



APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal promotes the social and economic welfare of the community and a better environment through the delivery housing that is available for students in proximity to major tertiary education campuses and integrates land uses with public transport.	N/A
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal is committed to achieving high standards of ecologically sustainable development and is accompanied by a NCC Section J Report (Appendix I); a BASIX Certificate (Appendix J); and an Alternative Performance Solution for Natural Ventilation (Appendix K).	
	<i>To promote the orderly and economic use and development of land</i>	The proposed development has been sited and designed to satisfactorily respond to the core built form controls and is compatible with the existing, approved and likely future development within the surrounding land.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal is located within an established urban context in the inner suburbs of Sydney. The application for the BDAR waiver prepared by Green Tape Solutions demonstrates the proposal will have	



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		no impact on threatened species or their habitats (Appendix U).	
Section 4.15	<p>Relevant environmental planning instruments:</p> <p><i>Environmental Planning and Assessment Act 1979</i></p> <p><i>NSW Biodiversity Conservation Act 2016</i></p> <p><i>State Environmental Planning Policy (State and Regional Development) 2011</i></p> <p><i>State Environmental Planning Policy (State Significant Precincts) 2005</i></p> <p><i>State Environmental Planning Policy (Urban Renewal) 2010</i></p> <p><i>State Environmental Planning Policy (Housing) 2021</i></p> <p><i>State Environmental Planning Policy (Infrastructure 2007)</i></p> <p><i>State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</i></p> <p><i>State Environmental Planning Policy No 64 – Advertising and Signage</i></p> <p><i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i></p>	See detail below under State Environmental Planning Policies (SEPPs).	N/A



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> <i>Sydney Local Environmental Plan 2012</i> <i>Sydney Development Control Plan 2012</i> <i>Redfern-Waterloo Development Contributions Plan 2006</i> <i>Redfern-Waterloo Affordable Housing Contributions Plan 2006.</i>		
	<u>Draft environmental planning instruments:</u> None relevant to the proposal.	N/A	N/A
	<u>Relevant planning agreement or draft planning agreement</u> No planning agreements relevant to the proposed development	N/A	N/A
	<u>Development control plans:</u> Sydney Development Control Plan 2012	See detail below under development control plan	N/A
	The likely impacts of that development, including environmental impacts on both the natural and built	The likely impacts of the development including the environmental impacts on the natural and built	Section 6



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	environments, and social and economic impacts in the locality.	environments, and social an economic impact on the locality are assessed in detail within the EIS.	
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS	Section 7.6
	Any submissions made	Submissions will be considered following exhibition of the application.	Section 7.7
	The public interest	The proposed development is considered in the public interest, as demonstrated in the EIS.	Section 7.8
Environmental Planning and Assessment Regulation 2000			
Schedule 2	Schedule 2 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS	This EIS has been prepared to address the requirements of Schedule 2 of the EP&A Regulations and SEARs.	N/A
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR waiver was issued by the NSW DPIE on 22 June 2021 and a BDAR is not required to be prepared and submitted as part of this SSD application.	Section 6.2.4 Appendix U
State Environmental Planning Policies			

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	<p>The proposed development is located within the Redfern-Waterloo Sites as listed under clause 2(g) and is considered a State Significant Development (SSD) under the general provisions of clause 2 which state:</p> <p><i>Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map.</i></p>	The proposed development has a capital investment value of \$52,000,000 and accordingly, the site is considered SSD to which Part 4 of the Act applies.	Appendix F
<i>State Environmental Planning Policy (State Significant Precincts) 2005</i>	State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) aims to facilitate the development of important areas of economic, environmental or social significance to the State. The site is located within the area identified as Redfern-Waterloo Sites under the SSP SEPP.	The specific controls apply to the precinct (including the subject site) are set out in Appendix 4 of the SEPP. The proposal has been designed to substantially comply with each of the relevant requirements as outlined below.	N/A
<u>Part 3 – Provisions relating to development of Redfern–Waterloo Authority Sites</u>			
	7. Land Use Zones: The site is zoned Business Zone - Commercial Core	The proposed development has been prepared in accordance with the relevant objectives for the zone as outlined below.	N/A
	<p>9. Business Zone - Commercial Core</p> <p>1) The objectives of the Business Zone - Commercial Core are as follows</p> <p>To facilitate the development of a town centre,</p>	<p>The proposal has been designed to respond to the objectives for the SSP SEPP as outlined below:</p> <p>The proposal will facilitate the ongoing development of the town centre by providing a high-quality mixed-use building that is compatible and consistent with</p>	Section 4.1

