

APPENDIX A ENVIRONMENTAL IMPACT STATEMENT/ RESPONSE TO SUBMISSIONS

See the Department's website at: <http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

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16 April 2015

File No: R/2014/35/B
Our Ref: 2015/155151
Your Ref: SSD 14_6724

Amy Watson
Team Leader, Key Sites and Special Projects
NSW Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Simon Truong
Email: simon.truong@planning.nsw.gov.au

Sydney2030/Green/Global/Connected

Dear Simon,

RE: Mixed Use Student Accommodation Development at 60-78 Regent Street, Redfern, SSD 14_6724

I write in relation to the Department's email dated 19 March 2015 which referred to Response to Submissions regarding State Significant Development Application SSD 14_6724. This proposal is for a new mixed use student accommodation development at 60-78 Regent Street, Redfern.

Please find attached a table summarising the City's review of the Response to Submissions. The table nominates the issues raised within the City's original submission, discusses the Proponent's response to the issues raised and outlines the City's sustained contention in relation to the project.

Should the Department grant approval to the application, the City recommends a list of conditions for consideration (as attached to our original submission).

Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Senior Planner, on 9246 7720 or at nridler@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Graham Jahn'.

Graham Jahn AM
Director
City Planning | Development | Transport

city of villages

Reconciliation of Issues

Issue	Applicant Response	Issue Addressed?	City's Contention
General Amenity			
The Residential Flat Design Code (RFDC) requires a separation of 24m between the proposed building and existing residential flat development located to the west at 157 Redfern Street. A maximum separation of 13.75m is provided. While attempts have been made to increase this separation where possible, including reducing the building setback to Regent Street and design of a narrow tower floor plate, the opportunity for direct overlooking between these buildings remains. Consideration should be made to the provision of screening to prevent overlooking.	To minimise the direct visual interface between existing dwellings and proposed bedrooms, it is proposed to angle the window hoods for west-facing bedrooms by 45 degrees to face away from the closest dwellings in the Redfern RSL site. Operable window blinds will be installed to all west-facing bedrooms that allow students to completely block the window from ceiling to floor level. This is in addition to the initial design measure to provide window openings to west-facing bedrooms (1080mm wide) that are less than 50% of the size of windows to east-facing bedrooms (2300mm wide). It is also noted that the proposal does not incorporate balconies, which significantly minimises the direct visual and acoustic interface between the proposed student bedrooms and the balconies/living areas of adjacent dwellings.	Acceptable	Addressed considering site constraints and additional design measures to mitigate privacy concerns.
Sections provided show floor-to-floor heights of 2.9m. A floor-to-ceiling height of 2.7m requires a minimum floor to floor height of approximately 3.1m. It is noted that the current design precludes future potential conversion of the building to a residential flat building.	The proposal has been amended to show the floor-to-floor height for all student accommodation levels to 3.1 metres. As a result, the maximum proposed building height (to top of plant) increases from RL 88.20 AHD to RL 91.40 AHD. The proposal continues to comply with the overall 18 storey building height control under the Major	Yes	N/A

	Development SEPP, and the overall building height continues to be lower than the two neighbouring residential flat buildings.		
Sydney DCP 2012 requires a minimum total room size of 14.9m². The proposed bedrooms within the cluster apartments fall short of the required area by 1.46m², or 9.8%. The City recommends compliance with the minimum room size requirement.	The quality of the internal bedroom space will be significantly higher than required under the DCP, with the Iglu operation a specific, purpose-built, designed and managed facility as opposed to a standard boarding housing which this DCP covers. All units will be delivered in a modular system that has been purpose-designed to Iglu's standards which have been formulated specifically to address the living requirements of students. The DCP controls do not specify requirements for provision furniture, and as a result they do not take into account the significantly greater efficiencies that can be delivered through innovative design. The numerical departure from this spatial control needs to be considered in the context of other spatial controls under the DCP. A range of more communal spaces are also provided reflecting the more social nature of student life. Communal spaces are provided for each cluster unit in addition to the larger area on Level 1. The indoor communal space on Level 1 has a total area of 359m², significantly more than the 20m² which is required under the DCP. It is considered that the proposed development readily achieves the overarching objective of providing a high-quality living space for future residents, despite the minor non-compliance with the internal bedroom size control in the DCP. The assessment of student amenity must be made in	Partial	The City notes the applicant's response regarding the functionality of the bedrooms and combined bedroom/living/communal space provided per student. When assessing this requirement, the Department should consider whether the proposed size, design and layout of the bedrooms are acceptable.

	the context of the total living space available to students and the high quality of this space, not just in the context of a single generic numerical standard.		
The communal laundry proposes a total of 10 washing machines/dryers, which falls short of the 30 required by Sydney DCP 2012. The City recommends compliance with the DCP laundry facility requirements, including number of washing machines, washing tubs and clothing lines.	Iglu is an established operator of student accommodation. The proposed provision of washing machines is based directly on their day-to-day understanding of the needs of students. The imposition of a requirement for additional machines would result in an inefficient and uneconomic allocation of financial resources and of space within the proposed facility. In light of the above, we consider the proposed provision of 1 washing machine per 37 students to be acceptable.	Partial	The City prefers compliance with the DCP control for laundry facilities. When assessing this requirement, the Department should consider whether the proposed laundry facilities are acceptable.
Internal common corridors on Levels 2 to 17 are between 1.1m and 1.3m in width, with areas in front of lifts being approximately 1.8m. Natural light is not provided at the northern end of the corridor. Common corridors should be designed to provide a feeling of spaciousness and have access to daylight.	The proposal includes natural light to the southern end of the internal corridors adjacent to the lift entrances. This is considered acceptable given that this area will be the most utilised area of the corridor, and that adequate internal lighting will be provided along the length of the corridor.	No	The current proposal provides limited amenity. However it is acknowledged that addressing these concerns would likely require amendments to room layouts and/or room numbers. Notwithstanding the above, the applicant's response does not state whether design changes were investigated that would address these concerns. When assessing this requirement, the Department should consider the opportunities that exist to accommodate natural light to the northern end of the corridor and increase corridor widths.

