual zone were found not to be permitted in the listed standard instrument zone and 5 of the 16 permitted uses in the listed standard instrument zone were found not to be permitted in the actual zone. The facts are very different from this case where *all* of the uses permitted in the above listed standard instrument zones are also permitted in the Business Zone – Commercial Core. The Abdo decision is therefore distinguishable from the present facts.
- For further and more detailed discussion on why the FSR bonus applies, refer to the EIS.

4.0 Urban Design advice from GMU

To develop the final SRTS scheme, the Applicant engaged GM Urban Design and Architecture (GMU) to provide expert advice on the design of the proposal. Additional expert design advice was sought in response to concern from the SDRP and Government Architects office that because the scheme exceeds an FSR of 7:1, design excellence cannot be achieved. This is despite the absence of supporting advice or details of these concerns specifically as they may relate to FSR, bulk or scale.

GMU are the authors of the Redfern Centre Urban Design Principles which provide the primary guidance for design of development on this site, and all adjoining sites to the north and are therefore placed to provide expert advice on appropriate design outcomes on this site. In particular, GMU considered design matters that relate to achieving compatible built form outcomes in term of the bulk and scale of the development (ie matters which would affect FSR). Their advice is provided at **Appendix D**.

To develop the final submitted SRTS design, GMU carried out a comprehensive context analysis and review of the controls, including emerging patterns of streetwall heights, prevailing setbacks, building alignments, tower footprint proportions and building separation. As a result, the final design has evolved in response to this work with refinements to podium height, massing, street walls, window orientation and façade design as described above in **Section 2**.

GMU's assessment of the updated scheme in relation to matters of bulk and scale finds that the:

- Building footprint proportions are consistent with other towers in the block and the building has a form that is oriented to both street frontages;
- 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.

In addition, GMU found that the proposal complements the surrounding context as follows;

- *Improved connectivity through the creation of a through site link;*
- *Improved pedestrian and neighbourhood safety and amenity through further activation and increased passive surveillance to the public and private domain;*
- *A vibrant landscape concept to the new laneway extension, to enhance the urban character of the precinct;*
- *Delivers uses appropriate to the commercial core to complement the vision for the area in proximity to a major transport hub, parks and recreational areas and major educational facilities;*
- *Development which encourages active transport;*
- *A built form which responds contextually appropriate in terms of bulk, scale and built form proportions;*
- *Streetwall scale and articulation to strongly define the street edges;*
- *Streetwall scale which is respectful of the heritage fabric in the area and transitions to adjoining residential uses;*
- *Development which responds appropriately to the corner location;*
- *Development designed to be seen 'in the round';*
- *A built form that contributes to the recognisable skyline of Redfern Centre when seen from other areas of the city as sought by original plans and guidelines for the area.*

5.0 Response to issues raised by Department

On 20 December 2019, the Department wrote to the Applicant, outlining its issues that required a further response following review of the RTS. Nine issues were identified. The following provides a response to the specific issues raised by the Department. Additional issues raised in other submissions have been responded to separately in **Appendix A**.

5.1 Tower Setbacks

Issue: Review the proposed tower setbacks and potential privacy impacts given the eastern elevation includes habitable room windows less than 9 m from the boundary.

As seen below in **Figure 8**, the majority of habitable room windows in the eastern elevation would have a setback of more than 9 metres from the boundary. Only 3 windows on each level would be within 9 metres and setbacks would be between 7.85 and 8.37 metres.

To address the potential for any privacy impacts to future development from these windows, the northern most unit window is re-oriented and angled shades are proposed to remaining affected windows which would ensure the main line of sight to the boundary would exceed 9 metres. Refer to detailed discussion in the Supplementary Design Report in **Appendix C**.

In addition, it should be noted that:

- Currently no privacy impacts arise on this side of the site, as the proposal adjoins the BP Service Station;
- The proposed tower would have an average setback of more than 9 metres from the eastern boundary, and areas of reduced setback are offset by other areas of greater setbacks;
- The 9 metre average setback is very generous for development in this locality, noting:
 - All other residential tower developments on Gibbons Street approved under the same controls have a setback of around 6 metres from common property boundaries;
 - No 11 Gibbons Street immediately to the north was recently approved with windows and balconies in closer proximity to both the eastern site boundary (3.0 m setback) and the centre line of William Lane (5.42 m setback); and
- Affected windows are limited to individual student rooms and there are no common areas, balconies, or terraces that would allow groups to gather on this elevation to cause significant privacy concerns

