



80-88 Regent Street, Redfern

Response to Submissions

August 2016

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1.0 Introduction

The Environmental Impact Statement (EIS) for a State Significant Development (SSD) Application for a proposed mixed use development at 80-88 Regent Street, Redfern, was publicly exhibited from 11 February 2016 to 11 March 2016.

In response to the exhibition, a total of 22 public submissions were received, seven (7) submissions from government agencies, as well as a submission from the City of Sydney.

The following key issues were identified as requiring a response or clarification:

- Building height and scale, in particular compliance with height and setback controls contained in State Environmental Planning Policy (State Significant Precincts) 2005 (formerly State Environmental Planning Policy (Major Development) 2005).
- Floor space ratio, including compliance with in State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP SSP).
- Compliance with the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments Development (SEPP 65) Apartment Design Guide including but not limited to setbacks and separation, ventilation sunlight and daylight access.
- Public domain interface and including the activation of Regent and Marian Streets;
- Amenity impacts on the adjacent residential development and public domain, including overshadowing, privacy, view loss, wind and noise impacts in relation to adjoining residential development.
- Design excellence, including building expression and materials and how they relate to the character of the area. Consideration of inclusion of best practice sustainable design principles have been incorporated into the proposal.
- The spatial, functional and operational requirements and issues associated with the proposed child care centre.
- Adequacy of the heritage assessment in relation to the potential for European archaeology.
- Transport and traffic considerations including bicycle parking, loading bay, construction traffic management and impacts on the road and rail corridor.
- Miscellaneous environmental considerations including contamination, stormwater runoff and flooding, electromagnetic frequency.

The proponent, Sunny Thirdi Regent St Pty Ltd and their design and consultant team, have reviewed the submissions from the Department of Planning and Environment (DP&E), the City of Sydney Council, agencies, and the public. This Response To Submissions (RTS) outlines the proponents responses to the issues raised in the submissions, and includes an amended SSD proposal and a list of Mitigation Measures for which approval is now sought.

This report should be read in conjunction with the Environmental Impact Statement dated January 2016 and forms part of the SSD Application.

2.0 Amended Proposal

A significant number of amendments have been made to the proposal to in response to issues raised in the submissions, as well as further design development. The outcome is a superior, more considered development proposal. The amended proposal is detailed in the Architectural Drawings prepared by SJB Architects included at Attachment 1. The following supporting technical information is also provided:

- Solar analysis and Preliminary View Impact Analysis prepared by SJB Architects included in the architectural drawing package at Attachment 1;
- A revised Pedestrian Wind Environment Study prepared by Windtech - Attachment 6;
- SEPP 65 Design Verification Statement and ADG Compliance Assessment prepared by SJB Architects – Attachment 7
- A Revised Noise and Vibration Impact Assessment and Response to Council Comments prepared by Acoustic Logic - Attachment 8;
- A Plan of Management Proposed Child Care Centre prepared by Edge Management – Attachment 9;
- Electromagnetic Report prepared by EMC Technologies - Attachment 10;
- A Historical Archaeological Assessment prepared by Urbis – Attachment 11;
- Swept Path Assessment prepared by GTA Consultants – Attachment 12;
- A Detailed Site Investigation Report prepared by EI Australia – Attachment 13; and
- An amended Stormwater Concept Plan prepared by Bekker – Attachment 14.

Summaries of the issues raised in the DP&E's resubmission for an RTS is included at Attachment 2. The submissions received from the City of Sydney (the Council), public agencies and the general public to the exhibition of the DA are included in Attachments 3, 4 and 5 respectively.

2.1 Description of Final Development Proposal

This application seeks approval for the amended proposal which comprises the following:

- Demolition of the existing structures on site;
- Earthworks and associated site preparation works;
- Construction of an 18 storey mixed use building comprising:
- Active retail uses at ground level fronting Regent and Marian Street and a child care centre at first floor;
- 79 residential apartments, comprising a mix of one (1), two (2) and three (3) bedroom dwellings;
- A gross floor area (GFA) of 5,754m², which equates to a floor space ratio (FSR) of 7:1
- Four (4) levels of basement car parking, with access from William Lane, accommodating 65 car parking spaces, bicycle parking, storage, plant and associated services;
- Communal roof-top open space;
- Waste, loading and services at ground level along William Lane; and
- Construction of infrastructure works, including drainage to service, the development.

2.2 Description of the Key amendments

A comparison of the key statistics of the DA as submitted/exhibited and the DA as amended is provided in Tables 1 below. This followed by an overview of the key changes.

Development Particulars	DA as exhibited	DA as amended (current)
Site area	822m ²	No change
Gross Floor Area	5,752m ² – total 90m ² – retail/commercial 275m ² – child care 5,387m ² – residential	5,754m ² - total 208m ² – retail/commercial 238m ² – child care 5,308m ² – residential
FSR	7:1	No change
Building Height	18 storeys RL to plant 98.00 RL to roof 92.70	18 storeys RL to plant – 91.10 RL to parapet/roof – 86.30
Dwellings	80 apartments	79 apartments
Dwelling mix	6 x studio – (7%) 27 x 1 bedroom – 34% 38 x 2 bedroom – 48% 9 x 3 bedroom dwellings - 11%	0 x studio 32 x 1 bedroom – 40.5% 39 x 2 bedroom – 49.4% 8 x 3 bedroom dwellings – 10.1%
Adaptable apartment	12 (15%)	16 (20%)
Communal open space	401m ² (49% site area)	371m ² (45% site area)
Vehicle Parking Provision	65 spaces (including 2 drop off bays for child care) 1 loading bay	66 spaces (including 2 drop off bays for child care) 1 retail/waste loading bay
Bicycle Parking Provision	89	79

Table 1: Comparison of development statistics

The key changes design changes are described below.

Height

- An overall reduction in the height of the building by 6.9m; and
- Removal of the two (2) mezzanine levels ensuring a compliant 18 storey building.

Setbacks:

- Tower:
 - Increased setbacks from the Iglu development to the north by 300mm-1500mm;
 - Increased setbacks to Marian Street of between 300mm-1500mm; and
 - Redistribution of the setback to Regent Street to align the tower with the adjoining predominant 3.0m setback of the tower of the approved Iglu development, and providing a reduced setback towards the junction of Marian Street, to reinforce the street corner.

- Podium:
 - Provision of an 800mm setback to William Lane from ground level; and
 - Provision of 1.5m setback on Marian Street to provide a wider footpath.

Gross floor area (GFA)

- The removal of the mezzanine has also resulted in the deletion of storage and garbage areas on this level and any GFA associated with these spaces.

Dwelling yield and mix

- The total number of apartments has been reduced by one (1) from 80 to 79; and
- The mix of apartments has been modified slightly, including the removal of the studios. The mix remains compliant with the dwelling mix specified in the SDCP 2012.

Residential layouts

- Reconfiguration of the core to eliminate BCA and fire egress issues;
- Relocation of bike parking to the basement; and
- The Level 2 apartment in the northwest corner has been removed to mitigate any possible privacy issues with the communal dining room in the approved Iglu development.

Retail/Public domain interface:

Reconfiguration of ground floor retail frontage to enhance the relationship with the public domain by:

- Maximising the active retail frontage to Regent Street by locating the child care centre over a single level, with the exception of the lobby;
- Providing multiple shopfronts and entries to Regent Street which respond to the rhythm, scale and proportion of the traditional shopfronts on site and Regent Street;
- Increased activation to Marian Street by ensuring the retail space on Regent Street wraps the corner with glazing on Marian Street. The location of the child care centre entrance and an enlarged redesigned residential lobby on Marian Street also provided greater activation;
- Increasing the ground level setback on Marian Street by 1.5m to align with the adjoining building at 7-9 Gibbons Street and provide a wider footpath; and
- Providing a full awning that wraps around Regent and Marian Streets to mitigate wind impacts and to provide weather protection.

Child care

- Reconfiguration of the child care onto a single level and changes to the internal and external layout;
- The capacity of the child centre has been reduced from 65 children to 53 children; and
- The inclusion of an additional 3.0m height in the outdoor space, providing an overall height of 6.7m, to significantly enhance the amenity of this space by ensuring good levels of daylight throughout the year and allowing for mature tree species.

Elevations and Facade Treatment

The visualisations of the original exhibited proposal and amended proposal illustrate changes in the elevation and façade treatments. The most significant changes occur in the podium and the upper most levels with the deletion of the mezzanine.

In place of the five (5) arches, five (5) rectilinear shopfronts are provided, with shop windows, awnings and doorways. This provides a more literal reinterpretation of the existing two storey Victorian shopfronts. As a result, the podium has a more solid appearance.

The height of the parapet has been extended to align with the approved Iglu development at 60-78 Regent Street to create a continuous street front wall height. This extended podium height has allowed the provision of a landscape terrace to the edge of the balconies on Level 2. Hit and miss brickwork has been incorporated into the facades for greater articulation.

Consideration has been given to the ground floor configuration to improve the retail frontage and opportunities for interactions with the public domain though extending the tenancy to wrap around the corner of Marian Street.



Figure 1: Proposed as submitted



Figure 2: Amended proposal

Car parking

There has been a minor increase in the residential car parking with one (1) additional space resulting in an overall increase of car parking from 65 to 66 spaces. The amendment to the parking is a result of the change in the dwelling mix, namely the deletion of the studios and increase in the number of 1 and 2 bedroom dwellings. A comparison of the proposed and the previous car parking is provided in Table 2 below.

Use	DA as originally submitted and exhibited	Amended DA (current)
Resident car parking spaces	52	53
Resident visitor car spaces	7	No change
Retail car spaces	2	No change
Child care spaces	2	No change
Child drop off spaces	2	No change
Total	65	66

Table 2: Comparison of car parking in original DA and current proposed amendment DA

The car parking complies with the maximum rates specified Clauses 7.5, 7.7 and 7.9 of the Sydney LEP 2012 as demonstrated in Table 3 below.

Use	LEP Rate (Max)	Max. allowable spaces	Proposed spaces
1 bed dwelling	32 dwellings @ 0.4 spaces per dwelling	12.8	
2 bed dwelling	38 dwellings @ 0.8 spaces per dwelling	31.2	
3 bed dwelling	8 dwellings @ 1.1 spaces per dwelling	8.8	
Maximum Residential Spaces		52.8 (53 spaces)	53 resident spaces
Visitor Parking (Residential)	30 dwellings @ 0.167spaces	5.01	
	40 dwellings @ 0.1 spaces	4	
	9 dwellings @ 0.05 spaces	0.45	
Permitted Visitors Spaces		9.46 (9 spaces)	7 visitor spaces
Retail (ground level)	208m ² @ 1 space per 60m ²	3.46	2
Permitted Retail Spaces		4 spaces	2 retail spaces
Child care centre	238m ² - 1 space, plus 1 space per 100m ²	3.4	2 spaces 2 drop off bays
Permitted Child Care Spaces		3 spaces (excl. drop off bays)	2 spaces (excl.2 drop off bays)
Total Maximum Permitted		69	64 spaces, plus two drop off bays for child care

Table 3: Assessment of proposed car parking against SLEP 2012

3.0 Summary of Submissions

The following section outlines the submissions that were made to the exhibition of the EIS. These issues were broadly captured in the DP&E's request for formal Response to Submissions dated 21 March 2016, a copy of which is included at Attachment 2. A table outlining each of the issues raised by the DP&E has been addressed in this RTS, and is also included at Attachment 2.

3.1 City of Sydney Council

The City of Sydney Council ('the Council') provided a detailed submission to the exhibition of the EIS. The issues raised in the submission are identified in Attachment 3, along with details of where each issue is addressed in the RTS.

The proponent and members of the design team met with the Council and DP&E on 14 April 2016 to discuss the matters raised in Council's submission and DP&E's correspondence, and identified opportunities and options to address the issues.

At the meeting, it was agreed that SJB Architects and SJB Planning would continue to liaise with the Council, and prepare preliminary drawings for their feedback, prior to finalising the amended proposal for the RTS.