It noted that no private open space has been provided for the student accommodation, however given the location of the site on Regent Street and the communal open space provided, this is considered acceptable.	Noted.	N/A	N/A
It is noted that no deep soil zone is provided on site. Given the constraints of the site, its urban location and the positioning of the common space on the Level 1 podium, this is considered to be acceptable. An appropriate landscape management plan should be put in place to ensure the ongoing maintenance of soft landscaping on the Level 1 common open space.	Noted, the requirement for a landscape management plan can be conditioned as a requirement to be satisfied prior to the issue of an Occupation Certificate.	Yes	The City recommends an appropriate condition be included to address this requirement.
The location of the fire hydrant and gas meter on the Regent Street elevation at the south eastern corner of the site is not supported. Services, plant and equipment hatches should be minimised along active frontages.	This was investigated as part of the preliminary planning, however, the location of these services is required to satisfy the emergency access and control requirements of Fire & Rescue NSW and is unable to be altered.	Partial	On the basis that these services cannot be relocated (the Department should confirm this with Ausgrid), it is recommended that this section of the elevation be treated with appropriate finishes or screening that will improve the appearance of the streetscape while maintaining the function of the services. The City recommends an appropriate condition be included requiring design details that demonstrate how this portion of the street elevation will be more successfully resolved.
Laneway/Through-site Link			

Active uses are encouraged along the laneway to promote pedestrian use. Lighting appropriate to the scale of the space as well as signage should be designed to allow easy identification by users. Detailed design of the laneway will need to consider design elements which clearly delineate between public and private spaces especially in the loading dock area.	This small parcel of land is not in public ownership, but is in fact owned by a deceased estate from the mid-1850s. Iglu has not been able to obtain land owner's consent from the deceased estate for the use of this laneway, and as such it is proposed to remove this parcel of land from the current SSDA. As a result, pedestrian access will no longer be provided via the site through to Redfern Street. All proposed retail tenancies will address Regent Street, with a corridor of land provided within the site for rear-servicing and emergency egress from these tenancies. This site boundary will be secured with a fixed fence. The ground floor tenancies have been designed to accommodate the adaption for active uses to the rear (western) property boundary should ownership of and access over this land be resolved in the future.	Partial	It is understood that Iglu is in the process of acquiring the subject portion of land. The City strongly supports the acquisition of land by Iglu and retention of the original design in order to activate the laneway. To this end the City has confirmed in writing it has no desire to take ownership of the subject land. Should the land acquisition be successful, our comments relating to provision of adequate lighting and signage can be dealt with by way of conditions of consent. The comments raised are still applicable to the treatment of William Lane and the loading dock area and appropriate conditions should be included to address these requirements.
The application requires additional detail regarding ownership and operation, particularly how the closure from midnight to 6am will work, as well as the type of security gate to be installed and access arrangements after hours. Emergency egress during closure should also be considered, particularly with regard to the fire stairs.	Access to the internal laneway will continue to be open to the public operational hours (6am to midnight) to provide access to the dance studio, Iglu lobby and retail tenancies. The Operations Plan states that the on-site manager will be responsible for ensuring that gates are opened and closed at 6am and midnight respectively, and this area will be subject to 24-hour, monitored CCTV surveillance. Emergency egress from the laneway will continue to be provided in accordance with the relevant fire	Yes	N/A

	and safety standards. The gates to Regent Street will provide unrestricted outward opening, and emergency egress will also be provided to William Lane via the dance studio lobby and to Redfern Street via a gate in the new fence to the adjoining deceased estate.		
Heritage and Façade Treatment			
The visual impact of the building and impact on the adjoining heritage conservation area to the north, east and south will largely be similar to that of existing views to the adjacent multi-storey buildings including the residential towers at 7-9 Gibbons Street, 157 Regent Street and the twin towers at 1 Lawson Square. There will however, be a greater visual impact on the setting and appreciation of a small portion of the heritage conservation area located adjacent to the subject site including the western end of Redfern Street and a group of buildings in Cope Street. This impact is compounded by the minimal 3m setback of the tower from the Regent Street boundary, and preservation of essentially only street façades of existing buildings fronting Regent Street. This impact is somewhat mitigated by the quality of the adjacent heritage conservation area streetscape, which presents diminished integrity of some existing early 20th century buildings and two intrusive late 20th century buildings in Cope Street. It would be desirable from a heritage and streetscape position to increase the setback of the tower to 8m from Regent Street, as prescribed by	It is important to note that the existing buildings within the Site are not themselves heritage-listed or within a heritage conservation area. Under the relevant planning controls, these shopfronts may be completely removed and replaced with modern tenancies, as has occurred elsewhere on this block. The design solution, which involves the retention and restoration of these shopfronts, is considered to be a far superior outcome in terms of the overall contribution made to the continued history of the streetscape and the relationship with the adjoining heritage conservation area. It is further noted that the retention in full of these buildings would significantly impact on the functionality of both the ground plane and upper levels of the proposed development, and would significantly impact upon internal functioning and amenity.	Yes	It is acknowledged that the provision of adequate building separation to the adjoining buildings to the west needs to be balanced against the provision of an increased setback to Regent Street. Furthermore, the City agrees that there is benefit in retaining the original building façades. As such, a reduced front setback is considered to be acceptable, on the basis that the original buildings are to be partly retained and conserved.