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>To encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,</p> <p>To permit residential development that is compatible with non-residential development,</p> <p>To maximise public transport patronage and encourage walking and cycling,</p> <p>To ensure the vitality and safety of the community and public domain,</p> <p>To ensure buildings achieve design excellence,</p> <p>To promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.</p> <p>(2) Development for any of the following purposes is prohibited on land within the Business Zone - Commercial Core -</p> <p><i>bulky goods premises; depots; dual occupancies; dwelling houses; hazardous industries; hazardous storage establishments; heavy industries; home occupations (sex services); industries; light industries; offensive industries; offensive storage establishments; restricted premises; sex services premises; transport depots; truck depots; vehicle body repair workshops; warehouses or distribution centres.</i></p>	<p>existing, approved and likely future developments and provides active frontages and public domain improvements that will contribute to the revitalisation and vibrancy of the locality.</p> <p>The site is ideally located for student housing as it is within walking distance of several tertiary institutions and Redfern and Surry Hills town centres.</p> <p>The proposal is compatible with the surrounding non-residential development and the retail tenancy will support the vitality and vibrancy of Regent Street.</p> <p>The proposed development maximises public transport patronage and encourages walking and cycling. 102 on-site bicycle parking spaces will be provided in lieu of on-site car parking. The site is close to Redfern railway station and the active and vibrant centres of Redfern, Surry Hills and Chippendale.</p> <p>The public domain improvements to Regent Street, Margaret Street and William Lane will enhance the appearance and functionality of the public domain, including new street planting, paving and seating.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(3) Except as otherwise provided by this Policy, development is permitted with consent on land within the Business Zone—Commercial Core unless it is prohibited by subclause (2).	<p>Four design briefings were held with the SDRP with the feedback incorporated into the final design to achieve design excellence.</p> <p>The proposed 'retail premises' (shop) and 'boarding house' (student housing) are not prohibited within the zone and are consistent with the objectives of the zone. Accordingly, the proposal is permitted with consent</p>	
	<p>Clause 20A Demolition requires development consent</p> <p>The demolition of a building or work may be carried out only with development consent.</p>	No demolition works are proposed. Demolition of the former service station development was approved by the City of Sydney via local DAs.	N/A
	<p>Clause 21(1) Height of buildings</p> <p>Maximum two storeys along Regent Street from the property boundary to a depth of 8 metres.</p> <p>Maximum three storeys along Margaret Street from the property boundary to a depth of 4 metres.</p> <p>Maximum 18 storeys across the balance of the site.</p>	<p>The proposed development has a maximum building height of 18 storeys with a three storey podium along both Regent Street and Margaret Street, which is consistent with the adjoining developments to the north and west.</p> <p>The tower component is setback part 4m and part 8m to Regent Street and a minimum of 5.6m to Margaret Street, resulting in a variation to the height requirements prescribed by the SSP SEPP. The proposed variation is fully justified within a Clause 16A Variation Request (refer Appendix Q) and as summarised below:</p>	<p>Section 2.1.12</p> <p>Appendix G</p> <p>Appendix Q</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>The proposed built form is compatible and consistent with the approved development to the north along Regent Street.</p> <p>The three storey podium component provides a fine grain architectural outcome and a human-scale pedestrian environment.</p> <p>The proposed setbacks to the tower component will provide an attractive streetscape with a continuous built form along Regent Street.</p>	