A second meeting was held with Council and DP&E on 22 June to discuss feedback to the preliminary amended drawings that had been circulated to both parties in late May 2016. The key issues raised by the Council that were discussed at this meeting include: building expression and materials, public domain interface, relationship to boundaries, amenity and coordination of services. The design of the building has been amended further and refined to address these issues, which are also identified in Attachment 3.

3.2 Submissions by Public Agencies

Seven (7) submissions were received from government agencies during the public exhibition period, including:

- NSW Environment Protection Authority;
- Heritage Council of NSW;
- Roads & Maritime Services;
- Sydney Airport;
- Sydney Water;
- Transport for NSW; and
- UrbanGrowth NSW Development Corporation

Responses to the key issues raised by the agencies identified above are addressed at Section 4.0 and in the summary and responses to agency submissions included at Attachment 4.

3.3 General Public Submissions

A total of 22 submissions were received from the general public and adjacent property owners and occupants. The key issues raised broadly included:

- Loss of views;
- Loss of privacy impacts;
- Wind impacts;
- Overshadowing impacts and loss of sunlight to adjoining development;
- Increased traffic;
- Building height;
- Traffic impacts from proposed access and loading/servicing on William Lane;
- Parking impacts, shortage of parking and loss of on-street parking on Marian Street;
- Noise impacts from the roof-top terrace;
- Non-compliance with building setbacks and separation distances and proximity to nearby buildings;
- Setbacks to Marian Street and William Lane;
- Lead to reduced housing affordability within the area, pushing members of the community out; and
- Heritage impacts arising from demolition of existing buildings.

A table of the key issues raised in the public submissions is included at Attachment 5, which also identifies where each of the issues raised is addressed in this RTS.

4.0 Proponent’s Response to Key Issues and Further Environmental Assessment

The following section provides a detailed response to the key issues raised by DP&E, Council, government agencies and the general public.

4.1 Building Height and Scale

The following height controls apply to the site under SEPP (SSP) 2005:

- A maximum building height of 18 storeys;
- A two (2) storey height limit running along the Regent Street frontage; and
- A three (3) storey height limit running along the Marian Street frontage.

The following key issues were raised in relation to the height of the proposal:

- Potential non-compliance with the 18 storey height control applying under the SEPP (SSP) 2005 due to the inclusion of mezzanines above ground and Level 17, which results in a 20 storey building; and
- The overall height of the building exceeding the height of the adjacent existing and approved buildings.

Issues were raised in relation to the encroachment of the tower element into the two (2) storey height limit on Regent Street and the three (3) storey height limit on Marian Street. As this constitutes a reduced setback to the tower, it is addressed below in Section 4.2 Setbacks and Separation. This section addresses the overall height of the proposal.

In response to the issues raised in relation to the overall height of the proposal, the mezzanines have been removed, resulting in an effective 18 level building. The overall height of the building has been reduced by some 6.9m and various other locations of the building have been lowered as outlined in Table 4.

Building Height location	DA as exhibited	DA as amended (current)	Overall reduction in height
Height to plant	RL98.00	RL91.10	6.9m
Height to screen/ balustrade to roof terrace	RL94.30	RL88.10	6.2m
Height to roof	RL92.70	RL86.30	6.4m

Table 4: Building heights – Comparison of exhibited and current proposed development

As a result of the reduced building height, the proposal is consistent with the scale of the existing adjoining development at 7-9 Gibbons Street and 157 Redfern Street and the approved Iglu student housing development at 60-78 Regent Street. This is evidenced in the comparison of building heights in Table 5.

	7-9 Gibbons St	157 Redfern St	60-78 Regent St (Approved)	Current Proposal
Maximum overall height (roof structures, plant, lift)	RL93.37	RL96.90	RL88.10	RL91.10
Parapet/balustrade	RL92.10	RL94.62	RL85.70	RL88.20

Table 5: Building heights of surrounding development

As demonstrated in Table 5, the proposal is lower than the adjoining building to the west and 7-9 Gibbons Street and 157 Redfern Street to the north east. It is noted that the proposal is around 3.0m higher than the approved adjoining Iglu student accommodation development to the north at 60-78 Regent Street. This is attributed to the Iglu development having a reduced floor to floor level of 2.9m. Reducing the height of the proposal in line with the Iglu development would require a reduction in the floor to floor heights, which would compromise the achievement of the minimum floor to ceiling heights applying under the SEPP 65 Apartment Design Guide (ADG) and the overall amenity of the dwellings and in this regard is not considered appropriate.

The current amended proposal provides for a substantial reduction in the building height and complies with the maximum 18 storey height limit applying under SEPP (SSP) 2005 and in this regard is considered to satisfy the issues raised in the submission relating to building height.

4.2 Building Street Setbacks and Building Separation

This section responds to the issues that were raised in the submissions in relation to street setbacks and building separation.

4.2.1 Street Setbacks

The following issues were raised in the submissions regarding the street setbacks of the proposal:

- The tower setback does not comply with the 8m setback applying to Regent Street under SEPP (SSP) 2005. As a result, the tower encroaches into the two (2) storey height limit applying to Regent Street.
- Regent Street street wall setback is similar to the student housing proposal to the north, the proposal provides a predominant 3.0m upper level setback above the two (2) storey street wall height along Regent Street. The 3.0m setback is measured to the inside face of the main wall of the building, not the glass line.
- Regent Street upper level variable setbacks - upper level setbacks vary as follows:
 - Levels 2 to 5: a 3m upper level setback for 42% of the street frontage and at the corner of Regent Street and Marian Street it is built to the boundary for 32% of the street frontage;
 - Levels 6 to 14: a 3m upper level setback is provided;
 - Levels 15 to upper mezzanine and roof top garden: a 1.5m upper level for 33% of the northern part of the street frontage and 3m upper level setback for 52% for the southern part of the frontage.
- The reduced upper level Regent Street setbacks for Levels 15 to upper mezzanine are acceptable, subject to the proposal demonstrating that there are no additional overshadowing and view loss impacts as a result of this non-compliance with the upper level setback control.
- The tower setback does not comply with the 4m setback applying to Martian Street under the SEPP (SSP) 2005. As a result, the tower encroaches into the three (3) storey height limit applying to Marian Street.
- Potential overshadowing impacts associated with the reduced tower setbacks to Regent and Marian Streets.

- The proposal does not comply with the 1.5m ground level setback applying to the Marian Street under the Draft Urban Design Principles - Redfern Centre (Draft UDPRC);
- The proposal does not comply with the 0.8m ground level setback applying to the William Lane Draft UDPRC.

The street setbacks of the proposal have been amended in response to the issues raised in the submissions as outlined below.

Setbacks at Ground Level and Level One

The ground and first level has been setback 0.8m from William Lane boundary consistent with the Draft Urban Design Guidelines (Redfern Centre).

The ground and first level has been setback 1.5m from the Marian Street boundary consistent with the Draft Urban Design Guidelines (Redfern Centre). This is in line with the setback of 7-9 Gibbons Street and will provide for a wider footpath on Marian Street as was envisaged under the Guidelines.

Tower setbacks

The height controls contained within SEPP (SSP) 2005 and the Draft Urban Design Principle for Redfern Centre contemplate the creation of a two (2) storey street frontage height along Regent Street with a depth of 8.0m and a three (3) storey street frontage height along Marian Street with a depth of 4.0m and an 18 storey tower above. This translated to an 8.0m tower setback on Regent Street and a 4.0m tower setback on Marian Street.

The proposal does not comply with the two and three storey height/tower setback control applying to Regent and Marian Streets frontages under the SEPP (SSP) 2005. A description of the amendments that have been made to the proposal in relation to these tower setback is provided below.

Tower setbacks to Marian Street

The amended proposal does not fully comply with the 4.0m Marian Street tower setback, as illustrated in Figure 3. However the extent to which the tower encroaches into this setback has been reduced from levels 3 to 17 in comparison to the original DA. (Note: the blue outline indicates the footprint of the tower in the original DA submission) As detailed in Table 6, the tower setback which previously varied from 0m to 4.0m, has been principally increased to a minimum setback of 1.5m up to 4.0m. This excludes a small section towards the corner of Marian and Regent Street.

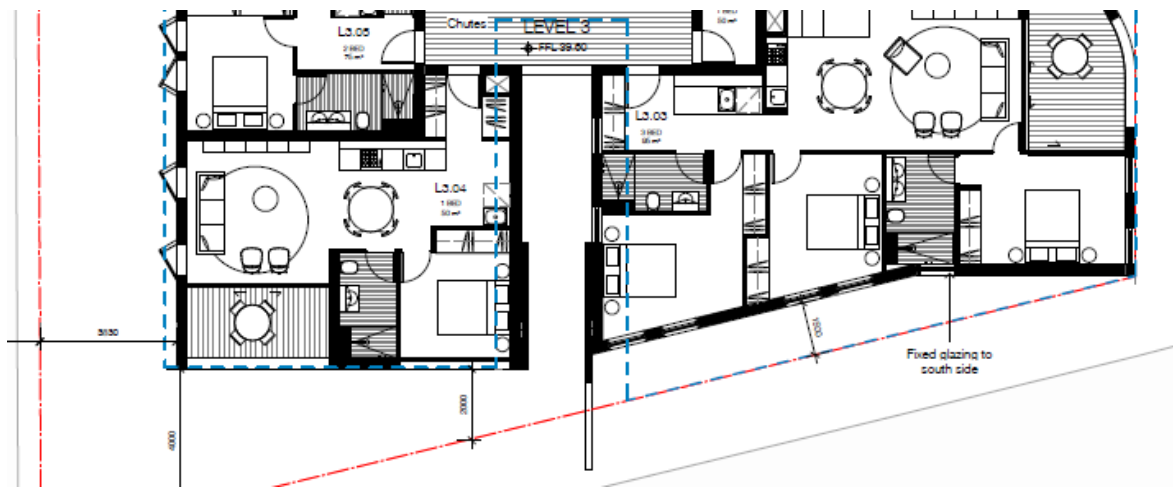


Figure 3: Amendment to setback to tower on Marian Street

Building Level	DA as submitted Marian St: tower setback	Compliance	Amended DA Marian St: tower setback	Compliance
Level 3-17	0m to 4m	No	1.5m to 4m (excluding setback near the corner with Regent St)	No

Table 6: Comparison of Marian St tower setbacks between original DA and proposed amended DA

Tower setbacks to Regent Street

Under SEPP (SSP) 2005, a two (2) storey height limit applies to Regent Street, which has a depth of 8.0m. This translates to an 8.0m setback to the 18 storey tower element.

The original DA did not comply with the 8.0m setback with a variable setback to Regent Street ranging from 0m to 2.85m. The 2.85m setback was in keeping with the 3.0m tower setback that was provided for the approved Iglu development at 60-78 Regent Street. A similar setback has been provided for the proposal, however as illustrated in Figures 4 to 8 and Table 7, the locations of the 0m setback have been relocated from the northern part of the elevation adjoining Iglu to the corner of the elevation. Furthermore, the upper levels of the building no longer encroach into the 3.0m setback. Furthermore the 2.85m setback has been increased to 3.0m so that it aligns with the Iglu development.