the planning controls, to provide a greater buffer to the adjoining heritage conservation area. The streetscape would also be improved if the existing buildings fronting 60-78 Regent Street were refurbished in accordance with best conservation practice, rather than the retention of street facades only. However, it is acknowledged that the constraints of the site and desire to provide separation between the proposed building and the adjoining buildings to the west present limitations to providing an increased setback to Regent Street.			
Safety and Security The application includes comprehensive CPTED and Operations reports which detail a number of issues including natural surveillance from the building to the neighbouring streets; the use of CCTV; swipe card / intercom access both into, inside and out of the building; appropriate locks; amenities to enhance the social environment; internal access to mailboxes; a 24 hour staff presence; staff training in dealing with unpredictable behaviour and proposed training from local police on local safety issues.	Noted.	N/A	N/A

The design of internal spaces, particularly communal areas, should ensure open sightlines and unobstructed access throughout the facility to allow staff and users to see and be seen in the normal course of their activities. The use of recessed areas which could be potential entrapment spots or places of concealment should be avoided.	Noted, this has been considered in the design of the proposed communal areas. In addition, communal areas will be supervised by on-site staff and monitored CCTV systems.	N/A	N/A
The design should incorporate robust materials which are in character with the building, easily maintained and which minimise opportunities for vandalism.	Noted, this has been considered in the design to date and will be reflected in detailed design and material selection.	N/A	N/A
The proponent is encouraged to seek agreement with Redfern Police regarding any exchange of CCTV footage.	Noted, the proponent will continue to liaise with the Redfern Police LAC and will put in place processes for exchange of CCTV footage prior to occupation.	N/A	N/A
Transport and Access			
<u>Bike parking</u> A total of 109 bike parking spaces are proposed for the site, which is considerably low given the site will cater to the demand from students at the University of Sydney, within easy cycling distance and that the City and Transport for NSW are progressing the implementation of the planned Regional Cycle Network along Lawson Square and Redfern Street just to the north. The provision of adequate cycling facilities will help encourage bicycle mode share. It is recommended that a rate of 1 bicycle parking space per 2 beds is adopted. Based on the	The bike parking provision recommended by Council and TfNSW is also well in excess of the actual demand for bike parking experienced at Iglu's two existing Sydney facilities. The rate proposed by Council and TfNSW is significantly higher than the rate required in recent student housing approvals within the City of Sydney. As student accommodation is not a long-term accommodation solution, students are less likely to accumulate bulky possessions that would need to be transported once they move out. This is	No	The City is committed to making cycling an equal first choice transport mode along with walking and using public transport. In order to achieve this, cyclists should have access to secure bicycle parking and end of trip facilities. The reliance on historic or even current-day bike parking usage surveys at other Iglu buildings does not consider growth in bike usage, cycle connection

proposed room configuration there are 370 beds which equates to 185 bicycle parking spaces. A separate facility, including shower and change facilities, should also be provided to support the retail component of the development.	particularly the case when many of the students intend to return to their previous place of residence outside of Sydney after the completion of their studies. Unlike residents of apartments or boarding houses, students typically have another place of residence outside of Sydney. Students will travel regularly throughout the year between their accommodation in Sydney and their other place of residence, making the transport of bicycles difficult. Given that the teaching semester comprises only half of the year, many students spend considerably more time at their primary residences, reducing the benefit of keeping a bike in Sydney. Students are often on more restricted budgets than apartment-dwellers, and the cost of bike ownership is unlikely to be taken on when cheaper modes such as walking can be utilised instead. Students would be more likely to share bikes as a result of the communal nature of student accommodation compared to separate residential flat buildings. Students can purchase discounted public transport fares that increase the price advantage of using public transport over bike ownership.		construction and the location of this site on a regional bike network. The City is currently reviewing DCP bicycle parking rates with the view to increase bicycle parking for student accommodation to 1 space per 2 students. These rates provide the basis for our original response. The City has reviewed the plans and believes opportunities exist for additional bicycle parking. Provision of additional spaces in excess of the 108 proposed, and up to 185 spaces is recommended, as per our original submission. It is noted that no comment has been provided in response to the provision of end of trip facilities for the retail component. The provision of these facilities is still recommended.
<u>Car parking / servicing</u> No off-street car parking is proposed which is in line with the policy intent and provisions of the Sydney LEP 2012 and is supported given the highly accessible location of the site.	Noted.	N/A	N/A