	<p>Clause 21(2) Floor space ratio</p> <p>The site has a maximum floor space ratio of 7:1</p>	The proposed FSR is 7.1	Appendix G
	<p>Clause 22 – Design Excellence</p> <p>(1) Consent must not be granted unless the consent authority has considered whether the proposed development exhibits design excellence.</p> <p>(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p>	<p>Wee Hur, Antoniades Architects and members of the consultant team met with the GANSW at SDRP on four occasions during the preparation of the architectural drawings. The feedback provided by the GANSW has been incorporated into the final building design which has been lodged with the SSDA.</p> <p>The Design Report prepared by Antoniades Architects outlines the way in which the proposal exhibits design excellence, including:</p> <p>A high standard of architectural design, materials and detailing which complements the existing,</p>	Section 6.1.1 Appendix G, Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,</p> <p>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,</p> <p>(d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.</p> <p>(3) The consent authority may require a design competition for any development over 12 storeys consistent with guidelines issued by the Redfern–Waterloo Authority and approved by the Minister.</p>	<p>approved and likely future development and the cultural heritage of Redfern.</p> <p>Activation of the streetscape through the siting and design of the ground floor activities and their interaction with the public domain improvements along all three street frontages. Specifically significant public domain works to William Lane.</p> <p>Implementation of sustainable design principles to deliver satisfactory natural daylight and ventilation and the siting and design of the building to optimise the site location and passive surveillance while avoiding unacceptable impacts to the surrounding properties and excessive energy consumption.</p> <p>The podium has been setback a minimum of 4.6m along Margaret Street (greater than permissible) allowing for improved relationship with St Luke’s Presbyterian Church.</p> <p>A design competition was not required to be held in accordance with the SEARs.</p>	
<u>Part 4: Additional provisions for the Redfern- Waterloo Authority Sites not applying to Part 3A Projects</u>			
	26 Notification of advertised development	This SSDA will be notified in accordance with the relevant legislation.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	27 Heritage conservation Heritage items must not be demolished, dismantled or moved.	<p>The site is not heritage listed or located in a heritage conservation area. However, the site is located opposite local heritage item 1352 - St Luke's Presbyterian Church to the south.</p> <p>A Statement of Heritage Impact has been prepared (Appendix W) which concludes the proposed works would not have any significant impacts to the listed heritage items and the nearby heritage conservation area.</p>	Section 6.1.11
	28 Preservation of trees or vegetation	<p>An Arboricultural Impact Assessment has been prepared by Urban Arbor and is provided at Appendix DD. The AIA assesses the existing street tree on the Regent Street frontage provides tree protection measures in accordance with AS4970-2009.</p> <p>Tree 1 is a semi-mature London Plane (<i>Platanus x acerifolia</i>) that adjoins the site on Regent Street. The tree has an approximate height of 12m and a crown spread of 5m. At the time of the inspection, the tree was displaying good health and vigour for the species and no significant structural defects were identified.</p> <p>The proposed awning on the new development is located within 0.5m of the trunk of tree 1. The tree will be impacted by the proposed development works, including the combined impact of root and canopy</p>	Section 6.1.6