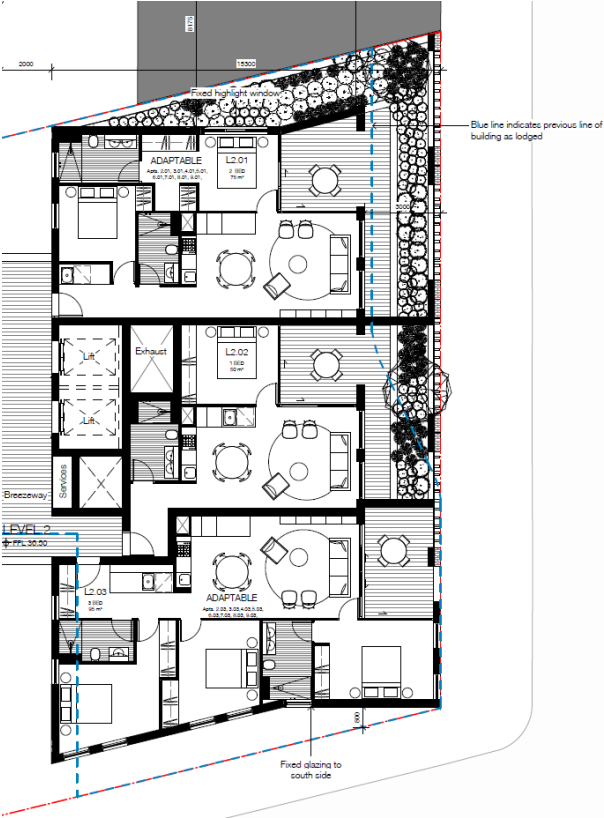


Figure 4: Tower setbacks to Regent Street – Level 2

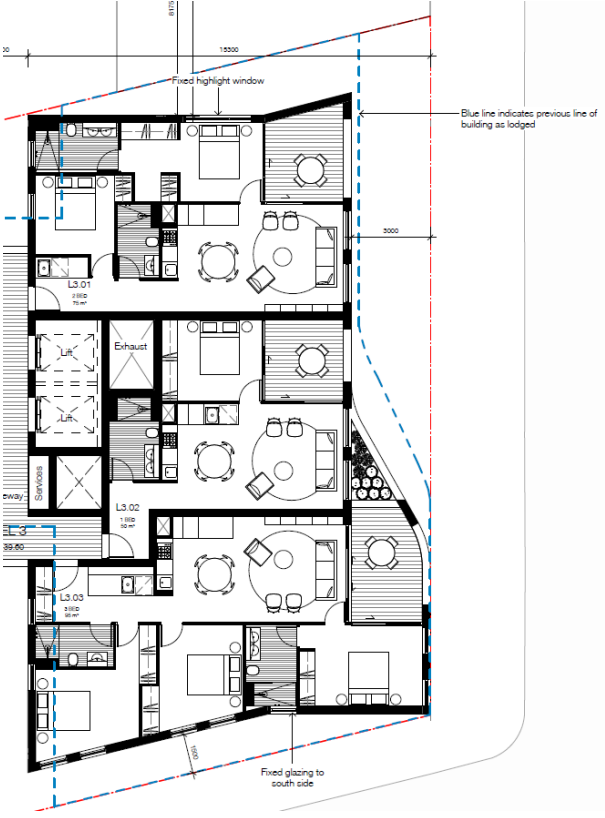


Figure 5: Tower setbacks to Regent Street – Level 3-6

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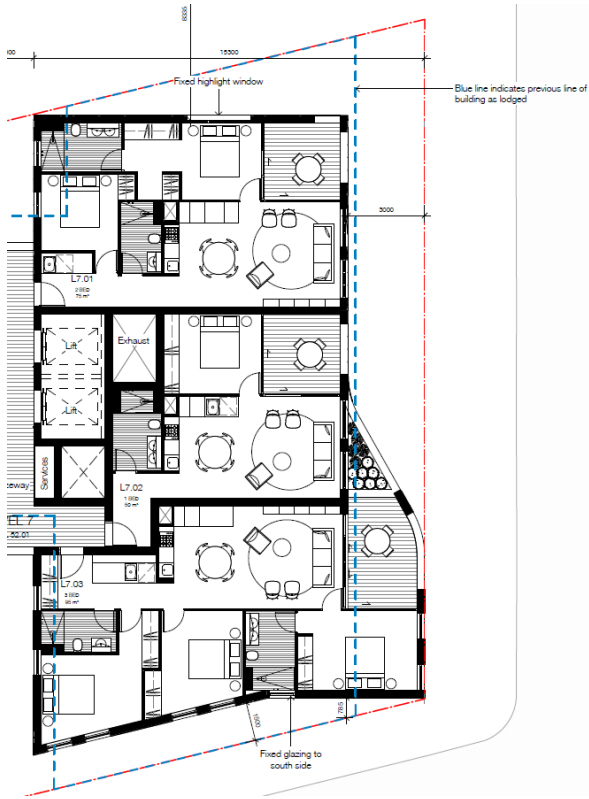


Figure 6: Tower setbacks to Regent Street – Level 07-09

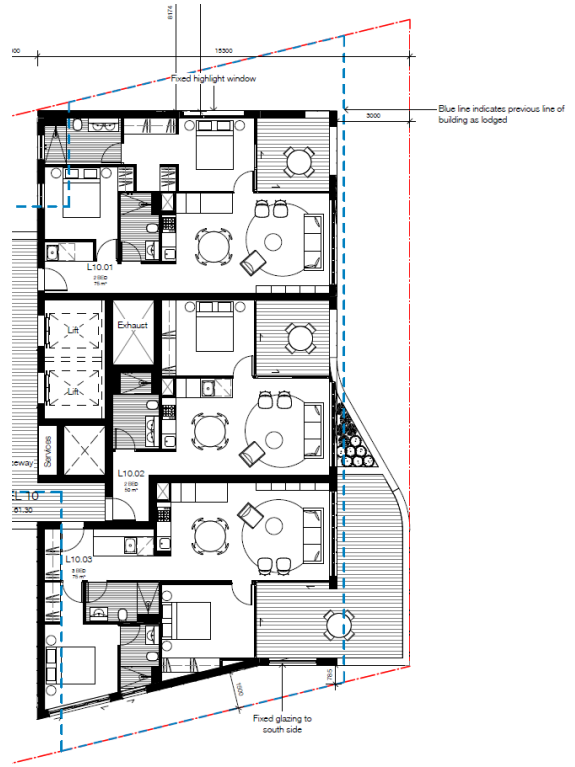


Figure 7: Tower setbacks to Regent Street – Level 10

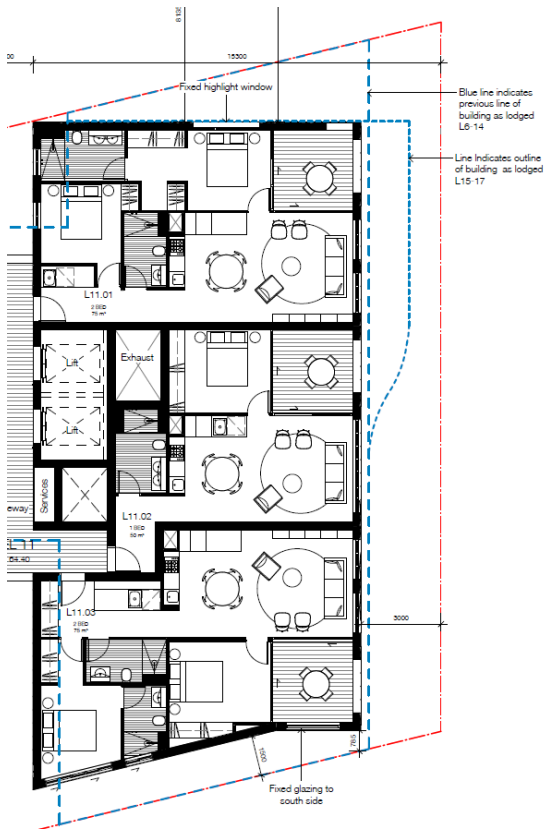


Figure 8: Tower setbacks to Regent Street – Level 11-17

Building Level	DA as submitted Regent St: tower setback	Compliance	Amended DA Regent St: tower setback	Compliance
Level 2	0m to 2.85m	No	0m to edge of balconies	No
Level 3-5	0m to 2.85m	No	0m to 3m	No
Level 6	2.85m	No	0m to 3m	No
Level 7-10	2.85m	No	0m to 3m	No
Level 11-14	2.85m	No	3m	No
Level 15-17	1.35m to 2.85m	No	3m	No

Table 7: Comparison of Regent Street tower setbacks between original DA and proposed amended DA

While the setbacks have been altered, the amended proposal continues to vary setback/height standards contained in SEPP (SSP) 2005, as such a SEPP 1 objection was provided with the EIS lodged. The grounds of the original SEPP 1 Objection remain relevant as detailed below in the justification for the variation.

Discussion of variation to tower setbacks/street frontage height

The variation to the 4.0m and 8.0m tower setbacks on Marian and Regent Street is considered acceptable for the following reasons.

- The predominant 3.0m tower setback to Regent Street is consistent with the predominant 3.0m tower setback of the approved Iglu development on site at 60-78 Regent Street. This will ensure a consistent built form along this strip of Regent Street.
- The proposal achieves the intent of the Regent Street tower setback control with the provision of a predominant two (2) storey street frontage height which is consistent with the scale of the existing Victorian shopfront located on site and the adjoining Iglu development. This relationship has been reinforced in the amended proposal as the parapet of the podium has been raised to align with the parapet of the Iglu development. This will establish a consistent street wall height along this section of Regent Street. The design of the podium has also been amended to create stronger vertical elements that are consistent with the proportions of the traditional shopfronts.
- The DA as submitted provided a 0m setback up to Level 5 on the southern end of Regent Street elevation, where it meets Marian Street. This has been retained and continued to Level 10 to create a strong corner element. Levels 15-17 of the original DA scheme also encroached into the 3.0m Regent Street setback by up to 1.5m, where it adjoined the Iglu development. This has been deleted to create a better relationship with the Iglu development by continuing the predominant 3.0m setback along the majority of the Regent Street elevation, and limiting reductions in this setback to create a corner element.
- The western point of the tower is setback 4.0m from Marian Street, which aligns with the tower setback of the adjoining development at 7-9 Gibbons Street and is gradually reduced to a predominant setback of 1.5m for the eastern section of this elevation. The setback responds to the built form of 7-9 Gibbons Street, while at the same time ensuring adequate separation distances to the Iglu development to the north and the achievement of a viable tower floor plate.
- As demonstrated in the original DA submission, the street front setbacks of the towers are the outcome of considered urban design and site analysis undertaken by SJB Architects. This involved consideration of alternative options for the siting of the tower. In formulating the amended proposal, there has been further consideration of potential alternative options for siting the tower. This is articulated in the Built Form Analysis prepared by SJB Architects included at Attachment 1, along with

the initial options analysis. In summary analysis has demonstrated the following in relation to the tower setbacks:

- Compliance with the 8.0m and 4.0m setbacks significantly constrains the opportunity to accommodate a viable tower floor plate on the site, while at the same time maximising separation distances to the adjoining apartments at 7-9 Gibbons Street, which contain windows and balconies within 3.0m of their boundary and the approved Iglu development.
- Increasing the setbacks to Marian and Regent Streets does not reduce amenity impacts relating to privacy, overshadowing or view loss. Achieving compliance with the setback requirements will place great pressure on the separation distances, which has a far greater potential to impact on views and privacy.
- The non-compliance with the setback does not result in unacceptable overshadowing impacts of the adjoining development or public domain as outlined in Section 4.7.2 and shadow diagrams prepared by SJB Architects at Attachment 1. Importantly, there is a negligible difference between the overshadowing impacts from a compliant 4.0m tower setback to Marian Street and the proposed tower setbacks to Marian Street;
- It does not result in unacceptable wind impacts as outlined in Section 4.7.4 and the Pedestrian Wind Environment Study (Attachment 6). The study indicates that the wind conditions for the majority of the ground level areas on the neighbouring streets of Gibbons Street and Regent Street are within the SDCP 2012 requirements. While strong westerly winds are experienced along Marian Street, near the corner of Regent Street, which exceed SDCP 2012 requirements, this is an existing condition that is attributed to the exposure and alignment of the street and not the setbacks of the proposed building. Recommended building treatments are provided to mitigate side stream wind impacts at the south eastern corner of Marian Street and Regent Streets.
- As illustrated in the Preliminary View Impact Assessment prepared by SJB Architects (Attachment 1) and outlined in Section 4.7.1, compliance with the street setback controls will have a negligible effect on reducing the potential view impacts from adjacent properties. View impacts are influenced by the separation distances between the proposal and the adjacent development.
- It does not result in unacceptable privacy impacts on the existing or approved adjoining developments as demonstrated in the consideration of the setback and separation requirements of the ADG in Section 4.2.2.
- The proposal complies with the 18 storey height limit and provides a building mass and configuration that is consistent with the adjoining buildings, both existing and approved. Compliance with the street setback controls will prevent the redevelopment of the site as envisaged under the SEPP (SSP) 2005 and Redfern Waterloo Built Environment Plan; and
- The Redfern part of the Redfern Waterloo SSP is principally comprised of three (3) street blocks bounded by Lawson Square to the north, Regent Street to the east, Gibbons Street to the west and Margaret Street to the south. A 4.0m tower setback and five storey street frontage height applies to those sites along Gibbons Street, which is different to the 8.0m tower setback applying the Regent Street sites, which includes the subject site and Iglu development. 18 storey towers have been approved at 7-9 Gibbons Street and 157 Redfern Street, which are subject to different street front height/setback controls than Regent Street. As noted previously the approved Iglu development encroaches into the 2 storey street frontage/tower control. A 19 storey tower has been approved at 1 Lawson Square, which has frontage to Regent Street that also encroaches into the 2 storey height limit/setback applying to Regent Street. Given these are the only two approved 18 storey tower developments within the RWA SSP sites that have frontage to Regent Street and both of these developments substantially vary from the 8m tower setback/2 storey street frontage development standard, it is reasonable to argue that the standard has been abandoned.