A service vehicle bay is proposed to the rear of the site, accessed via William Lane. The proposed bay is capable of accommodating either two vans or a large vehicle approximately 9.8m long. Swept paths provided in the traffic report demonstrate that a large vehicle can adequately access the site. A Loading Dock Management Plan should be prepared by the Proponent to ensure the efficient operation of the dock and that maximum vehicle size limits are observed.	Noted, the preparation of a Loading Dock Management Plan can be required as a condition to be satisfied prior to the issue of an Occupation Certificate.	Yes	The City recommends an appropriate condition be included to address this requirement.
Public Domain Works and Lighting			
The narrow concrete pavement along Williams Lane is currently in poor condition. There are also multiple redundant driveways on William Lane which will require removal and replacement with kerb, gutter and footpath. A Public Domain Plan for the site has been submitted, but has not been agreed to by the City. A full public domain plan is required to be submitted to the City prior to the issue of a construction certificate. A lighting plan is also required for the through-site links and under awnings.	This item is not discussed within the Response to Agency and Key Stakeholder table or the Response to Submissions Report.	No	The City recommends an appropriate condition be included to address this requirement.

Stormwater	The proposal requires new stormwater infrastructure to be constructed within William Lane and Marian Street to connect into the City's existing stormwater network in Marian Street at the intersection of Gibbons Street. Downstream connection details are required to be submitted to the City prior to the issue of a construction certificate, including existing pit invert levels. On-site detention is also required to be provided on the site.	Noted.	N/A	The City recommends an appropriate condition be included to address this requirement.
Contamination and Asbestos	The Phase I Environmental Site Assessment indicates the potential for contamination. Specifically, the report identifies a dry cleaner as a previous possible use, which is a possible source of contaminants due to the use of chlorinated solvents associated with dry cleaning services. The storage and use of these chemicals by the dry cleaning business were not confirmed. The report recommends a Phase II Detailed Site Investigation with the sampling of soils and additional analysis for VOC's. The proposal is considered unsatisfactory with regard to contamination. It is recommended that a Detailed Environmental Site Investigation be carried in line with NSW guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use. Alternatively, a letter of Interim Advice from an NSW EPA	A Letter of Interim Advice has been provided by James Davis of Enviroview, who is an EPA accredited site auditor. The requirement for the preparation of a Hazardous Materials Assessment (prior to demolition) and a Phase II Detailed Site Investigation (prior to ground disturbance) can be required as a condition of consent.	Yes	The City recommends appropriate conditions be included to address these requirements.

Accredited Site Auditor advising the site is suitable for the proposed use or capable of being made suitable for the proposed use following remediation should be obtained. A hazardous materials assessment was not commissioned as part of this investigation. Due to the apparent age of the building there is potential for PCB's, lead paint or asbestos to be present and prior to any demolition a Hazardous Materials Assessment may be warranted.			
Noise			
<u>Acoustic privacy</u> The acoustic assessment indicates that the internal noise criteria will not be achievable with the windows open. Therefore, mechanical ventilation or air conditioning is required to be provided to all units, and must comply with the relevant Australian Standards.	Mechanical ventilation is proposed for all units.	Yes	The City recommends an appropriate condition be included to address this requirement.
<u>Operational noise</u> The cumulative noise from use of the building should comply with the City's operational noise conditions. However, it is noted that the Operations Management Plan indicates that the outdoor terrace area will have the ability to hold special events 12 times a year. Section 6.4.2.1 of the acoustic assessment notes that the outdoor area is not to be used for loud functions incorporating amplified music. The Proponent should clarify their intentions in regards	The application no longer seeks consent for these events.	Yes	The City recommends an appropriate condition be included to manage the use of the outdoor terrace in line with the acoustic assessment.

to the use of the terrace and carry out an assessment of the impacts if functions are likely to produce potential adverse noise impacts.				
<u>Demolition, Excavation, Construction Noise Management Plan</u> The acoustic assessment does not include a detailed construction noise assessment due to the lack of a construction programme, and recommends that the detailed assessment be undertaken at the construction certificate stage.	Noted, this can be required as a condition of consent.	Yes		The City recommends an appropriate condition be included to address this requirement.

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4 February 2015

Our Ref: 2015/046051
File No: R/2014/35/A
Your Ref: SSD 14_6673

Ben Lusher
Manager Key Sites
NSW Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Simon Truong, Senior Planner
simon.truong@planning.nsw.gov.au

Sydney2030/Green/Global/Connected

Dear Simon,

RE: Mixed Use Student Accommodation Development at 60-78 Regent Street, Redfern, SSD 14_6724

I refer to your correspondence received on 10 December 2014 inviting Council to make a submission regarding the State Significant Development Application SSD 14_6673 for 60-78 Regent Street, Redfern.

The State Significant Development (SSD) application is for the development of an 18 storey student tower for up to 370 students. The proposal also includes the provision of communal student facilities, common areas and ground floor retail and commercial tenancies with a total gross floor area of 791m².

The City has reviewed the information provided as part of the public exhibition and is generally supportive of the proposal, subject to the issues outlined below being addressed. Recommended conditions of consent have been included (see attachment).

General Amenity

The Residential Flat Design Code (RFDC) requires a separation of 24m between the proposed building and existing residential flat development located to the west at 157 Redfern Street. A maximum separation of 13.75m is provided. While attempts have been made to increase this separation where possible, including reducing the building setback to Regent Street and design of a narrow tower floor plate, the opportunity for direct overlooking between these buildings remains. Consideration should be made to the provision of screening to prevent overlooking.