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		pruning. The tree has therefore been recommended to be removed.	
<i>State Environmental Planning Policy (Urban Renewal)</i>	<p>State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP) establishes the process to assess and identify sites as urban renewal precincts. It seeks to facilitate the orderly and economic development of sites within urban renewal precincts and the delivery of strategic policy objectives.</p> <p>The site is within the Redfern-Waterloo Potential Precinct as identified on the relevant map which accompanies the Urban Renewal SEPP.</p>	<p>The proposal addresses the relevant provisions for development in potential precincts as outlined in clause 10 of the SEPP and as summarised below:</p> <p>The proposed development will deliver a higher-density student housing development in accordance with the built form controls outlined within the SSP SEPP.</p> <p>The site has excellent access to existing and future public transport and existing and likely services within the locality, with public domain improvements that enhance the streetscape and pedestrian and cycle connectivity.</p> <p>Based on the above, the proposal satisfactorily addresses the relevant requirements of the Urban Renewal SEPP.</p>	N/A
State Environmental Planning Policy (Infrastructure) 2007	Part 3, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution networks	A new 1MVA mini chamber substation is proposed to be installed as part of the development. A formal application requesting “Design Information Package” (DIP) will be made to Ausgrid during the detail design stage.	Section 6.2.11

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
(Infrastructure SEPP)	Part 3, Division 15 Railways, Subdivision 2 Development in Rail corridors	The proposed development is on land affected by the Sydney Metro corridor and the SSDA will be referred to Transport for NSW and Sydney Metro for comment.	N/A
	Part 3, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations	The SSDA will be referred to the RMS as the site is located adjacent to a Classified Road (Regent Street) and is within 150 metres of the future CBD Rail Link (Zone B - Tunnel).	N/A
<i>State Environmental Planning Policy No. 55 - Remediation of Land</i> (SEPP 55)	Clause 7 states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	<p>Several environmental investigations have been carried out on the site dating from 1999 to 2021. These investigations have confirmed that a limited extent of soils aesthetically impacted with petroleum hydrocarbons will be present in proximity of the site UPSS.</p> <p>A Remediation Action Plan (RAP) relating to the site, an Addendum RAP and a letter of interim advice from an accredited site auditor was submitted with a local DA for the decommissioning of the petrol tanks (D/2020/1095).</p> <p>A Site Audit Statement is attached at Appendix BB which confirms that the remediation and validation works have been completed in accordance with the Remedial Action Pan as prepared for the site.</p>	Section 6.1.10 Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)</i>	<p>Clause 13 of SEPP 64 requires a consent authority to consider the objectives of the policy and complies with the assessment criteria contained within Schedule 1.</p> <p>Three indicative signage zones are proposed to identify the building. These include a fascia sign on the awning above the building entry and two top-of-building signs:</p> <p>Southern elevation (Margaret Street);</p> <p>Western elevation (William Lane).</p>	<p>The indicative signage zones proposed on the ground floor and upper levels of the building are addressed below.</p>	<p>Section 3.2.3 and Appendix G</p>
	<p>1 Character of the Area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed signage is consistent with the visual character of the Redfern area, being an area in transition with high density development.</p> <p>Similar signage zones have been approved for the surrounding development sites, including the recently approved Wee Hur student housing developments at 90-102 Regent Street and 13-23 Gibbons Street.</p>	
	<p>2 Special Areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposal is not located within an environmentally sensitive areas or a heritage conversation zone.</p> <p>The proposal will not adversely impact the visual qualities of nearby heritage items.</p>	