Having regard to the above, the proposed variation to the controls is considered reasonable as it provides a building of an approximate height, scale and mass anticipated by the applicable planning controls.

4.2.2 Building Separation

The following issues were raised in the submissions regarding building separation:

- The proposal does not comply with the setback/separation distances applying under the ADG.
- An 8m separation is proposed between the northern elevation of the proposed building and the southern elevation of the Iglu development. Windows and balconies are proposed on level 14 upwards on the northern elevation with a minimal boundary setback. These windows and balconies are opposite the windows to the communal living rooms of Iglu and will impact on the visual privacy of the student residents. A 12m setback is required for buildings over eight (8) storeys under the ADG. Appropriate treatments are required to ensure a suitable level of privacy is achieved for future students residing at Iglu.
- The proposal does not achieve ADG compliant separation distances to 7-9 Gibbons Street, located to the west.
- The 4.0m setback of the tower to Marian Street will result in ADG non-compliant separation distances to future development to the south at 90-96 Regent Street. The reduced separation distances will compromise solar access and privacy to any future development at 90-96 Regent Street.
- DP&E made the following comments:
 - Further consideration is required of alternate viable design options for the site, with particular regard to the setbacks from the northern and western boundaries, to demonstrate that the preferred building envelope and built form is the best design solution for the site.
 - Additional justification is required to demonstrate how the proposed built form and setbacks have considered, addressed and minimised impacts on adjacent residential amenity, including privacy, views, outlook, ventilation and solar access, and specifically, how the proposed built form and setbacks do not increase amenity impacts beyond those envisaged by the planning controls for the site.

The above issues are addressed below.

Analysis of alternative design options

A number of built form options were explored in formulating the design included in the original DA submission.

These options were detailed in the Urban Design and Built Form Analysis Report prepared by SJB Architects and included at Attachment 2 to the EIS. In response to issues raised in the submissions regarding building separation, as well as DP&E's request to consider alternative built form options, we have reconsidered the various options. This work is summarised in the Built Form Analysis document prepared by SJB Architects included at Attachment 1. The analysis details the broad built form options that were previously investigated and provides further discussion of the feasibility of these options.

There are a number of factors which impact on potential built form options for the site. These are:

- The building height and FSR standards contained in the SEPP (SSP) 2005 and their role in facilitating the ongoing renewal of the Redfern town centres;
- The street front heights/tower setbacks applying to Marian and Regent Streets under the SEPP (SSP) 2005 and Draft Urban Design Guidelines (Redfern Centre) as discussed in section 4.2.1 above;
- The design criteria and design guidance provisions relating to visual privacy contained in Section 3F-1 of the SEPP 65 ADG. These provisions require the following boundary setbacks for buildings above nine (9) storeys:
 - 6m non-habitable rooms
 - 12m habitable rooms

- The orientation and setbacks of the adjacent existing buildings at 7-9 Gibbons Street (to the west) and 157 Redfern Street to the north-west and the approved Iglu development at 60-78 Regent Street, directly north of the site. It is noted that these buildings do not comply with the setbacks for the boundaries adjacent to the subject site.
- The need to maintain amenity for the adjacent existing and approved developments particularly in terms of privacy and view impacts.
- The need to ensure a reasonable level of amenity for the proposal, in terms of solar access, privacy, ventilation and private open space.

Having regard to the above, there are three (3) broad built form options for the site, which are discussed in the Built Form Analysis at Attachment 1 and include:

- A built form which was fully compliant with SEPP (SSP) 2005 and SEPP 65 ADG but results in non-developable floor-plate;
- A built form which complied with SEPP (SSP) 2005 podium setbacks, but which has minimal separation distances under the ADG SEPP 65 setbacks/separation distances;
- A built form which does not comply with either SEPP (SSP) 2005 or SEPP 65 ADG setbacks, but which responds appropriate to the site conditions and context. This requires maximising the achievable separation distances, while responding to the tower setbacks of the approved development to the north, and the established two-storey scale of the existing shopfronts on Regent Street and desired scale for Marian Streets

As detailed in the EIS, Options 1 and 2 are not viable options as they result in a tower footprint of between 300m² and 440m² which are not viable would preclude the development of the site. As such, Option 3 is the only reasonable broad built form option for the redevelopment of the site.

For this reason, Option 3 was pursued in formulating the built form design of the original DA. In response to the submissions, further analysis of the built form was undertaken with the following aims:

- Identifying opportunities for increasing setbacks/building separation, where possible, while retaining a viable building footprint;
- Facilitating view sharing with the provision of corridors between the proposal and buildings;
- Maintaining the privacy to the adjacent developments; and
- Ensuring that street (tower) setbacks respond to the intent of the controls in the SEPP (SSP) and the street setbacks of the adjoining development, in particularly the approved Iglu development to the north, which provides a predominant tower setback and 7-9 Gibbons Street to the west, which has a 4m tower setback to Marian Street.

An amended built form was formulated which provided for a 1.5m increase in the setback to the adjoining Iglu development on levels 2-14 of the proposal. The tower setback to Marian Street was also increased to 1.5m, with the exception of the corner, to provide a variable setback ranging from 1.5m to 4m, and allow for increased separation distances to future development to the south. The north-western corner of the building was setback a further 0.3m to provide a 3.0m setback. These increased setbacks have, in part, been facilitated by the provision of a strong corner element, with reduced setbacks on Marian and Regent Streets.

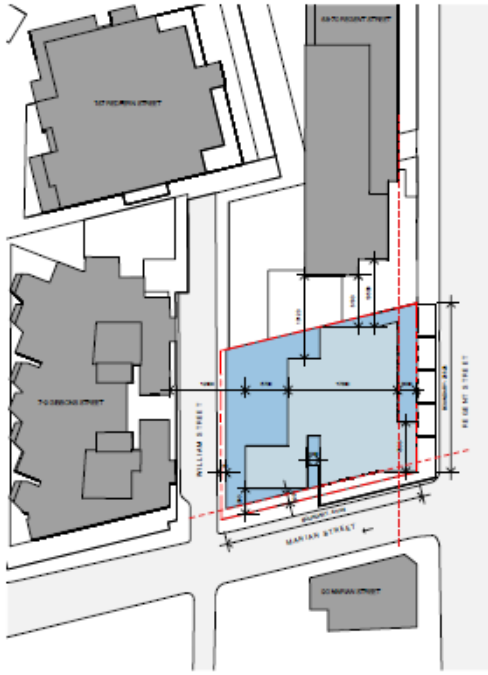
There was very little scope to increase separation distances to 7-9 Gibbons Street to the west and provide a viable floor plate. Table 8 provides a comparison of the separation distances and setbacks between the original DA and the proposed amended DA. The proposed separation distances are illustrated in the extracts of the Built Form Analysis at Figures 9 and 10.

Overall the analysis reinforced that due to the site constraints, in particular the proximity of the surrounding tower development, there is very little scope to increase the separation distances and setbacks. Notwithstanding the amended proposal has provided for some increase in the separation distances to the north and south. Overall the setbacks and separation are considered reasonable in the circumstances given:

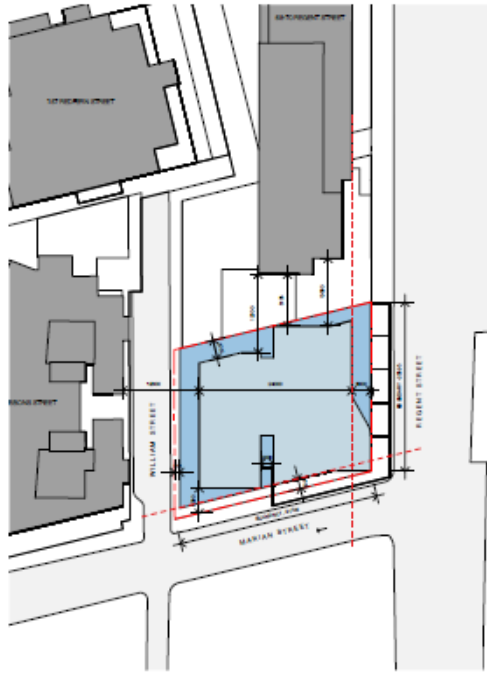
- Visual privacy is maintained to the adjacent development through the orientation of the apartments and balconies to the east, south and north-west and inclusion of highlight and hooded (screened) windows. Further discussion of the privacy is provided in Section 4.7.3;
- The proposal responds to the built form of the adjoining development, in particular the approved Iglu development, with a 3m tower setback to Regent Street;
- The proposal facilitates view sharing as detailed in the assessment of view impacts provided at Section 4.7.1;
- The proposal will not have unreasonable overshadowing impacts on adjoining or surrounding development or the public domain as detailed in Section 4.7.2; and
- The proposal achieves a high level of amenity in terms of dwelling size, solar access, ventilation and private and communal open space as articulated in the ADG.

Direction of setbacks	DA as submitted separation distances	Amended DA
North:60-78 Regent Street	Levels 2-14: 6.6m Levels 15-17: 8.1m – 10.6m	Level 2-14: 8.1m – 10.6m Levels 15-17: No change: 8.1m – 10.6m
North-west 157 Redfern Street	30m separation	30.3m separation
East: Opposite side Regent Street	23m separation	No change 23m separation
West: 7-9 Gibbons Street	10.9m from the existing balconies 12m to glass line	No change:10.9m from the existing balconies No change: 12m to glass line
South: Opposite of Marian Street	12m	13.5m (except for corner)

Table 8: Comparison of separation distances between original DA and proposed amended DA

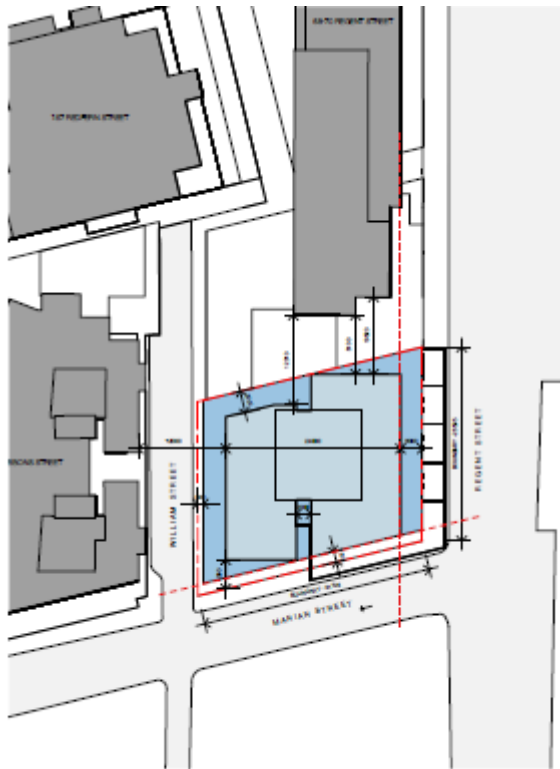


08. Proposed tower separation_L02



10. Proposed tower separation_L03-09

Figure 9: Proposed separation distances level 2-9



09. Proposed tower separation_L10-17

Figure 10: Proposed separation distances level 10-17

4.3 Floor Space Ratio (FSR)

The site is subject to a maximum FSR of 7:1 under the SEPP SSP. The Council identified a number of areas of the proposal that had not been included in gross floor area (GFA) calculation diagrams prepared by SJB Architects. The Council noted that the inclusion of these areas would result in an exceedance of the FSR and reiterated that the GFA be calculated in accordance with the standard definition, which is reproduced below.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
 - (d) any area for common vertical circulation, such as lifts and stairs, and*
 - (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
 - (h) any space used for the loading or unloading of goods (including access to it), and*
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and*
 - (j) voids above a floor at the level of a storey or storey above.*

As a result of amendments and replanning to the floor plans, many of the areas in question that were excluded from GFA calculations have been deleted from the current proposal. Updated GFA calculations have been prepared by SJB Architects and are included in the drawings package at Attachment 1. The proposal has a GFA of 5754m², which equates to a compliant FSR of 7:1.