Sections provided show floor-to-floor heights of 2.9m. A floor-to-ceiling height of 2.7m requires a minimum floor to floor height of approximately 3.1m. It is noted that the current design precludes future potential conversion of the building to a residential flat building.

city of villages

Sydney DCP 2012 requires a minimum total room size of 14.9m². The proposed bedrooms within the cluster apartments fall short of the required area by 1.46m², or 9.8%. The City recommends compliance with the minimum room size requirement.

The communal laundry proposes a total of 10 washing machines/dryers, which falls short of the 30 required by Sydney DCP 2012. The City recommends compliance with the DCP laundry facility requirements, including number of washing machines, washing tubs and clothing lines.

Internal common corridors on Levels 2 to 17 are between 1.1m and 1.3m in width, with areas in front of lifts being approximately 1.8m. Natural light is not provided at the northern end of the corridor. Common corridors should be designed to provide a feeling of spaciousness and have access to daylight.

It noted that no private open space has been provided for the student accommodation, however given the location of the site on Regent Street and the communal open space provided, this is considered acceptable.

It is noted that no deep soil zone is provided on site. Given the constraints of the site, its urban location and the positioning of the common space on the Level 1 podium, this is considered to be acceptable. An appropriate landscape management plan should be put in place to ensure the ongoing maintenance of soft landscaping on the Level 1 common open space.

The location of the fire hydrant and gas meter on the Regent Street elevation at the south eastern corner of the site is not supported. Services, plant and equipment hatches should be minimised along active frontages.

Laneway/Through-site Link

Active uses are encouraged along the laneway to promote pedestrian use. Lighting appropriate to the scale of the space as well as signage should be designed to allow easy identification by users. Detailed design of the laneway will need to consider design elements which clearly delineate between public and private spaces especially in the loading dock area.

The application requires additional detail regarding ownership and operation, particularly how the closure from midnight to 6am will work, as well as the type of security gate to be installed and access arrangements after hours. Emergency egress during closure should also be considered, particularly with regard to the fire stairs.

Heritage and Façade Treatment

The visual impact of the building and impact on the adjoining heritage conservation area to the north, east and south will largely be similar to that of existing views to the adjacent multi-storey buildings including the residential towers at 7-9 Gibbons Street, 157 Regent Street and the twin towers at 1 Lawson Square.

There will however, be a greater visual impact on the setting and appreciation of a small portion of the heritage conservation area located adjacent to the subject site including the western end of Redfern Street and a group of buildings in Cope Street. This impact is compounded by the minimal 3m setback of the tower from the Regent Street boundary, and preservation of essentially only street façades of existing buildings fronting Regent Street. This impact is somewhat mitigated by the quality of the adjacent heritage conservation area streetscape, which presents diminished integrity of some

existing early 20th century buildings and two intrusive late 20th century buildings in Cope Street.

It would be desirable from a heritage and streetscape position to increase the setback of the tower to 8m from Regent Street, as prescribed by the planning controls, to provide a greater buffer to the adjoining heritage conservation area. The streetscape would also be improved if the existing buildings fronting 60-78 Regent Street were refurbished in accordance with best conservation practice, rather than the retention of street facades only.

However, it is acknowledged that the constraints of the site and desire to provide separation between the proposed building and the adjoining buildings to the west present limitations to providing an increased setback to Regent Street.

Safety and Security

The application includes comprehensive CPTED and Operations reports which detail a number of issues including natural surveillance from the building to the neighbouring streets; the use of CCTV; swipe card / intercom access both into, inside and out of the building; appropriate locks; amenities to enhance the social environment; internal access to mailboxes; a 24 hour staff presence; staff training in dealing with unpredictable behaviour and proposed training from local police on local safety issues

The design of internal spaces, particularly communal areas, should ensure open sightlines and unobstructed access throughout the facility to allow staff and users to see and be seen in the normal course of their activities. The use of recessed areas which could be potential entrapment spots or places of concealment should be avoided.

The design should incorporate robust materials which are in character with the building, easily maintained and which minimise opportunities for vandalism.

The proponent is encouraged to seek agreement with Redfern Police regarding any exchange of CCTV footage.

Transport and Access

Bike parking

A total of 109 bike parking spaces are proposed for the site, which is considerably low given the site will cater to the demand from students at the University of Sydney, within easy cycling distance and that the City and Transport for NSW are progressing the implementation of the planned Regional Cycle Network along Lawson Square and Redfern Street just to the north. The provision of adequate cycling facilities will help encourage bicycle mode share.

It is recommended that a rate of 1 bicycle parking space per 2 beds is adopted. Based on the proposed room configuration there are 370 beds which equates to 185 bicycle parking spaces.

A separate facility, including shower and change facilities, should also be provided to support the retail component of the development.

Car parking / servicing

No off-street car parking is proposed which is in line with the policy intent and provisions of the Sydney LEP 2012 and is supported given the highly accessible location of the site.

A service vehicle bay is proposed to the rear of the site, accessed via William Lane. The proposed bay is capable of accommodating either two vans or a large vehicle approximately 9.8m long. Swept paths provided in the traffic report demonstrate that a large vehicle can adequately access the site. A Loading Dock Management Plan should be prepared by the Proponent to ensure the efficient operation of the dock and that maximum vehicle size limits are observed.

Public Domain Works and Lighting

The narrow concrete pavement along Williams Lane is currently in poor condition. There are also multiple redundant driveways on William Lane which will require removal and replacement with kerb, gutter and footpath.