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	<p>3 Views and vistas</p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage is contained wholly within the building envelope and the building façade. The proposed signage has been designed to complement the architecture and design features.</p> <p>The size and dimensions of the signage zones are consistent with the scale of the building and will not dominate the skyline.</p>	
	<p>4 Streetscape, setting or landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The scale of the proposed signage zones is consistent with the scale, proportion and form of the proposed building. The top-of-building signage responds to the architectural features of the building. The ground floor signage is modest and will identify the use of the building and the main entry.</p> <p>The proposed signage zones are contained wholly on the building façade and does not protrude above the building or structures.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>5 Site and Building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage zones have been designed in a holistic manner to complement, rather than compete with, the architectural features of the building.</p> <p>The top-of-building signs will reinforce the significance of Margaret Street and William Lane.</p>	
	<p>6 Associated devices and logos with advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting, devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	N/A	
	<p>7 Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>Illumination of the proposed signage will be in accordance with the relevant Australian Standards and the recommendations of the Light Spill Assessment (Appendix KK).</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Is the illumination subject to a curfew?		
	<p>8 Safety</p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	The proposed signage zones are located on the building facade and will not have any impacts on the safety of the surrounding public roads, pedestrians, or cyclists.	
<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i>	<p>Clause 4(1) states that SEPP 65 applies to development for a residential flat building, shop top housing or mixed-use development with a residential accommodation component if:</p> <p>(a) the development consists of any of the following:</p> <p>(i) the erection of a new building,</p> <p>(ii) the substantial redevelopment or the substantial refurbishment of an existing building,</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or</p>	<p>Clause 4(4) provides that SEPP 65 does not apply to a boarding house or a serviced apartment unless a LEP states otherwise.</p> <p>Sydney Local Environmental Plan 2012 does not include any provisions that would require a boarding house to be assessed in accordance with SEPP 65 and accordingly, it does not apply to the proposal.</p>	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p> <p>(c) the building concerned contains at least 4 or more dwellings.</p>		
<p><i>State Environmental planning Policy (Vegetation in Non- Rural Areas) (Vegetation SEPP)</i></p>	<p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p>	<p>An Arboricultural Impact Assessment has been prepared by Urban Arbor and is provided at Appendix DD. The AIA assesses the existing street tree on the Regent Street frontage provides tree protection measures in accordance with AS4970-2009.</p> <p>Tree 1 is a semi-mature London Plane (<i>Platanus x acerifolia</i>) that adjoins the site on Regent Street. The tree has an approximate height of 12m and a crown spread of 5m. At the time of the inspection, the tree was displaying good health and vigour for the species and no significant structural defects were identified.</p> <p>The proposed awning on the new development is located within 0.5m of the trunk of tree 1. The tree will be impacted by the proposed development works, including the combined impact of root and canopy pruning. The tree has therefore been recommended to be removed.</p>	<p>Section 6.1.6, Appendix X Appendix DD</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
State Environmental Planning Policy (Housing)	<p><i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) was gazetted on 26 November 2021.</p> <p>The Housing SEPP introduces two new housing types to meet changing needs: co-living housing and independent living units.</p>	<p>There is no specific land-use definition for 'co-living housing'. However, clause 67 (refer below) include a note that indicates co-living may be used as off-campus student accommodation. Accordingly, the provisions of 'Part 3 Co-living Housing' have been applied to the proposed development.</p> <p>Schedule 7 of the Housing SEPP includes general savings provisions which were intended to capture SSDAs where SEARs had already been issued to guide the preparation of the EIS. The repealed instrument would continue to apply to the development.</p> <p>However, DPIE has previously advised the former Affordable Rental Housing SEPP did not apply to the site based on legal advice regarding the equivalent land use zone provisions in clause 26 of the ARH SEPP. Accordingly, the provisions of the new Housing SEPP have been assessed.</p>	N/A
	<p>Part 3: Co-living Housing</p> <p>67 Co-living housing may be carried out on certain land with consent Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is</p>	<p>'Residential flat buildings' and 'shop top housing' are permitted with consent in the Business Zone – Commercial Core under the SSP SEPP. Accordingly, co-living housing is permitted with consent.</p>	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	permitted under another environmental planning instrument.		
	68 Non-discretionary development standards – the Act, s 4.15 (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. (2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—		
	(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing.	Complies The site is not heritage listed and allows residential flat buildings. Accordingly, the maximum FSR is 7.7:1. An FSR of 7:1 is proposed which complies with the relevant clause.	Appendix G
	(b) for co-living housing containing 6 private rooms— (i) a total of at least 30m ² of communal living area, and (ii) minimum dimensions of 3m for each communal living area	N/A - 387 rooms are proposed.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(c) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area</p>	<p>Does not comply – justified on merit in accordance with assessment of non-discretionary development standards</p> <p>792m² communal living is required in accordance with the SEPP, with a minimum dimension of 3 metres.</p> <p>610m² of communal open space is proposed which complies with the minimum 3 metre dimensions. The proposed communal living area is 182m² less than the non-discretionary development standard but is considered entirely appropriate for the following reasons:</p> <p>Multiple communal living areas are provided on the Ground Floor, Level 1 and Level 4 to meet the anticipated needs of the student population.</p> <p>A range of shared facilities are provided for different activities including large communal living spaces, study areas, gymnasium, indoor cinema and study areas.</p> <p>The proposed communal living area significantly exceeded the former ‘boarding house’ provisions which applied on a merit basis at the time the SEARs were issued and throughout the detailed assessment of the proposal by the SDRP.</p>	<p>Section 3.2</p>

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		The proposed development provides a significantly higher rate of communal open spaces than what is required in accordance with the Housing SEPP, providing for a high level of amenity, including covered spaces which off-set any short-fall in the calculation of the communal living areas, including an outdoor cinema and covered seating on Level 16.	
	(d) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m	Complies The site has an area of 1,366m ² , requiring 273.2m ² of communal open space to be provided 477m ² of communal open space is proposed.	Section 3.2
	(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room	Does not comply – justified on merit in accordance with assessment of non-discretionary development standards 194 on-site parking spaces are required in accordance with the Housing SEPP. No on-site car parking is provided as part of the proposed development. The proposed non-compliance with the non-discretionary development standard is considered entirely appropriate for the following reasons:	Section 6.1.8