As detailed in the GFA drawings provided in the architectural drawing package the following elements have been excluded from the calculation of GFA.

- Lifts and stairs;
- Plant and mechanical services;
- External lobbies at ground level for residential apartments and the child care;
- The breezeway to the child care centre on level 1; and
- The residential breezeway corridors on level 2 to 17.

The Council previously raised issue with the residential breezeways corridors not being included in the GFA calculation. The exclusion of breezeways from the calculation of GFA aligns with the interpretation of internal face and calculation of GFA under the NSW Land and Environment Court judgement *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney [10319 of 2015]*.

Having regard to the above it is considered that the current amended proposal addresses issues raised relating to FSR and GFA.

4.4 Compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide

4.4.1 Design Verification Statement

An updated Design Verification Statement has been prepared by SJB Architects and is included at Attachment 7. The Statement demonstrates that the amended proposal satisfies the design excellence principles of SEPP 65.

4.4.2 Apartment Design Guideline (ADG)

The following key issues were raised in relation to compliance with ADG:

- **Solar access:** The City Council indicated that the proposal does not appear to achieve two (2) hours of solar access to 70% of the apartments between 9am and 3pm in mid-winter. A more accurate solar access schedule was requested to determine the number of apartments that achieve solar access for 2 hours in mid-winter, in accordance with the ADG requirements.

Solar access and the updated analysis undertaken by SJB Architects is discussed further below.

- **Building setback/separation:** DP&E required further justification and consideration of variations to setbacks/separation distances to the Iglu development to the north.

Building setback/separation distances has been addressed in Section 4.2 above.

As detailed in the revised ADG Compliance Assessment prepared by SJB Architects included at Attachment 7, the proposal continues to comply with Design Criteria relating to:

- **Communal open space** (roof-top terrace) – the proposal provides 403m² of communal open space on the roof-top, which equates to 49% of the site area, thereby exceeding the 25% requirement. The communal open space receives sunlight all day and thereby satisfies the requirement for 2 hours of solar access to 50% of the open space between 9am and 3pm in mid –winter.
- **Cross ventilation:** more than 60% of the apartments, 90%, are cross ventilated.
- **Ceiling heights:** the habitable rooms of the apartments achieve a minimum ceiling height of 2.7m
- **Apartment size and layout:** The apartments comply with the minimum area requirements.
- **Common circulation space:** A maximum of five (5) apartments are located off a single core, which is less than the maximum of eight (8) apartments. Three (3) lifts are provided for the 79 apartments.
- **Storage:** The apartments and basement accommodate the required storage based on the apartment mix.
- **Car parking:** The proposed car parking complies with the maximum parking requirements applying under the SLEP 2012.

The proposal also complies with the private open design criteria in Section 4E of the ADG with the exception of one (1) of the 3 bedroom apartments on Level 2 podium (2.03). The design criteria in Section 4E specifies the following minimum sizes for private open space and balconies:

- **Balconies:**
 - Studio apartments. 4m² area;
 - 1 bedroom apartments: 8m² area, minimum depth 2m;
 - 2 bedroom apartments: 10m² area, minimum depth 2m; and
 - 3+ bedroom apartments: 12m² area, minimum depth 2.4m
- **Podium apartments:** Private open space of 15m² and 3m depth.

All balconies comply with the minimum sizes. Apartment 2.03 is provided with a 12m² which varies from the required 15m² required for apartments on podium. This is a minor variation and is considered acceptable as the private open space is appropriately sized to ensure residential amenity.

Solar Access

The design criteria in Section 4A-1 of the ADG specifies that living rooms and private open spaces of at least 70% of apartments in a building receive 2 hours of sunlight in mid-winter. The objective of this criteria is: “*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*”

Following feedback on the original DA scheme as to whether 70% of the apartments did achieve 2 hours of sunlight between 9am and 3pm in midwinter, more detailed solar analysis was undertaken by SJB Architects. This includes ‘View from the Sun Diagrams’ provided at 15 minute intervals between 9am and 3pm in mid-winter and Shadow Analysis Plan for each residential level of the building. The analysis is contained in the architectural package at Attachment 1.

The more detailed analysis, in particular the 15 minute interval view from sun diagrams, indicates that the 2 hours sunlight is not achieved to the balconies and living areas of 70% of the apartments, between 9am and 3pm. In order to achieve (2) hours of solar access to 70% of the residential units, it will be necessary to extend the time-frame by an additional one (1) hour from 8am to 3pm. The Solar Analysis Plan indicates that 72% of the apartments will receive two (2) hours of sunlight between 8am and 3pm.

The inability to achieve the two hours between 9am and 3pm arises from the site being orientated to the north-west instead of due north, and the scale of the existing and approved buildings to the north and west. As a result of the location of approved and existing development to the north and north-west, there are limited opportunities to provide apartments with a northern orientation. This is further compounded by the size of the site, which limits the number of apartments that can be accommodated on each level, while at the same time maximising setbacks, achieving minimum apartment and balcony sizes and providing a mix of apartments. These constraints, and the likelihood that the achievement of solar access to 70% of the apartments would rely on an extension of the hours to 8am, was identified in the Request for SEARs.

Within the proposal each floor level contains only (5) apartments, with the exception of Level 2 which contains four (4) apartments. To maximise solar access to the largest number of dwellings, three (3) apartments on each level have been oriented towards Regent Street to the east and north-east. Four (4) apartments on each level are corner apartments, with a dual aspect. One (1) apartment has a south-western orientation to minimise privacy impacts to the adjoining development at 7-9 Gibbons Street.

Despite the departure, the proposal is consistent with the objective in that it seeks to optimise the number of apartments that receive solar access as outlined above. In addition, the proposal is consistent with the design guidance provisions in 4A as the *design maximises north aspect and the number of single aspect south facing apartments is minimised*. 60% of the apartments are provided with a northerly aspect.

On this basis and given that the 2 hours will be achieved between 8am and 3pm, the departure from the design criteria is considered reasonable in the circumstances.

4.5 Design Excellence

The amended proposal is considered to exhibit design excellence in relation to building expression and materials; sustainable design principles and the interface with the public domain. Each of these items are addressed in the following sections.

4.5.1 Building Expression and Materials

The building expression of the amended proposal responds to the existing buildings on site and the historical pattern and character of development on Regent Street and the surrounds as outlined below:

- The existing Victorian shops located on site have been interpreted in the podium design with the inclusion of five (5) distinct shopfronts. The two storey height and proportions of the shopfronts responds to the scale and subdivision pattern of the existing shopfronts on site, and along this strip of Regent Street.
- The parapet steps down on the last shopfront as the building wraps around Marian Street.
- The shopfronts incorporate strong vertical elements, including windows and recesses, to reflect the proportions and character of the existing shopfronts.
- The glazing at ground level is in keeping with the existing shopfronts and read as a doorways and shop windows, within a solid façade.
- The parapet height of the podium is consistent with the parapet of the shopfronts to be retained in the approved Iglu development to the north.
- A continuous awning has been provided along Regent Street, which wraps around Marian Street. The awning steps to follow the topography of Regent Street.
- The material selection complements the existing building fabrics that characterise Regent Street and the area and consistent of face brick, hit and miss brick and pre-cast concrete. Brickwork is the dominant material in the podium which recognises the primarily solid facades of the traditional shopfronts.

4.5.2 Sustainable Design Principles

The proposal incorporates a number of sustainability features, which extend beyond the base-line sustainable measures mandated by the BASIX SEPPs. This includes:

- A green roof, for communal open space, which will incorporate the following features:
 - Pergola structures, with climbers, to provide shade to seated areas; and
 - A mixture of robust native and exotic species all of which have low water requirements and will survive in the exposed conditions of the roof:
- External shading devices;
- Specification of locally sourced materials;
- Low maintenance, long lifecycle, recyclable and reusable materials, including brick; and
- Efficient building services.

Further to the above, the proposal reduces the dependency upon privately owned cars given the site has excellent access to public transport and cycling infrastructure. The site is also within walking distance to a vast range of services and facilities, including major employment nodes such as Australian Technology Park, as well as the University of Sydney. In addition car parking provision has been constrained in accordance with the car parking rates of the SLEP 2012.

4.6 Public Domain Interface

The proposal has been amended to enhance the interface with, and activation of Regent Street and Marian Streets as outlined below:

- Maximise the active frontage to Regent Street by locating the child care centre over a single level, with the exception of the lobby;

- Providing multiple shopfronts and entries to Regent Street which respond to the rhythm, scale and proportion of the traditional shopfronts on site and Regent Street;
- Increasing the ground level setback on Marian Street by 1.5m to align with the adjoining building at 7-9 Gibbons Street and provide a wider footpath;
- Providing a full awning that wraps around Regent and Marian Streets to mitigate wind impacts and provide weather protection;
- The entries into the shops will be fully accessible to ensure equitable access for all persons; and
- The materials and expression of the podium provide further activation.

4.7 Amenity Impacts

4.7.1 View Loss

Impacts on views were raised by residents of the adjacent buildings from 7-9 Gibbons Street and 157 Redfern Street. Impacts on views from the communal living areas of the approved Iglu student development were also raised.

An assessment of potential impacts on views arising from the proposed development has been undertaken for the following properties:

- 157 Redfern Street;
- 7-9 Gibbon Street; and
- 60-78 Regent Street (approved Iglu student housing development).

The properties are identified in Figure 11.

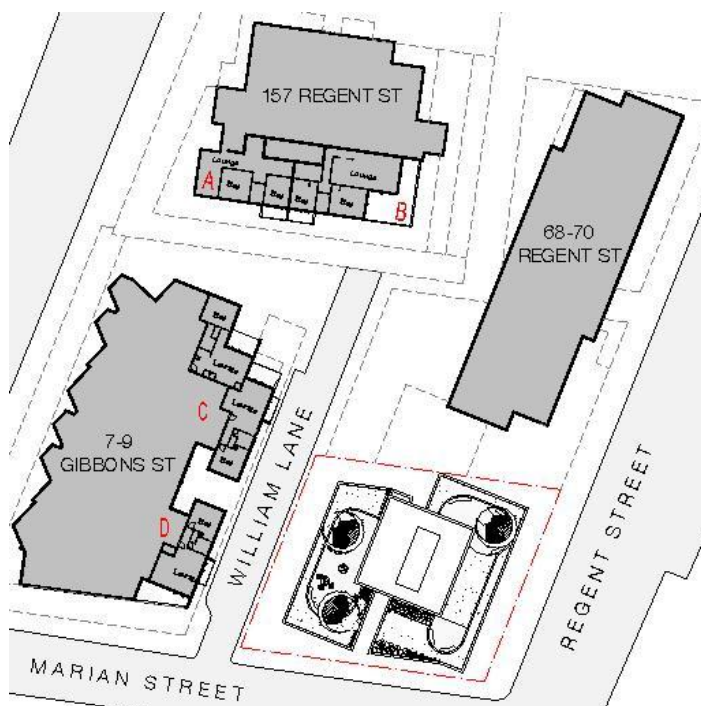


Figure 11: Properties considered in the view impact analysis

This assessment has been made against the planning principles for view sharing established by Senior Commissioner Roseth in the Land and Environment Court decision of *Tenacity Consulting v Warringah [2004] NSWLEC140*.