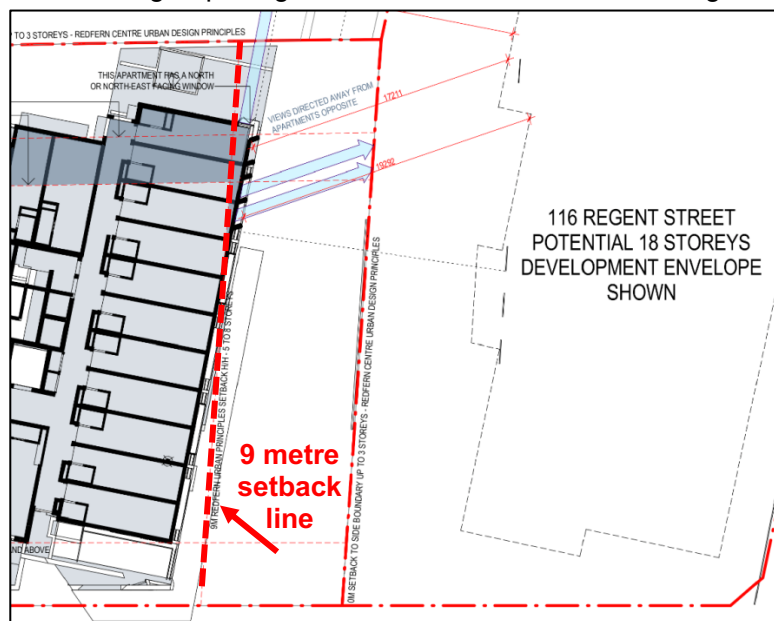


Figure 8: Proposed Revised Typical Tower Plan showing setbacks and window treatments on eastern elevation.
(source AJ+C Architects Revised Supplementary Design Report)

5.2 Podium Height in Gibbons Street

Issue: Provide an assessment and contextual analysis of the increased podium height in Gibbons Street, noting the Redfern Centre Urban Design Principles require podium heights to respond to the parapets/RLs of existing buildings to create symmetry/consistency across streets and laneways.

The proposal has been amended in the SRTS to reduce the Gibbons Street podium height by approximately 2 metres (from RL39.1 - 39.9 to RL36.9 - 37.9). The only adjacent street or laneway is Margaret Street and the podium had been designed to create symmetry with the height of the building on the opposite side of Margaret Street as required by the Principles (refer to **Figure 9**).



Figure 9: Proposed revised western elevation showing relationship between podium and adjoining buildings
(source AJ+C Architects Supplementary Design Report)

Although not specifically required by the controls, the podium height has also been amended having regard to comments from the City of Sydney so that it now steps in height to create a better visual connection with the approved podium height of 11 Gibbons Street, adjoining the site to the north.

As requested by the Department, an assessment and contextual analysis has also been carried out to examine the podium height in Gibbons Street having regard to other development in the streetscape. As seen in **Figure 10**, the street includes a significant variation in podium heights and the proposed development easily falls within the range of approved podiums heights. With a maximum proposed height of 13.6m fronting Gibbons Street, the proposed podium would remain materially smaller than the podium at 7 - 9 Gibbons Street which was approved with a maximum height of 15.8 metres.