A Public Domain Plan for the site has been submitted, but has not been agreed to by the City. A full public domain plan is required to be submitted to the City prior to the issue of a construction certificate. A lighting plan is also required for the through-site links and under awnings.

Stormwater

The proposal requires new stormwater infrastructure to be constructed within William Lane and Marian Street to connect into the City's existing stormwater network in Marian Street at the intersection of Gibbons Street. Downstream connection details are required to be submitted to the City prior to the issue of a construction certificate, including existing pit invert levels. On-site detention is also required to be provided on the site.

Contamination and Asbestos

The Phase I Environmental Site Assessment indicates the potential for contamination. Specifically, the report identifies a dry cleaner as a previous possible use, which is a possible source of contaminants due to the use of chlorinated solvents associated with dry cleaning services. The storage and use of these chemicals by the dry cleaning business were not confirmed. The report recommends a Phase II Detailed Site Investigation with the sampling of soils and additional analysis for VOC's.

The proposal is considered unsatisfactory with regard to contamination. It is recommended that a Detailed Environmental Site Investigation be carried in line with NSW guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use. Alternatively, a letter of Interim Advice from an NSW EPA Accredited Site Auditor advising the site is suitable for the proposed use or capable of being made suitable for the proposed use following remediation should be obtained.

A hazardous materials assessment was not commissioned as part of this investigation. Due to the apparent age of the building there is potential for PCB's, lead paint or asbestos to be present and prior to any demolition a Hazardous Materials Assessment may be warranted.

Noise

The proponent has submitted an acoustic assessment outlining noise impacts on future residents, impacts on surrounding sites from the use of the site and an excavation, demolition and construction noise management plan.

Acoustic privacy

The acoustic assessment indicates that the internal noise criteria will not be achievable with the windows open. Therefore, mechanical ventilation or air conditioning is required to be provided to all units, and must comply with the relevant Australian Standards.

Operational noise

The cumulative noise from use of the building should comply with the City's operational noise conditions. However, it is noted that the Operations Management Plan indicates that the outdoor terrace area will have the ability to hold special events 12 times a year. Section 6.4.2.1 of the acoustic assessment notes that the outdoor area is not to be used for loud functions incorporating amplified music. The Proponent should clarify their intentions in regards to the use of the terrace and carry out an assessment of the impacts if functions are likely to produce potential adverse noise impacts.

Demolition, Excavation, Construction Noise Management Plan

The acoustic assessment does not include a detailed construction noise assessment due to the lack of a construction programme, and recommends that the detailed assessment be undertaken at the construction certificate stage.

Should the Department grant approval to the application, the City recommends a list of conditions for consideration (as attached).

Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Senior Planner, on 9246 7720 or nridler@cityofsydney.nsw.gov.au

Yours sincerely,



Andrew Thomas

A/Director

City Planning | Development | Transport

RECOMMENDED CONDITIONS

The City recommends that the Department consider the following conditions should approval be granted for the application:

CONTAMINATION

A Detailed Environmental Site Investigation is to be carried out by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Planning NSW Guidelines "Managing Land Contamination Planning Guidelines, SEPP 55 Remediation of Land" and Councils Development Control Plan "Contaminated Land", certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Detailed Environmental Site Investigation states the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

OR

Where the Detailed Environmental Site Investigation states that a Site Remedial Action Plan (RAP) is to be undertaken, a RAP is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines, Managing Land Contamination Planning Guidelines, SEPP 55 Remediation of Land and Councils Development Control Plan "Contaminated Land" AND is to be peer reviewed by a NSW EPA Accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use prior to consent being given.

OR

A letter of Interim Advice from an NSW EPA Accredited Site Auditor advising the site is suitable for the proposed use or capable of being made suitable for the proposed use following remediation.

ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

APPENDIX C SEPP 1 OBJECTION HEIGHT CONTROL - ASSESSMENT

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as reiterated in *Wehbe v Pittwater Council* (2007) NSW LEC 827. In applying the principles set out in the Winten case, the SEPP 1 Objection has been considered by reference to the following tests:

1. Is the planning control in question a development standard?

The planning control in question is the Height control in Clause 21(1) of Part 5 of Schedule 3 of the Major Development SEPP. As such any variation of this standard requires a SEPP 1 Objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The Major Development SEPP does not include specific objectives for the height development standard. The Department has therefore considered the overall objectives of the Business Zone-Commercial Core zone. The objectives of the zone are as follows:

- (a) to facilitate the development of a town centre,
- (b) to encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,
- (c) to permit residential development that is compatible with non-residential development,
- (d) to maximise public transport patronage and encourage walking and cycling,
- (e) to ensure the vitality and safety of the community and public domain,
- (f) to ensure buildings achieve design excellence,
- (g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the Act?

The aim of the Policy is set out at Clause 3 of SEPP 1, and seeks to provide flexibility in the planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Whebe V Pittwater Council (2007) NSW LEC 827 (21 December 2007) sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states that:

'An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.'