The assessment is based on a View Impact Analysis prepared by SJB Architects. The photographs included in the analysis were sourced from various on-line real-estate advertisements for the sale or rental of properties within 157 Redfern Street and 7-9 Gibbons Street. The View Impact Analysis also relied on the following data:

- Survey data of 7-9 Gibbons Street and 157 Redfern Street, which identified the location of balconies and openings on the eastern and southern elevation of these buildings.
- The approved stamped drawings for 7-9 Gibbons Street, 157 Redfern Street and 60-78 Regent Street (Iglu Development), which showed the location and layout of potentially affected apartments within the buildings, as well as RLs and other relevant data. This was particularly important in the case of Iglu development, which is not yet constructed.

This information has provided a reasonable indication of the view impacts of the proposal on these three buildings, the absence of inspecting the properties.

Assessment of views to be affected

While an inspection of the available views from apartments within these buildings has not been undertaken, based on the analysis of the site context and the photographs sources from real-estate sites the affected local and district views to the east and south will be affected.

The views to the east consist of the surrounding predominantly residential areas of Redfern and Waterloo and distant views of the Sydney Cricket Ground and football stadium and eastern suburbs. Views to the south are also of Redfern and Waterloo with distant views of Botany Bay.

There are no water views or views of iconic elements, such as the Sydney Harbour Bridge and Sydney Opera House or significant landscape features. For the most part the views are of nearby and distant buildings in Redfern and Waterloo and the surrounding suburbs, and are characteristic of the urban outlooks that would be available from many higher rise buildings throughout the Sydney region.

A description of the broad views available from the three (3) properties is provided in Table 9 below. This is followed by a more detailed description of the apartments within each building that will be affected.

Property	View Description
157 Redfern St	Outlook to the south of Redfern and Waterloo and distant views towards Botany Bay
7-9 Gibbons St	Outlook to the east of Redfern and Waterloo and distant views towards the Sydney Cricket Ground and football stadium eastern suburbs
60-78 Regent St (Iglu Development)	Outlook to the south of Redfern and Waterloo and distant views towards Botany Bay

Table 9: Summary of views and outlooks from adjacent properties

157 Redfern Street

No.157 Redfern Street is located to the north-west of the subject site. There are two apartments located on the southern side of levels 5 to 18, which are potentially impacted by the proposal. For ease of reference,

these are identified as Apartments A and B in Figure 11, which equates to 28 apartments within this building. There are 14 x 'Apartment A' and 14 x 'Apartment B'.

The living areas and balcony of the apartment located on the south-western side of each level (Apartment A) is orientated to west and these views are not impacted by the proposal. Distant views towards the south from the bedrooms of Apartments A may be impacted by the proposal.

Apartment B, which is located on the south eastern corner of Levels 5 to 18 has views towards the south of Redfern and Waterloo and distant views towards Botany Bay. These views will be impacted by the proposal.

7-9 Gibbons Street

No.7-9 Gibbons Street is located to the west of the subject site. There are two (2) apartments located on Levels 4 to 17 that are potentially impacted by the proposal. These apartments are identified as Apartments C and D in Figure 12 and are located on north-eastern and south eastern corners of the building. This equates to 28 apartments, with 14 x 'Apartment C' and 14 x 'Apartment D'.

The 14 x 'Apartment C' are located on the north-eastern corner and has views of Redfern and Waterloo and distant views of the eastern suburbs towards the east and south east. The 14 x 'Apartment D' are, located in the south-eastern corner has views of Redfern and Waterloo and eastern suburbs to the east which will be impacted by the proposal. These apartments also have views of Redfern and Waterloo to the south and distant views towards Botany Bay which will not be impacted by the proposal.

60-78 Regent Street (Iglu)

The approved Iglu student housing development is located directly north of the site. The communal living areas located within the southern end of the building on Levels 2 to 17 have views to the south are impacted by the proposal. The communal areas serve six (6) rooms on each level.

Which part of site is the view available from?

As outlined in Table 10 below, the views are available from living room windows, living room balconies, bedrooms windows and communal student dining/lounge rooms. The apartments within 7-9 Gibbons Street each have two balconies, off their living areas.

The loss of views from living room windows and balconies is considered to be of greater impact, than the loss of views from bedrooms or bedroom balconies.

Property	Location of views
157 Redfern St	
Apartments A (levels 5 to 18)	Living area and balcony: Face west and are not impacted by the proposal. Bedrooms: Potential impact to southern views from bedroom towards the south.
Apartments B (levels 5 to 18)	Living area and balcony: Southern views of Redfern and Waterloo and distant view to the south towards Botany Bay.
7-9 Gibbons St	
Apartments C (levels 4 to 17)	Living area window and balcony: Eastern views of Redfern and Waterloo and distant views of eastern suburbs. Bedroom window (highlight): Eastern views of Redfern and Waterloo and distant views of eastern suburbs.
Apartments D	Living area window and balcony 1: Eastern views of Redfern and Waterloo and distant

Property	Location of views
(levels 4 to 17)	views of eastern suburbs. Living area window and balcony 2: Southern views of Redfern and Waterloo and distant view to the south and towards Botany Bay. Bedroom window: Eastern views of Redfern and Waterloo and distant views of eastern suburbs.
60-78 Regent St (Iglu) Levels 2 to 17	Student communal dining and living areas for six (6) rooms located on levels 2 to 17: Southern views of Redfern and Waterloo and distant view to the south and towards Botany Bay.

Table 10: Location within dwelling from which views are available

Extent of impact in relation to views available?

The view impacts from the apartments ranges from minor to severe. The impact on the views from the apartments has been assessed having regard to the nature of the views, extent of view available as and has been assessed according to the following criteria:

- Negligible;
- Minor;
- Moderate;
- Severe; and
- Devastating.

In general, impacts on partial views are not considered to be as significant as whole or uninterrupted views. A discussion of the view impacts for each of the properties is provided as follows.

157 Redfern Street

The view impacts from 14 x 'Apartment A's' on Levels 5 to 18 will be negligible to minor and is limited to a reduction in views from their bedrooms. The living rooms and balconies of these apartments are oriented to the west and these views will not be impacted by the proposal.

The proposal will have a severe impact on the outlook and district views towards the south from the balcony and living room of the 14 x 'Apartment B's' on Levels 5 to 18. The view analysis shows the view impact from the uppermost apartment on Level 18 from the balcony (refer to Figure 12 below). It can be expected that the impacts will be greater from the lower levels of the building, as Level 18 will retain glimpses of views over the proposal and adjoining Iglu development.

Part of the outlook to the south from the 14 x 'Apartment B's' will be retained down the view corridor created by William Lane. This is not illustrated in the view analysis as it has relied on photographs of views sourced from real estate agent sites.

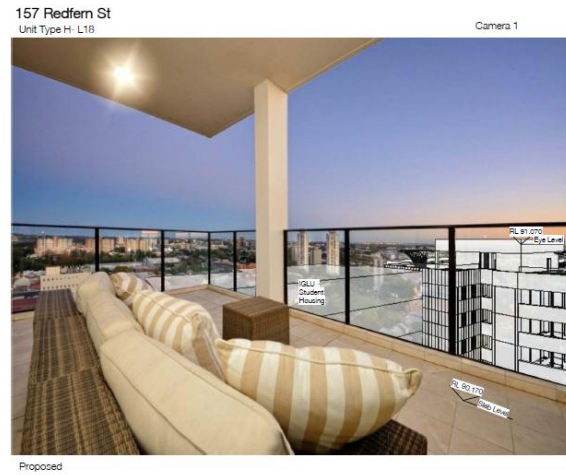
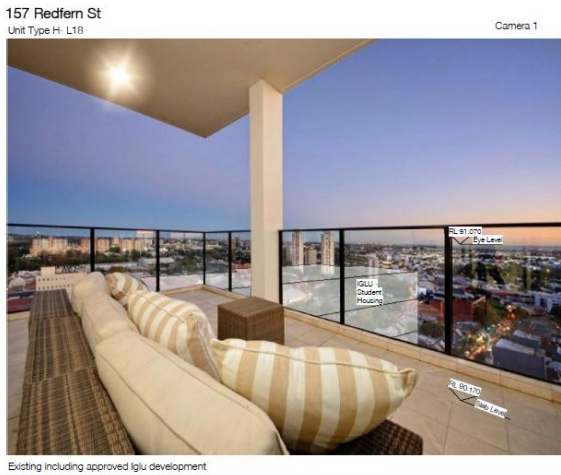


Figure 12: View impacts From Level 18 – 157 Redfern Street

7-9 Gibbons Street

The 14 x 'Apartment C's' on Levels 4 to 17 will retain views to the east from their living room windows and balcony between the proposed building and the Iglu development. As illustrated in Figure 13, the separation between the buildings provides a view corridor that will ensure outlooks and districts views towards the eastern suburbs will be retained from their balcony and living room. Some views towards the south will also be retained from the living area (refer to Figure 14). The proposal will partially obscure views from the bedroom windows of Apartment C from Levels 4 to 17 (refer to Figure 15). Overall the impact on Apartments C on Levels 4-17 is considered to range from minor to moderate.

Views to the south from the living room and balcony of the 14 x Apartment D's on Levels 4 to 17 will not be impacted by the proposal (refer to Figure 16). These apartments have a narrow, secondary balcony off the living room which has views to the east. The proposal will obscure views from this balcony and the balcony windows (refer to Figure 17). The views from the bedroom will also be obstructed. It is noted that these bedrooms have highlight windows, which limits the extent of the view. Overall the impacts on the 14 x Apartment D's on Levels 4 to 17 represents a minor to moderate impact, given the nature of views to the east that will be obscured, and that the views to the south will not be obstructed.



Figure 13: View corridor between the proposed developments at 60-78 Regent Street

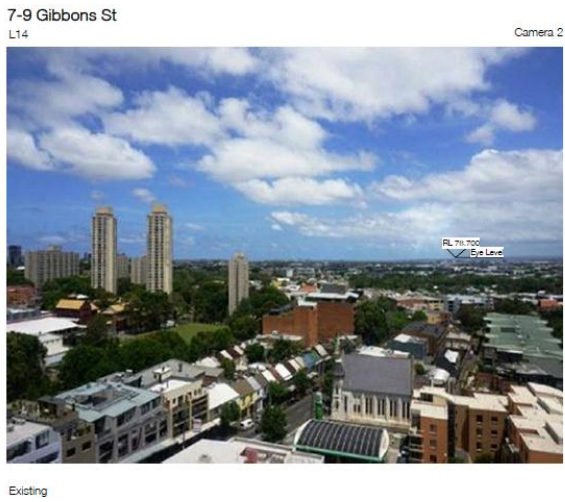


Figure 14: Partial views to the south will be retained from living rooms of 'Apartments C' at 7-9 Gibbons Street (image from level 14)



Figure 15: Partial view to the east will be retained from bedrooms of 'Apartments C' at 7-9 Gibbons Street (image from level 14)

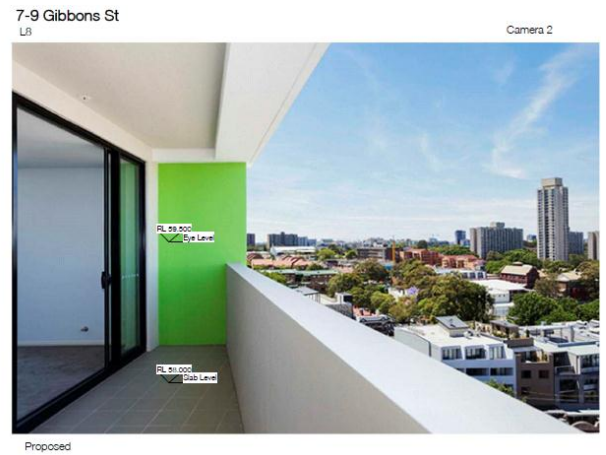
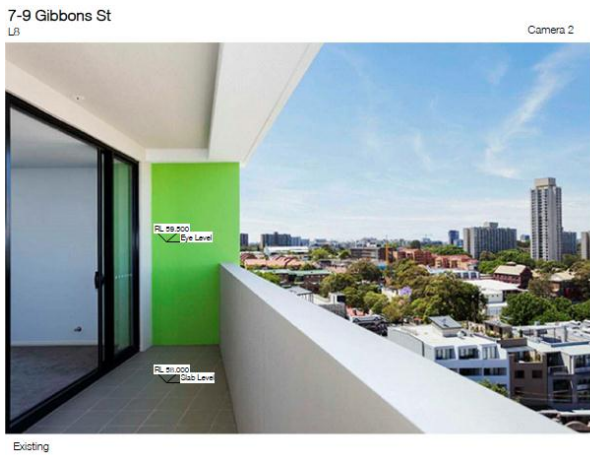