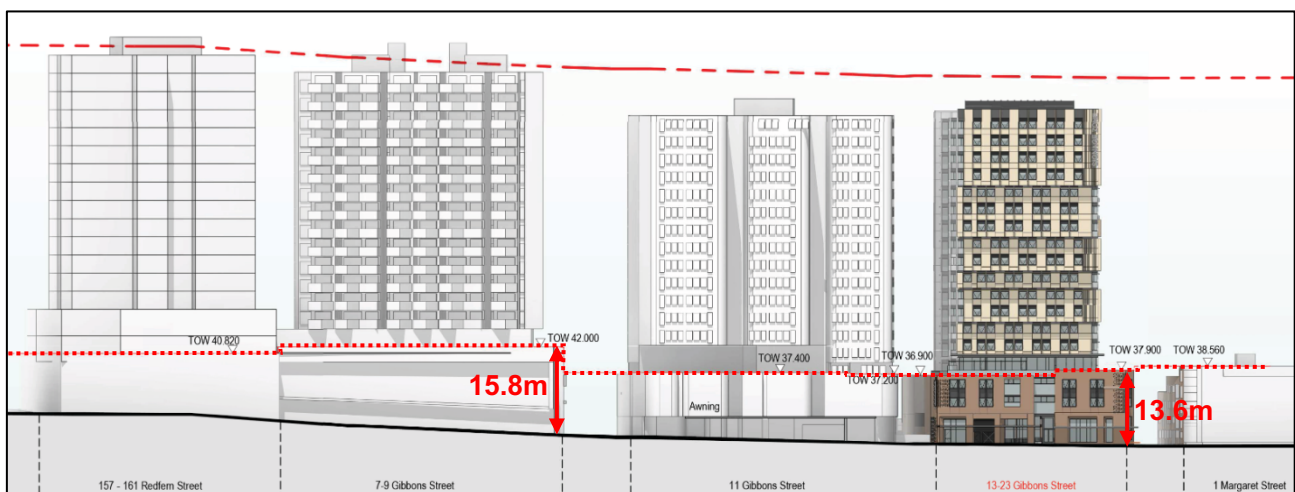


Figure 10: Podium line within the Gibbons Street streetscape
(source AJ+C Architects Supplementary Design Report)

5.3 Solar Access

Issue: Provide additional solar access analysis that calculates the hours of sunlight received by apartments at 1 Margaret Street between 9 am and 3 pm in midwinter (consistent with the calculation of solar access for residential amenity in the Apartment Design Guide).

As requested, the solar access analysis in the Supplementary Design Report (**Appendix C**) has been revised to consider impacts to 1 Margaret Street between 9 am and 3pm at midwinter.

The solar studies have also been revised to now include buildings at 11 Gibbons Street and 88 Regent Street in the 'existing' model, as these buildings have recently been approved and construction has now commenced on both sites.

As previously assessed, given No 1 Margaret Street is located directly to the south of the site, overshadowing impacts are inevitable under any development of the site. However, the results demonstrate that when comparing the proposed development to the existing situation, of the 12 units affected by the proposed development;

- Two units (Unit 1 and Unit 5) will receive net improved solar access as a result of the proposal;
- Three units (Units 11, 14 and 16) will retain in excess of 2 hours of solar access to both living areas and private open space areas consistent with levels of amenity expected under SEPP 65 and the ADG;
- Three units (Units 3, 7 and 13) although not strictly retaining 2 hours to *both* living rooms and open space, will retain very good overall levels of solar access – at least 4.5 hours total to a combination of living areas and private open space;
- One unit (Unit 9) would receive a reasonable level of solar access, receiving a total of 2.5 hours of combined solar access to living rooms and open space, and a better result than the modelled compliant scheme (where the unit would only receive 1.75 hours)
- Three units (Units 2, 6 and 10), would have increased levels of shadowing and low levels of solar access. Of these,
 - Unit 2 is already extensively overshadowed, receiving only 15 minutes of solar access. Although this would be lost, *any* development of the site would result in overshadowing of Unit 2, as it is located at the ground floor level directly opposite and directly to the south of the development
 - Unit 6 (directly above Unit 2) is also already extensively overshadowed. It would retain 30 minutes of solar access, which is a better outcome than the modelled compliant scheme (where Unit 6 would only receive 15 minutes of solar access)
 - Unit 10 (directly above Unit 6) would retain 30 minutes of solar access at midwinter. When compared to the modelled compliant scheme, the impacts appear considerable, however, it should be noted that much of the additional overshadowing is due to the provision of a parapet wall to the podium on the Margaret Street elevation, not modelled in the compliant scheme. The parapet is compliant with the controls and in all likelihood would have been required and in a compliant scheme, demonstrating little difference between the proposal and development expected by the controls. Further, the parapet ensures mitigation of privacy and acoustic impacts to 1 Margaret Street which more than offsets the shadowing impacts. At all other times of the year, when the sun is higher, the parapet would not affect shadowing of Unit 10 and the unit would receive good levels of sun.

The modelling demonstrates that the proposal results in reasonable overall overshadowing impacts to No 1 Margaret Street, given the planning controls which apply to the site and the location of the residential units immediately to the south of the site. In fact, it demonstrates the proposal results in an overall better outcome in terms of solar access to 1 Margaret Street compared to an alternative 'compliant' scheme that could be developed on the site strictly in accordance with the planning controls.

5.4 Level 4 Pergola

The Wind Report recommends a 3 m high pergola be provided to mitigate wind impacts to the north-western corner of the level 4 terrace. If proposed, the pergola must be included on the proposed plans and relevant issues considered. If not proposed, please provide a revised Wind Report that recommends alternative wind mitigation measures for this location and include these measures on the proposed plans.

The pergola has been included on the plans (refer to drawing DA2003 in Appendix B).