Accordingly, the following assessment considers the objection made by the applicant against objectives of the Business Zone – Commercial Core zone contained under Clause 10 of Part 5, Division 1 of the Major Development SEPP. The Department is satisfied that the proposal satisfies the zone objectives as it:

- will facilitate the development of a new tower within of the town centre site as generally envisaged under the Major Development SEPP;
- will provide a range of community and economic benefits through increase demand for and support of local businesses;

- will allow for the better compatibility of the part residential development with existing residential development through maximisation of building separation to conserve the amenity of adjoining residents to the west;
- is compatible with the surrounding non-residential uses, in particular tertiary education establishments;
- will promote use of sustainable transport as the site is located within walking and cycling distance to a number of surrounding tertiary educational establishments, and through no car parking provision and generous bicycle parking provision;
- the proposal will provide a well landscaped area within the outdoor communal open space areas at the level 1 podium;
- promote sustainable communities through providing residential accommodation for up to 370 students enrolled in a number of surrounding tertiary educational establishments; and
- achieves design excellence, through the provision of a visually interesting contemporary slender tower at the Redfern town centre, which comprises retention and refurbishment of the 2 storey terrace character historically prevalent at Regent Street (as discussed in **Section 5.3**).

Further, despite the proposed variation, the Department is satisfied that the proposed height, scale and bulk is acceptable as the proposed 18 storey height and bulk is generally consistent with that envisaged for the Redfern town centre.

The Department is of the view that it is both unreasonable and unnecessary for the proposal to comply with the maximum 2 storey height standard for the front 8m from Regent Street, in this instance. Requiring compliance with the height development standard would hinder several objectives of the zone as it would either result in an unviable floor plate unable to be developed to a height and density envisaged for the town centre or result in a poor outcome for development of the site as it would exacerbate potential impacts to adjoining properties to the west by virtue of limited building separation.

As a result of this assessment the Department concludes that, notwithstanding the non-compliance with the development standard, the underlying objectives of that standard to meet the zone objectives are achieved by the proposed development.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environmental harm to sustain an objection under SEPP 1. This position was confirmed in *Whebe V Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objectives of the Act.

Under the Act, Section 5(a)(i) & (ii) the following is required:

- The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- The promotion and co-ordination of the orderly and economic use and development of land,*

The proposal will provide for the orderly redevelopment of the site, providing specialised student residential accommodation, assisting to reduce pressures on surrounding market rental accommodation. In addition, the development will contribute to the local demand for retail, commercial and services. The development will therefore positively contribute towards the social and economic welfare of the area. However, should the development comply with the development standard, as discussed previously, it would either result in an unviable floor plate unable to be developed to a height and density envisaged for the town centre or result in a poor outcome for development of the site as it would exacerbate potential impacts to adjoining properties to the west by virtue of limited building separation, thereby hindering against achieving the objectives of the Act.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The forgoing analysis has found that notwithstanding the non-compliance with the height development standard, the proposed development achieves the underlying objectives of that standard. Consequently, it is considered that the SEPP 1 Objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances.

5. Is the objection well founded?

The Department considers that the SEPP 1 objection provided by the applicant is well founded on the basis that strict application would hinder the attainment of the objectives of the Act and that the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance.

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)

To satisfy the requirements of Section 79C(a)(i) and Section 79C(a)(ii) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- *State Environmental Planning Policy (State & Regional Development) 2011*;
- *State Environmental Planning Policy (Major Development) 2005*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (Urban Renewal) 2010*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*; and
- *State Environmental Planning Policy No. 64 – Advertising and Signage*.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes
Schedule 2 State significant development—identified sites (Clause 8 (1)(b)) 2(g) Development at Redfern Waterloo Development on land identified as being within the Redfern Waterloo Area on the <u>State Significant Development Sites Map</u> if: (a) it has a capital investment value of more than \$10 million	The proposed development is within the Redfern Waterloo area and has a capital investment value of \$38,900,000.	Yes

State Environmental Planning Policy (Major Development) 2005

The Major Development SEPP is the relevant EPI for the site, containing applicable development standards. An assessment of the proposal against the various development standards is contained within **Sections 3.2, 5** and **Appendix C** of this report.

State Environmental Planning Policy (Infrastructure) 2007

Consideration is given to the following relevant clauses of the SEPP:

87 Impact of rail noise or vibration on non-rail development

102 Impact of road noise or vibration on non-road development

Clauses 87 and 102 require that where a building is proposed for residential use that is likely to be adversely affected by rail or road noise or vibration due to being adjacent a railway or roadway with a daily traffic volume in excess of 40,000 vehicles, the consent authority must take into account any relevant guidelines that are issued by the Director-General, and must be satisfied that appropriate measures will be taken to ensure the following noise levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.

Regent Street carries over 40,000 vehicles per day and the site is within 60 metres of a railway line. The applicant submitted an acoustic report which concluded that with appropriate selection of building elements and glazing, compliance with the relevant guidelines and the provisions of the SEPP could be achieved. Appropriate conditions have been recommended.

104 Traffic Generating Development

The proposal is defined as traffic generating development pursuant to the Infrastructure SEPP as it is located within 75 metres of Gibbons Street (a classified road) and the proposal involves greater than 500m² of retail GFA.

However, the proposal does not seek to provide any car parking on site and results in an overall reduction in retail GFA from existing. Notwithstanding, the proposal was referred RMS for consideration. The RMS have not raised any concerns with regards to traffic.

State Environmental Planning Policy (Urban Renewal) 2010

The site is located within the Redfern-Waterloo Potential Precinct, identified in the Urban Renewal SEPP 2010. Clause 10 of the SEPP requires that development consent must not be granted unless the consent authority is satisfied that the proposed development is consistent with the objective of developing the precinct for the purposes of urban renewal. Specifically, development must not prevent the provision of higher density housing or commercial or mixed use development or opportunities for the future amalgamation of sites, or access to or the development of infrastructure, other facilities and public domain areas associated with public transport.