Figure 16: Views to the south from the balconies and living rooms of 'Apartments D' at 7-9 Gibbons Street will not be impacted by the proposal (image from level 8)

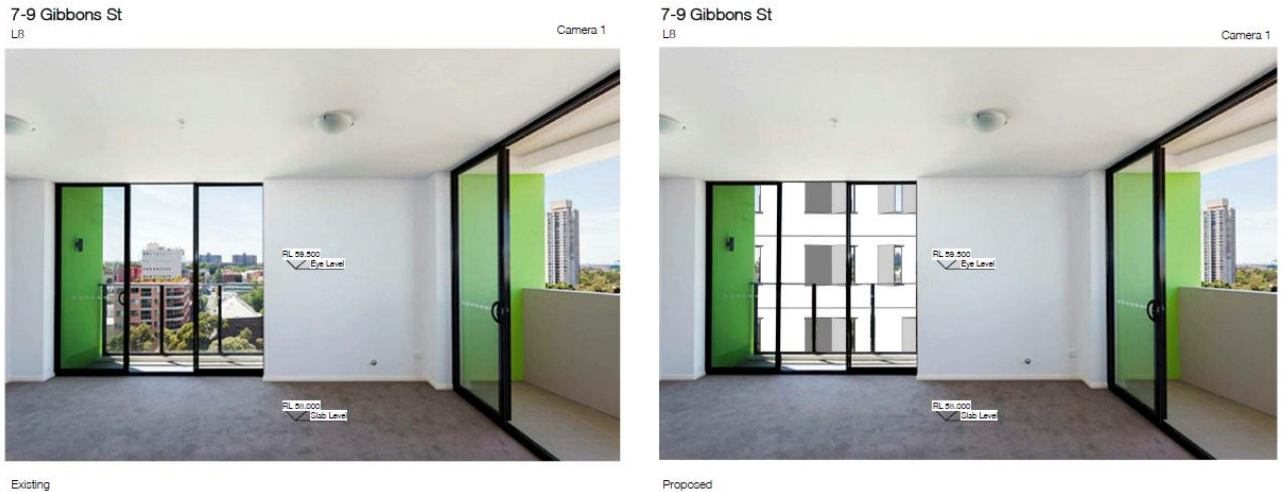


Figure 17: Views to the east from the secondary balconies and living rooms of 'Apartments D' at 7-9 Gibbons Street will be completely obscured by the proposal. Note, the views to the south (refer to Figure 18) are also available from the living room and main balcony of these apartments (image from level 8)

60-78 Regent Street (Iglu)

The proposal will have severe impact on the views from the student communal dining and living areas on each level of the building. Given the communal dining/living areas are located within the centre of the building and orientated south, these views cannot be retained with the development of an 18 storey development on the site as anticipated by the planning control. Furthermore it is noted that the communal lounges, terrace and games rooms on level 1 (podium) have an outlook onto Regent Street.

Reasonableness

The degree to which an impact is considered to be reasonable depends on the extent to which the development complies with the relevant planning controls, and whether impacts could be mitigated by a more skilful design. Each of these elements are discussed below.

Compliance with the Planning Controls

The proposed development complies with the planning controls which seek to regulate the massing, bulk scale and overall height of buildings on the site, and the associated impacts, including view loss impacts.

This includes the 18 storey building height control and FSR controls of 7:1.

The proposal varies from the 2 storey street height/8m tower setback control to Regent Street. As detailed in Section 4.2, the proposed tower setback and street wall height is consistent with the approved Iglu development to the north. Compliance with this control will not reduce any view impacts from the apartments within 157 Redfern Street or 7-9 Gibbons Street or from the Iglu student housing development.

The proposal varies from the 4m tower setback control applying to Marian Street. Compliance with the 4m setback would result in a light reduction in the impacts on easterly views of Redfern and Waterloo and beyond from Apartments D on levels 4 to 17 within 7-9 Gibbons Street. This would be a marginal improvement and is considered of lesser importance given these apartments retain views to the south. Compliance with the 4.0m tower setback to Marian Street, would not alter the impacts on views for the other apartments within 7-9 Gibbons Street, apartments within 157 Redfern Street.

As detailed in Section 4.2 the proposal varies from the setback/building separation criteria applying under the ADG. Achievement of the separation distances will not alter view loss impacts from the Iglu development to or from Apartment D within 7-9 Gibbons Street.

The proposed setbacks to the Iglu will maintain a view corridor to ensure Apartment C at 7-9 Gibbons Street will maintain their easterly views from the living room and balcony. As a result, the variation to the northern boundary setback distances applying under the ADG does not have an unacceptable impact on the views from 7-9 Gibbons Street as it facilitates view sharing and maintains some views to the east.

Increasing the setback to the western boundary (William Lane) to comply with the ADG would maintain a larger view corridor to the south for the 14 Apartment B's on Levels 5 to 18 of 157 Redfern Street. As outlined in Section 4.2, the site is constrained by the proximity of the existing and approved adjoining development, in particular the tower of 7-9 Gibbons Street to the west, which is within 1-2m of the boundary. Compliance with the setback requirements on the site would render the site undevelopable due to the resultant tower footprint.

The impact on views is inevitable in this context where 18 storey buildings are envisaged for this part of the Redfern town centre under the applicable planning controls. It is important to note that views are a result of borrowed amenity afforded to the 7-9 Gibbons Street, 157 Redfern Street and 60-78 Regent Street from the subjected site being undeveloped .

Overall the proposed development has sought to retain some outlooks to the east and south through the siting and built form of the proposal and in this regard facilitates views.

Preservation of views beyond what is currently proposed would impede a viable redevelopment of the site and urban renewal of the centre that is envisaged under the SEPP (SSP) 2005, BEP and Draft Urban Design Principles.

A More Skilful Design

In relation to the question as to whether view impacts could be mitigated with more skilful design, the current proposal was the outcome of rigorous process where by numerous alternative design options were considered for the site. These options are discussed in Section 4.2.2 and the Built Form Analysis prepared by SJB Architects included at Attachment 1.

Overall the site is constrained by the proximity of the existing and approved adjoining development, in particular the tower of 7-9 Gibbons Street to the west, which is within 1-2m of the boundary. As a result there are limited options for the built form and siting of development on the site, which realise the development density, scale and renewal that is envisaged for the site and centre under SEPP (SSP) 2005, BEP and Draft Urban Design Principles.

The design of the proposal has been driven by the detailed consideration of the site constraints and the need to minimise view loss, privacy and other amenity impacts on the adjacent development, while ensuring high levels of amenity is achieved for the development. The proposal provides a slender tower form that accommodates a maximum of five (5) apartments on each level. Impacting on existing views is inevitable with the redevelopment of the site given the 18 storey scale of development that is envisaged under the planning controls. Notwithstanding the design outcome that has been formulated for the site has sought to retain views and facilitates view sharing.

Conclusion

On the basis of the view impact assessment presented above, the supporting information presented in the Attachments, the view impacts arising from the proposed development are considered reasonable in the circumstances of the case.

4.7.2 Overshadowing

Overshadowing impacts were raised in the submissions from residents of the adjacent buildings. In addition the Council and DP&E also required further consideration of overshadowing impacts arising from non-compliances with the street setback controls, in particular the 4m tower setback to Marian Street.

Revised shadow diagrams for the amended proposal have been prepared by SJB Architects at hourly intervals on 21 June (Winter solstice) and are included in the Architectural Drawing Package at Attachment 1. The shadow diagrams indicate that the proposal will not have unacceptable overshadowing impacts as outlined below:

- It will not result in any additional overshadowing to the adjoining residential development at 7-9 Gibbons Street;
- A significant proportion of the shadows created by the proposal will fall within the shadows cast by the approved Iglu development to the north at 60-78 Regent Street;
- The majority of the additional shadows are cast on the existing commercial/retail premises located along Regent Street;
- It does not result in additional overshadowing to Jack Floyd Reserve, located to the east on the opposite side of Regent Street;
- There is negligible difference between the shadow impacts from the proposal and a proposal that provides a 4m tower setback to Marian Street;
- The shadow impacts have been reduced as a result of the reduction in the overall height of the building in the current amended proposal; and
- While the shadow diagrams show distant additional shadows are cast to the east and west. It is anticipated that parts of these areas are already in shadow as a result of the adjoining buildings.

Having regard to the above the overshadowing impacts of the proposal is considered reasonable.

4.7.3 Privacy Impacts

Impacts on privacy was raised in many of the public submissions received from residents of the surrounding buildings. The concerns relating to privacy principally relates to the separation distances between the proposal and the existing and approved adjacent development. The building separation distances have been addressed at length in Section 4.2.2 and demonstrates that despite the proposal not complying with the building setback/separation distances it will not give rise to adverse privacy impacts on the adjacent properties as outlined in the following section:

7-9 Gibbons Street

The proposal will not adversely impact on the privacy of the apartments at 7-9 Gibbons Street, as:

- There are no balconies located on the western elevation. Balconies are located to Marian Street to the south and Regent Street to the east and the north-west;
- Screened (hooded) windows have been provided to the habitable rooms on the western elevation which ensure sightlines are directed away from 7-9 Gibbons Street; and
- Living rooms have been principally oriented to the north-west and south.

157 Redfern Street

A 30m building separation is provided between the apartments within the proposed building that are orientated to the north-west and the balcony of the nearest apartment at 157 Redfern Street. This exceeds ADG separation distances thereby ensuring adequate privacy.

60-78 Regent Street (approved Iglu development)

The submission prepared on behalf of Iglu raised concerns in relation to privacy impacts. To address these concerns a number of amendments were made to the proposal including:

- The Level 2 apartment in the northwest corner has been removed to mitigate any possible privacy impacts on the communal courtyard at level 1 podium;
- Fixed highlight windows are provided to bedrooms within the northern elevation to prevent direct views into the Iglu development;
- The setback to the northern elevation has been increased by 0.3m-1.5m;
- All balconies are oriented towards Regent Street, with only small openings located on the northern elevation (refer to Figure 18); and
- The deletion of the mezzanine levels and lowering of the building has also reduced privacy impacts.

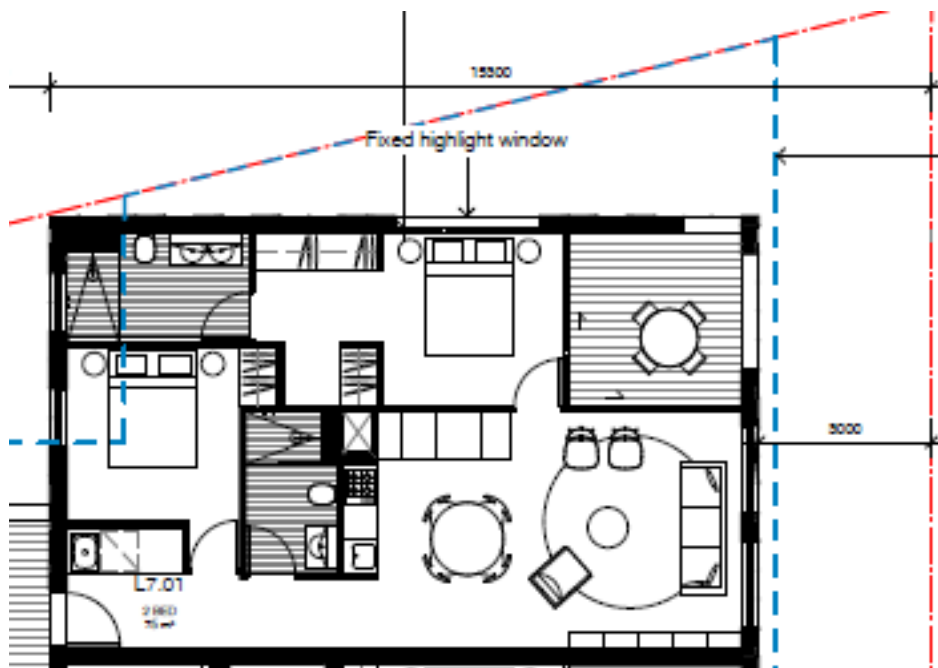


Figure 18: Highlight windows and only small balcony openings to apartments on levels 7-17 facing the Iglu development

4.7.4 Wind Impacts

A number of the public submissions raised concerns with potential wind impacts of the proposal. DP&E requested the submission of a revised wind impact assessment which included wind tunnel testing to ensure the amenity of adjoining apartments at 7-9 Gibbons Street, 157 Redfern Street and the proposed Iglu student accommodation development will be acceptable. In the event that the assessment identified significant wind impacts, further consideration of mitigating these impacts through the proposed built form was required.