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		<p>The proposed approach is entirely consistent with previous approvals and precedents established within the City of Sydney where on-site car parking is not provided for student accommodation to reduce traffic generation and encourage active transport use.</p> <p>The lack of on-site car parking will discourage private car ownership, in alignment with the NSW Government and City of Sydney strategic transport objectives.</p> <p>served by high frequency public transport services and the future Sydney Metro Waterloo Station will provide additional travel options.</p> <p>The provision of 102 bicycle spaces is considered appropriate for the proposed student accommodation, considering the forecast travel demands.</p> <p>The site is well-located close to tertiary institutions and services, allowing for walking as a primary means of transport.</p>	
	(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument.	N/A - the site is not located on land zoned R2 Low Density or R3 Medium Density.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	N/A – there are no landscaping requirements listed in SSP SEPP which is the relevant planning instrument applying to the site. Hard and soft landscaping is proposed within the outdoor communal terraces on the roof-top of the podium level.	Section 6.1.6
	69 Standards for co-living housing (1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—		
	(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m ² and not less than: (i) for a private room intended to be used by a single occupant—12m ² , or (ii) otherwise—16m ²	Complies Antoniades Architects have confirmed each private room complies with the minimum floor area: Studio A: 11.34m ² Studio B: 12.3m ² En-suite: 10.9m ² DDA: 16m ² 2 Bed: 22m ²	Appendix G
	(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—the lesser of the minimum lot size	N/A – there is no minimum lot size for residential flat buildings in the SSP SEPP which is the relevant planning instrument. The UDP includes a minimum site area which is addressed within the EIS. However, the UDP is not a	Section 2.1.12

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>requirements for manor houses under a relevant planning instrument, or 600m² ,</p> <p>(ii) for development on land in Zone R3 Medium Density Residential—the minimum lot size requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(iii) for development on other land—the minimum lot size requirements for residential flat buildings under a relevant planning instrument.</p>	<p>planning instrument and accordingly, is not relevant in assessing the compliance of the proposal with the Housing SEPP.</p>	
	<p>(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area.</p>	<p>N/A - The site is not located on land zoned R2 Low Density Residential.</p>	N/A
	<p>(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space</p>	<p>Complies</p> <p>A reception area and office space are provided which are appropriate for the scale of the proposed development.</p>	N/A
	<p>(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use</p>	<p>Complies</p> <p>The ground floor includes a retail premises and the main entry and communal living area for the residential accommodation which is permitted in accordance with the SSP SEPP.</p>	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Complies Adequate bathroom, laundry and kitchen facilities are available on each floor and/or room.	Appendix G
	(g) each private room will be used by no more than 2 occupants.	Complies Each private room will not be used by more than 2 occupants.	Appendix G
	(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		
	<p>(a) the front, side and rear setbacks for the co-living housing are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument.</p>	<p>Does not comply – justified on merit in accordance with assessment of development standards to be considered</p> <p>The SSP SEPP requires the 18 storey tower element to be setback 8 metres to Regent Street and 4 metres to Margaret Street.</p> <p>The proposed 5.6 metre setback along Margaret Street complies with the SSP SEPP. However, the Regent Street setback ranges from 4 metres along the northern component to 8 metres along the southern component. The proposed setbacks are considered entirely appropriate as outlined in detail within the Clause 16A report and as summarised below:</p>	Appendix G and Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>The proposed built form is compatible and consistent with the approved development to the north along Regent Street.</p> <p>The three storey podium component provides a fine grain architectural outcome and a human-scale pedestrian environment.</p> <p>The proposed setbacks to the tower component will provide an attractive streetscape with a continuous built form along Regent Street.</p>	
	(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide	<p>Does not comply – justified on merit in accordance with assessment of development standards to be considered</p> <p>The Apartment Design Guide prescribes:</p> <ul style="list-style-type: none"> ▪ 9 storeys and above: 24m ▪ 5 to 8 storeys: 18m ▪ Up to 4 storeys: 12m <p>The building separation plans prepared by Antoniades Architects in the Architectural Plans (Appendix G) demonstrate the way in which the building has been sited and designed to provide appropriate separation between the tower and the existing and approved buildings to the north and west the site, considering potential visual and privacy impacts and optimising</p>	Section 6.1.2