The amended wind assessment (**Appendix K**) demonstrates that with all proposed mitigation measures in place (including the pergola), peak annual wind gusts would be significantly reduced to 10.0 m/s or less for the majority of the terrace, suitable for outdoor dining.

The pergola would not result in any unacceptable visual impacts. It would be setback from the podium parapet and constructed of lightweight materials to complement the proposed finishes so that it not be easily apparent from the street. As viewed from a distance it would add to the creation of the shadow line which breaks up the mass of the building and provides a visual separation between the podium and the tower.



Figure 11: Perspective image of proposal indicating the proposed Level 4 pergola
(source AJ+C Architects Revised Supplementary Design Report)

5.5 Amenities

Further consider the provision of amenities, including toilets, on level 4 given the size of communal space and facilities on this level.

Amenities have been added the Level 4 communal area (refer to drawing DA2003 in **Appendix B**).

5.6 Projecting Wall Sign

Review the size and location of the proposed projecting wall sign, noting it does not comply with Council's Signage and Advertising Structure Development Control Plan 2005.

The projecting wall sign has been deleted and the proposed signage has been reviewed (Refer to plan DA5106 in **Appendix B**). It is now proposed to provide:

- Two top of building signs on the southern and western facades visible on the approach from the south, similar to the signs previously proposed;
- One small sign above the recessed entry doors to delineate the entry point;
- One flush wall sign at podium level on the northern elevation (refer to **Figure 10** above) to identify the building for pedestrians arriving from the north (Redfern Station).

The proposed entry and top of building signage comply with the DCP.

The flush wall sign on the northern elevation would not comply with DCP recommendations for height, as it is proposed to locate the sign more than 5 metres above ground level. However, the proposed sign would meet the requirements for exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as a building identification sign.

Regardless of the provisions of the DCP, the sign is considered to be acceptable in this case as:

- The sign has been designed to reflect the height and materials of the windows in the western elevation and to continue the provision of these façade elements around the corner to the northern façade, thereby visual interest to the building;
- A lower level sign would not achieve the same visual outcomes and may present a more awkward outcome, less integrated with the building design;
- A lower level sign would be less visible for approaching pedestrians, reducing the wayfinding / identification purpose of the sign;
- Compared to the previously proposed projecting wall sign, the flush wall sign is less visually obtrusive and would be carefully integrated into the design of the façade. In the context of the building and in the context of the podium, the sign is very modest in scale;
- It would be the only sign on this elevation, would not be readily viewed on conjunction with any other signage and as such will not result in visual clutter or any adverse impacts to the character of the area.

5.7 Disability Access

Confirm it is intended a minimum of 17 student rooms will satisfy disability access requirements under AS1428.1.

Refer to the report from Accessible Building Solutions at **Appendix F**. The developer seeks a performance based solution under the BCA. Because of the age of the residents (15 to 30 years) the incidence of people with a disability is statistically reduced compared to a building designed to serve the entire population age range – on which the standard is based. On this basis, the assessment finds the provision of 12 units, rather than 17 is an acceptable outcome in this instance.

5.8 Floor Plan

Revise the mezzanine floor plan to confirm voids are located above the games room and retail tenancy.

The mezzanine level has been deleted.

5.9 Site Plan

Provide a revised detailed site plan.

Refer to drawing DA1002 in **Appendix B**.

6.0 Conclusion

This SRTS has considered all the submissions made in response to the public exhibition of the proposed student housing development. A detailed table setting out a response to all submissions made in response to the RTS is provided in Appendix A to this report. All matters raised by the Department, other government authorities, GANSW and the public submissions have been considered and the scheme revised in response where relevant. Key concerns have been addressed by:

- reducing the overall scale of the proposal
- improving podium design and relationship with surrounding development
- improvements to façade design and improving window orientation to further reduce the potential for privacy impacts
- improving the through site link including incorporation of a coffee shop to improve activation
- improvements to landscaping and tree planting
- improving internal amenity of rooms
- improvements to signage

The final scheme has also been informed by the assessment undertaken by GMU noting they were the authors of the Redfern Centre Urban Design Guidelines. GMU's assessment found that in terms of bulk and scale:

- The building footprint was consistent with other towers in the block and the building has a form that is oriented to both street frontages;
- Podium building lines are appropriate and podium scale is consistent with emerging surrounding development;
- The generous eastern setback accommodates a pedestrian through-site connection improving permeability and the active movement network; and
- The tower setbacks articulate the tower form as separate from the podium, reinforce the street wall scale, and respond appropriately to their context.