

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-12618001 104-116 Regent Street, Redfern - Student Accommodation
Applicant	The Trustee for WH Regent Trust
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's assessment report is available [here](#).

Date of decision

17 November 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including \$52,800,000 of capital investment, up to 5 operational jobs and 220 construction jobs, and over \$1.1 million in development contributions
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan, Eastern City District Plan, Redfern-Waterloo Built-Environment Plan (Stage One) 2006 and the Redfern Centre Urban Design Principles (RCUDP)
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the department's assessment report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 25 January 2022 until 21 February 2022 (28 days). 16 submissions were received, including 12 submissions from public agencies providing comments, a submission from City of Sydney Council, and 3 public submissions of objection. The department also visited the site.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include oversupply of student accommodation in the area, the need for affordable housing, construction impacts, overshadowing and amenity impacts, lack ground floor activation and heritage impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Oversupply of student accommodation</i>	<i>Assessment</i> - Student accommodation is an appropriate use for the site as it is permissible with consent within the Redfern Town Centre and is ideally located close to public transport, services, and a number of universities. - The proposal would not result in any significant operational or traffic impacts as the proposal complies with the density control for the site, the use will be subject to an Operational Management Plan, and no on-site car parking is proposed. <i>Recommended Conditions/Response:</i> - None required.
<i>Need for affordable housing</i>	<i>Assessment</i> - Development contributions under the Redfern-Waterloo Affordable Housing Contributions Plan 2006 will contribute to the provision and refurbishment of affordable housing in the Redfern-Waterloo Area. <i>Recommended Conditions/Response:</i> - Recommends development contributions are paid in accordance with the Redfern-Waterloo Affordable Housing Contributions Plan 2006.
<i>Not enough parking</i>	<i>Assessment</i> - The site is located within close walking distance of public transport services, amenities, and recreation areas. The Department supports providing no on-site car parking as this minimises traffic impacts, reduces reliance on private vehicles, is consistent with the applicable strategic plans and policies, and the development provides 112 bicycle parking spaces to promote active transport. <i>Recommended Conditions/Response:</i> - Recommends conditions to provide a minimum 112 bicycle parking spaces, prepare a Green Travel Plan in consultation with TfNSW, and prepare a Transport Access Guide for occupants, visitors and staff.
<i>Construction impacts including traffic, noise, vibration, and cumulative impacts</i>	<i>Assessment</i> - For the dense urban nature of the immediate surrounding area, a degree of impact during construction would be unavoidable. - Notwithstanding, construction impacts can be reasonably mitigated and managed through restricting hours of construction activity and implementation of a suite of management plans. <i>Recommended Conditions/Response:</i> - Conditions include: - limiting construction works to standard construction hours - restricting high noise activities - preparing a Construction Environmental Management Plan including a Pedestrian and Traffic Management Plan, Noise and Vibration Management Plan, Air Quality and Odour Management Plan, and Waste Management Plan - protecting retained trees in the public domain.

<i>Upgrades needed to surrounding bicycle paths</i>	<i>Assessment</i> - Development contributions under the Redfern-Waterloo Development Contributions Plan 2006 can be allocated to infrastructure improvements, which may include funding bicycle paths in the Redfern-Waterloo area and other infrastructure. <i>Recommended Conditions/Response:</i> - The Department recommends development contributions are paid in accordance with the Redfern-Waterloo Development Contributions Plan 2006.
<i>Amenity impacts from operations including privacy and antisocial behaviour</i>	<i>Assessment</i> - The proposed building separation, combined with landscaping and the restricted use of outdoor communal open space areas, will result in an acceptable outcome in this high-density urban context and will not result in any adverse privacy impacts - The CPTED assessment addresses the safety and security aspects of the proposal and with the activation of the ground floor space, intended integration of lighting, CCTV cameras, and internal uses, the development will contribute to passive surveillance of the adjoining areas. - The proposed development will be required to operate in accordance with an Operational Management Plan, which specifies operational hours for all outdoor spaces and includes mechanisms to prevent and manage antisocial behaviour. <i>Recommended Conditions/Response:</i> - Conditions include: - incorporating CPTED measures into the detailed design and construction of the building - requiring that development operate in accordance with a final Operational Plan of Management.
<i>Wind impacts for Margaret Street and William Lane</i>	<i>Assessment</i> - The development will achieve the wind safety criteria and, through implementing wind mitigation measures, will achieve an acceptable level of amenity in outdoor space and the surrounding streets. <i>Recommended Conditions/Response:</i> - Recommends the wind mitigation recommendations in the updated Environmental Wind Assessment are included in the detailed design plans and submitted to the Certifier for compliance.
<i>Interface with St Luke's Presbyterian Church, including height and setbacks</i>	<i>Assessment</i> - The building height is acceptable as it is compatible with surrounding development, is commensurate with the site's location and context and as part of the Redfern Town Centre, steps down in height towards St Luke's Presbyterian Church, and responds to the prevailing topography of the area. - The design of the proposal has been amended to reduce the impact on the neighbouring heritage listed St Luke's Presbyterian Church and lower scale development towards the south by proposing two tower elements which decrease in height and provide increased setbacks towards the south. - The proposed setbacks to St Luke's Church are larger than what could otherwise be achieved under SEPP PEHC and the RCUDP. <i>Recommended Conditions/Response:</i> - None required.
<i>Overshadowing</i>	<i>Assessment</i> - The potential overshadowing impact is acceptable as the extent of overshadowing arising from the scale and form of the proposed development was anticipated by and a consequence of realising the adopted planning controls. - The development will not significantly reduce overshadowing for surrounding residences or open space areas, noting these areas will maintain at least 3 hours of sunlight in the morning or will not be materially affected by the proposed development.

	<i>Recommended Conditions/Response:</i> • None required.
<i>Water servicing</i>	<i>Assessment</i> • Water and wastewater servicing requirements will be determined via a section 73 application to Sydney Water. <i>Recommended Conditions/Response:</i> • Recommends conditions requiring a section 73 compliance certificate is obtained from Sydney Water.
<i>Consideration of alternatives</i>	<i>Assessment</i> • A consideration of alternative options to the development has been provided in the EIS and RtS documents. • Student accommodation is an appropriate use for the site as it is permissible within the Redfern Town Centre and is ideally located close to public transport, services, and a number of universities. • The proposed use of the site aligns with the relevant strategic plans and policies. <i>Recommended Conditions/Response:</i> • None required.