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>the distance between the tower and the buildings to the south.</p> <p>Where separation distances are less than the recommended distances within the UDP, privacy mitigation measures are included to avoid adverse impacts on visual privacy. Antoniades Architects have designed hoods to the windows facing William Lane and 90-102 Regent Street to maximise visual privacy.</p>	
	<p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area.</p>	<p>Does not comply – justified on merit in accordance with assessment of development standards to be considered</p> <p>A maximum of two hours solar access is achieved between 9am and 3pm on 21 June.</p> <p>The proposed solar access outcome is considered appropriate and satisfactory based on the following:</p> <p>The site has restricted solar access from the north and west due to the approved future developments 90-102 Regent Street and 13-23 Gibbons Street.</p> <p>The siting and design of the proposed building optimises the site orientation and access to natural daylight through façade treatments.</p>	Section 6.1.7

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		The proposed 2 hours solar access is consistent with the established benchmark for residential flat buildings which provide for permanent accommodation. This is considered entirely appropriate for student accommodation which is occupied on a temporary basis, particularly within an inner-city location.	
	(d) at least 1 bicycle parking space will be provided for each private room,	<p>Does not comply – justified on merit in accordance with assessment of development standards to be considered</p> <p>387 bicycle spaces based on the 387 rooms proposed within the development.</p> <p>102 bicycle spaces are proposed. The proposed on-site bicycle parking is considered appropriate and satisfactory based on the following:</p> <p>Wee Hur has undertaken detailed surveys of comparable developments which demonstrate a rate of 0.29 bicycle spaces per bed (or 1 space per 3 beds) is sufficient to meet forecast demand.</p> <p>The proposed bicycle parking significantly exceeds the rate of one space per five rooms which was applied on a merit basis to the surrounding student accommodation developments.</p>	Section 6.1.8

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>A rate of one bicycle space per five rooms was applied on a merit basis at the time the SEARs were issued and during the ongoing assessment of the proposal as part of the design excellence process through the SDRP.</p> <p>The site is well-serviced by high frequency public transport services and the future Sydney Metro Waterloo Station will provide additional travel options.</p>	
	(e) at least 1 motorcycle parking space will be provided for every 5 private rooms, and	<p>Does not comply – justified on merit in accordance with assessment of development standards to be considered</p> <p>78 motorcycle spaces based on the 387 rooms proposed within the development.</p> <p>No on-site motorcycle parking is proposed to be provided. The proposal is considered appropriate and satisfactory based on the predicted travel mode share outlined within the Traffic Impact Assessment and the previous approvals for the adjoining developments.</p>	Section 6.1.8
	<p>(f) the design of the building will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or</p>	<p>Complies</p> <p>The area is currently undergoing significant redevelopment and gentrification, with a mix of land uses, building typologies and housing stock. The</p>	Throughout the EIS

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(ii) for precincts undergoing transition—the desired future character of the precinct.	proposed development is consistent with the transition of development within the locality.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 was gazetted on 25 June 2004. The policy aims to encourage sustainable residential development and provide consistent implementation of the BASIX Scheme across the State.	A BASIX Certificate (Certificate Number: 1259187M) is included at Appendix U . The certificate confirms the proposed development meets the NSW Government's requirements for sustainability and achieves the water and thermal performance requirements.	Section 6.1.9 Appendix U
Sydney Local Environmental Plan 2012	<p>The site is located within the Redfern-Waterloo Precinct under the SSP SEPP which includes the land use zoning objectives, permissibility and built form controls.</p> <p>The site is not classified as land to which the Sydney Local Environmental Plan 2012 (LEP). However, the following matters are noted in relation to the LEP on a merit-basis.</p>	<p>Heritage Conservation: the SSDA is accompanied by a Heritage Impact Statement (Appendix W) and an Aboriginal Cultural Heritage Assessment Report (Appendix V) which confirm the proposed development is appropriate and will not have any unacceptable impacts on built or cultural heritage.</p> <p>Flood Planning: the Flood Impact Assessment Report (Appendix EE) confirms the site is suitable for the proposed use and will not result in adverse impacts to the surrounding properties.</p> <p>Airspace Operations: The Conical Surface of the OLS above this site is at a height of 83 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 83 metres AHD. At a maximum</p>	Throughout EIS