The Department is satisfied that the proposal will not hinder the attainment of any of the requirements of Clause 10 of the Urban Renewal SEPP.

State Environmental Planning Policy No. 55 - Remediation of Land

As discussed in **Section 5.5**, the Department is satisfied that subject to a stage 2 detailed site investigation and remediation action (if necessary) in accordance with the submitted provisional RAP and future recommendations of the stage 2 contamination assessment, the site can be made suitable for the intended use satisfying the requirements of *State Environmental Planning Policy No. 55 Managing Land Contamination: Planning Guidelines*. The Department has recommended appropriate conditions of consent accordingly.

State Environmental Planning Policy No. 64 – Advertising and Signage

The signage on the building elevations are defined as building identification signs and a wall advertisement sign under the provisions of SEPP 64. Building identification signs are defined in the SEPP as:

“building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.”

In accordance with Clause 8, in Part 2 of SEPP 64, the Department must be satisfied that the building identification signage is consistent with the objectives of SEPP 64 as stated in Clause 3(1)(a) and the assessment criteria set out in Schedule 1.

The Department notes the three proposed building identification signs are well integrated into the relevant upper parapets of the façades and are of a reasonable scale for the building. They will not obscure or obstruct any existing views or reduce the visual quality of the building. The signage will not detract from the character of surrounding buildings and are compatible with the desired amenity and visual character of the Redfern town centre. As discussed in **Section 5.6**, the proposed illumination of the building identification signs on the northern and southern facade have the potential to impact on the amenity of future residents of the approved residential development at 1 Lawson Square and the potential redevelopment of 80-88 Regent Street, particularly given the limited building separation between the sites. The Department therefore concludes that illumination is inappropriate and should be deleted from these signs.

Table 1: Assessment against SEPP 64 – Schedule 1 Criteria

MATTER	COMMENT
SEPP 64 – Schedule 1 Assessment for the 3 proposed building identification signs	
Character of the area	The signage will not detract from the character of surrounding buildings and are compatible with the character of the Redfern town centre.
Special areas	The signage will not detract from the visual character of the Redfern town centre.
Views and vistas	They will not obscure or obstruct any existing views or reduce the visual quality of the building.
Streetscape, setting or landscape	The signs are consistent in scale and proportion with other building identification signage in the Redfern town centre and general locality.
Site and building	The signage is well integrated into the relevant upper parapets of the façades and are of a reasonable scale for the building.
Associated devices and logos	The proposed signs comprise the Iglu logo and have been designed to fully integrate into the building façade.
Illumination	See Section 5.6 .
Road safety	The signage is static and is consistent with other building identification signage within the Redfern town centre. Views from public roads is generally limited to Regent Street and will not distract from essential sight lines of pedestrians and vehicles.

In summary, the proposed signage is considered to be compatible with the amenity and visual character of the area, subject to deletion of the illumination on the northern and southern façade signs. Notwithstanding, the signs are appropriately located and are of a high quality. The proposed signage is also considered satisfactory with regards to the key assessment criteria in Schedule 1 of SEPP 64.

Other Policies

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, the objectives of relevant

plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

City of Sydney Development Control Plan 2012 – Section 4.4

An assessment of the proposal against the numerical controls within the City of Sydney's Boarding House and Student Accommodation Development Control Plan is set out in **Table 2** below.

Table 2: Compliance with the City of Sydney Development Control Plan – Section 4.4 – Boarding House and Student Accommodation

Section	Controls	Compliance
Bedrooms	- Minimum room sizes: 12m² (including 1.5m² wardrobe space); 2.1m² for ensuite; 0.8m² for any shower in ensuite; and 2m² (including small fridge, cupboards and shelves and a microwave. - Access to natural light - Minimum ceiling height of 2.7m - Fire safety for Class 3 buildings	- No, see Section 5.4.1 - Complies - Complies - Complies - Complies - Complies - Complies
Communal Kitchen Areas	- Minimum communal kitchen area of 6.5m² or 1.2m² per resident, whichever is the greater - One sink per 6 people - One stop top cooker per 6 people - Exhaust ventilation - Minimum kitchenette sizes for refrigerator storage, freezer storage, and lockable drawer or cupboard storage	- Complies - Condition. - Condition. - Condition. - Complies
Communal Living Areas and Open Space	1.25m² of communal open space per resident in apartments - Indoor communal living areas to receive 2 hrs of solar access to 50% of area between 9am-3pm at midwinter - Outdoor communal open space to provide a minimum area of 20m² - Communal outdoor open space to be generally north-facing to receive a minimum 2 hrs of solar access to 50% of area between 9am-3pm at midwinter 30% of bedrooms have private open space with minimum 4m of balcony or terrace area	- Complies - Complies - Complies - No, see Section 5.4.1 - No, see Section 5.4.1
Bathroom, Laundry and Drying Facilities	- Communal bathroom facilities accessible 24hrs 1 x 5kg washing machine & 1 x dryer for every 12 residents	- N/A - No, see Section 5.4.1
Plan of Management	Submission of detailed plan of management	Yes

In light of the assessment detailed in **Section 5** of this report, it is considered that the proposal displays an acceptable level of consistency with the objectives of the SDCP 2012.

APPENDIX E RECOMMENDED CONDITIONS OF CONSENT