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>height of 87.15 metres AHD, the building will penetrate the OLS by 4.15 metres. Sydney Airport Corporation Limited approved the controlled activity for the instruction of the proposed building.</p> <p>Active Frontages: the ground floor of the building has been designed to activate the three street frontages along Regent Street, Margaret Street and William Lane.</p> <p>Overall, the proposed development satisfactorily addresses the LEP provisions that would ordinarily apply to the proposal if it was not located within a state significant precinct under the SSP SEPP.</p>	
Draft Environmental Planning Instruments			
Draft State Environmental Planning Policy (Remediation of Land) (draft SEPP)	None relevant to the proposal.	N/A – the remediation of the site has been addressed through the local planning provisions.	N/A
Development Control Plan			

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<p>Sydney Development Control Plan 2012</p>	<p>The site is located within the Redfern-Waterloo Precinct under the SSP SEPP which includes the land use zoning objectives, permissibility and built form controls.</p> <p>The site is not classified as land to which the Sydney Development Control Plan applies. Further, the provisions of a DCP do not apply to SSD in accordance with Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011.</p>	<p>The following matters are noted in relation to the LEP on a merit-basis:</p> <p>Public Domain: the proposed development includes activated street frontages, public domain improvements and public art which will generate pedestrian activity, social interaction and attractive streetscapes. The proposed building entries and awnings have been carefully located to improve pedestrian connectivity and amenity. The proposed materials and lighting have been designed to highlight the architectural features of the building and optimise pedestrian safety while avoiding adverse impacts on sensitive receivers.</p> <p>Design Excellence: the proposed development has been subject to a rigorous design excellence process with the GANSW and SDRP. The design briefings were also attended by the City of Sydney. The final architectural drawings respond to the matters raised by the Panel during the multiple sessions to ensure the proposal will achieve design excellence in accordance with the SSP SEPP.</p> <p>Ecologically Sustainable Development: the SSDA is accompanied by a suite of documents prepared by Vipac Engineers which detail how sustainability</p>	<p>Throughout the EIS</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>targets will be achieved in accordance with BASIX, BCA and other requirements.</p> <p>Late-Night Trading Management: the site is located within a 'Local Centre Area'. The tenant of the proposed retail premises is not confirmed, however, it could comprise a food and drink premises. This could be considered a 'Category B - Low Impact Premise' if the proposed use was likely to impact on the amenity and safety of the neighbourhood. The proposed trading hours of 7am to 10pm comply with the base hours for Category B development listed in the DCP for indoor activities. A separate approval would be required for outdoor dining and/or extended trading hours.</p> <p>Water and Flood Management: the Flood Assessment Report confirms the site is suitable for the proposed use and will not result in adverse impacts to the surrounding properties. The Stormwater Management Report details the way in which stormwater will be treated in terms of both quality and quantity to avoid impacts on the environment.</p> <p>Heritage: the SSDA is accompanied by a Heritage Impact Statement and an Aboriginal Cultural Heritage Assessment Report which confirm the</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>proposed development is appropriate and will not have any unacceptable impacts on built or cultural heritage.</p> <p>Traffic and Parking: 102 bicycle spaces will be provided on-site. The site is within close walking distance of major universities and high-frequency public transport services and a Green Travel Plan has been prepared to optimise active and public transport use.</p> <p>Waste: the SSDA is accompanied by a Construction Waste Management Plan and an Operational Waste Management Plan to minimise, re-use and manage waste generated by the proposed development.</p> <p>Signage: The signage zones have been sited and design to be compatible with the architectural design of the building and complement the existing and emerging urban context. The top-of-building signage will identify the registered name and logo of the student accommodation provider, who will occupy the majority of the mixed-use development.</p>	