A revised Pedestrian Wind Environment Study has been prepared by Windtech and is included at Attachment 6. The report presents the results of a detailed investigation of the wind environment of the proposed development on the outdoor balcony and terrace areas of the adjacent buildings at 7-9 Gibbon Street and 157 Redfern Street, as well as the approved Iglu development at 60-78 Regent Street. The ground level pedestrian areas on the surrounding streets - Marian, Regent and Gibbon Streets – were also assessed.

The results of the study indicate that for 60-78 Regent Street (Iglu) the wind conditions for the Level 1 communal terrace area satisfies the desired criteria. For the remaining adjacent properties of 7-9 Gibbon Street and 157 Redfern Street, the wind conditions for the majority of balcony and terrace areas satisfy the desired criteria or are comparable to, and in most cases better than the existing wind conditions.

In relation to the ground points on neighbouring streets, the results show that the wind conditions for the southern side of Marian Street and the areas to the north and south of the development along Regent Street satisfy the desired criteria.

The wind conditions along the southern aspect of the development, near the corner of Marian Street and Regent Street, exceed the City of Sydney DCP requirements. The strong westerly winds experienced along Marian Street, is an existing condition due to the exposure and alignment of the street. Importantly, the future development on the opposite side of Marian Street on the Gibbons Street corner, is expected to alleviate the impact of these westerly winds. The report provides some suggested treatments for the ground floor to achieve the desired wind speed criteria for pedestrian comfort and safety.

The report also provides revised alternative treatments to mitigate wind impacts to the outdoor play area of the child care centre on Level 1, which include an awning or landscaping. The awning has been incorporated into the architectural drawings included at Attachment 1.

4.7.5 Noise Impacts

Various issues were raised by Council, DP&E and the public submissions in relation to noise and the Noise and Vibration Impact Assessment prepared by Acoustic Logic that was submitted with the application.

The Council raised the following issues and requested the submission of a further acoustic assessment:

- Potential noise sources from the proposal including the use of the communal rooftop terrace and the proposed child care centre on the surrounding residential receivers;
- Noise impacts on residents of the proposed development from the significant roof-top plant on the adjacent buildings; and
- Suitability of the location of the unattended noise monitors for establishing the background noise levels.

Additional issues raised in the public submissions noise from plant and equipment, construction related noise and noise impacts generally.

DP&E requested the submission of an amended Noise and Vibration Impact Assessment which addressed the above issues raised by Council.

In response to the above, Acoustic Logic have prepared an amended Noise and Vibration Impact Assessment which is included at Attachment 8. Acoustic Logic have also prepared a separate response to the issues raised by the Council, which is also included at Attachment 8.

Having regard to the above, it is considered that the issues relating to noise have been addressed.

4.8 Child Care Centre

The following issues were raised in relation to the child care centre:

- Functionality of the design of the child care centre, being located over two levels;
- Requirement for a management plan, which addresses the SDCP 2012 and operational details of the centre;
- The size of the outdoor play area relative to the number of children proposed to be accommodated in the centre;
- Noise attenuation measures that will be required to achieve noise criteria within the centre;
- The proximity of the child care centre to potential sources of electromagnetic frequency;
- The proximity of the child care centre to cooling towers; and
- Adequacy of proposed set-down and drop-off spaces.

In response to the above issues amendments have been made to the child care centre and additional information has been provided as outlined below.

Design, layout and functionality of the Child Care Centre

The design of the child care centre has been amended so that it is completely located on level 1, with the exception of an entrance lobby located on the ground floor, off Marian Street. The entrance lobby will accommodate a pram drop/parking space.

The capacity of the child care centre has been reduced from a 65 place centre to a 53 place centre. In line with this and the design changes of the building the external and internal areas of the centre have been reconfigured.

Due to the proximity of the adjacent buildings, the outdoor play areas will not receive sunlight contrary to the provisions of the SDCP 2012. To compensate for this, the height of the larger outdoor space located on the western side of the level has been increased by an additional 3m to provide an overall height of 6.7m. This will significantly enhance the amenity of this space by ensuring good levels of daylight throughout the year and allowing for mature tree species.

Management Plan

A Plan of Management (PoM) for the child care has been prepared by Edge Management and is included at Attachment 9. The PoM addresses key operational elements of child care centre including:

- Capacity and hours of operation;
- Staffing and general administration arrangements;
- Arrivals and departures – including staff and children;
- Car parking;
- Noise management;
- Fire safety and emergency;
- Security;
- Maintenance; and
- Licences, policies and procedures

Size of the outdoor play areas

As outlined above, the proposed operating capacity of the centre has been reduced from 65 children to 53 children. The proposed outdoor areas have a combined area of 375m². As detailed in the PoM (Attachment 9) the provision of the outdoor area for 53 children is in line with National standards, which requires 7m² of unencumbered outdoor space per child.

Noise attenuation measures that will be required to achieve noise criteria within the centre;

The revised Noise and Vibration Impact Assessment prepared by Acoustic Logic included at Attachment 8, provides an assessment of the noise impacts of the proposed child care centre. The report recommends treatments to the child care centre to ensure the achievement of the relevant internal noise levels from surrounding environmental noise sources, as well as noise from the child care centre to surrounding receivers. The recommended treatments are summarised below:

- Minimum 6.38mm laminated glazing with acoustic seals is required around the perimeter of the outdoor play area, with minimum Rw of 30;

- The underside of the building structure to the west, which over hangs the proposed external area is to have an acoustically absorptive treatment such as envirospray, absorptive insulation or the like. Treatments should be to a minimum of 40% of the soffit area;
- The outdoor play area to be operational between 8am and 6pm on any given day;
- Management is to ensure children are supervised at all times to minimise noise whenever practical and possible; and
- Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.

Electromagnetic Frequency

An Electromagnetic Fields Assessment has been prepared by EMC Technologies and is included at Attachment 10. Based on an analysis of the electromagnetic sources around the site, the assessment concludes that the potential exposure impact is very low.

Formulas used in the assessment represented a theoretical worst case scenario and the results showed that for the existing radiofrequency (RF) sources, no fields at the location of the proposed child care were in excess of the ARPANSA general public exposure limits.

The physical separation of the substation from the proposed child care centre should be sufficient to ensure no field in excess of the ICNIRP general public limits are present in the child care centre if the maximum current load is less than 2000A.

The proximity of the child care centre to cooling towers

Information was requested from the City of Sydney Council, regarding the location of cooling towers within proximity to the site. This information has not been forthcoming at this stage and is expected to be made available by the Council during the assessment of the application.

4.9 Heritage Archaeology

The Council and Heritage Council of NSW identified that an assessment of European archaeology was not included in the Heritage Impact Statement prepared by Urbis and should be provided to assess the archaeological potential of the site. Depending of the conclusions and recommendation of the archaeological assessment, the potential requirement to obtain a s40 excavation permit was also identified by Council and the Heritage Council.

A Historical Archaeological Assessment has been prepared by Urbis and is included at Attachment 11. The assessment concludes that the potential archaeological remains at the subject site are not considered to have research potential and are not considered to meet any of the seven criteria for heritage significance outlined in the *Assessing Significance for Historical Archaeological Sites and 'Relics'* guidelines issued by Heritage Division of the Office of Environment and Heritage (OEH) in 2009.

On this basis, Urbis has assessed the potential archaeological impacts of the proposed development as negligible. There is no identified requirement for further archaeological investigation of the subject site.

In relation to requirements for an excavation permit, the report indicates that as the proposal is State Significant Development (SSD 7080), it is exempt from any requirements to obtain a permit for archaeological investigation or for the potential disturbance of archaeological remains under the *Heritage Act 1977*. As such, the proposed work can proceed with no requirement for a permit under the *Heritage Act 1977*, should the application be approved under Section 89J of the *EP&A Act 1979*.

4.10 Transport, Traffic, Parking and Servicing

4.10.1 Bicycle Parking

In their submissions, Council and Transport for NSW noted that bicycle parking facilities should be located in visible accessible and convenient locations, close to entries, and expressed concern at the location of the bicycle parking near the corner of Marian Street and William Lane. In response to these comments, the bicycle parking has been relocated further along Marian Street alongside the entry to the residential apartments.

4.10.2 Loading and Servicing

As requested by Transport for NSW (TfNSW), A Swept Path Assessment of the loading/waste bay has been undertaken by GTA Consultants and is included at Attachment 12.

4.10.3 Construction Traffic Management

A preliminary Construction Management Plan (CMP) was submitted with the EIS. In accordance with the recommendations outlined in the submissions from RMS and TfNSW (refer to Attachment 4), a Construction Traffic Management Plan and Pedestrian Plan detailing the following is to be submitted to Council prior to the issue of a Construction Certificate:

- Construction vehicle routes, number of trucks, traffic control;
- Hours of operation;
- Access arrangements;
- Impacts on bus operation; and
- Management of pedestrian and cyclist safety.

The Construction Traffic Management Plan and Pedestrian Plan is to be prepared in consultation with TfNSW, RMS and the Council.

Further to the above, it is noted that RMS do not support a construction zone on Regent Street, as was proposed in the Preliminary CMP.

4.10.4 Car parking and Drop –off spaces

Some of the public submissions indicated that the car parking provision on site was inadequate. The proposed two (2) set down/pick-up spaces for the child care centre were also identified as being inadequate.

As noted in Section 2.2 the proposal complies with the maximum car parking rates contained within the SLEP 2012. These are maximum restrained parking rates to minimise private vehicle traffic generated by development and encourage public transport patronage and active transport (walking and cycling) useage.

The site is well serviced by public transport and cycleways and is within walking distances to employment, services and facilities, this includes the CBD. In this regard the site is well suited to a restrained car parking provision and the proposed car parking is appropriate.

With regard to the set town spaces for the child care centre, as identified in the Traffic Assessment prepared by GTA Consultants submitted with the EIS, and the Plan of Management prepared by Edge Management included at Attachment 9, given the site is well serviced by public transport it is envisaged that parents would travel to the site via public transport with their child, drop off/ pick-up their child, then continue their journey to/from work on public transport. The site is also surrounded by a growing residential catchment that would result in a number of local pedestrian trips (with children) to the childcare centre.

On the basis of the above, the provision of 2 set-down and pick-up spaces and 2 long term spaces for the childcare centre is considered appropriate.

4.11 Miscellaneous environmental considerations

4.11.1 Contamination

In response to Council and DP&E's request for a detailed site assessment in accordance with the *NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997* and *SEPP 55 Remediation of Land*, a Detailed Site Investigation has been prepared by EI Australia and is included at Attachment 13.

EI Australia concludes that the widespread contamination was not identified at the site and in view of the proposed development scope and the information available, the condition of the soils and groundwater reported at the site are suitable for the proposed development.

4.11.2 Stormwater run-off and flooding

In response to issues raised by the Council and DP&E in relation to on-site stormwater management an amended Stormwater Concept Plan has been prepared by Bekker and is included at Attachment 14 which incorporates on-site detention (OSD).

To ensure compliance with the City's Interim Floodplain Management Policy the proposal has a minimum flood planning level of 300mm above the adjacent road gutter invert for ground level floors as well as entry to basement including any opening to basement, stair well and lift shaft.

4.12 Affordable Housing Contribution

The affordable housing contribution that will be payable for the proposal will be calculated in accordance with Clause 8 of the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 (Contribution Plan). As noted by Urban Growth in their submission, the amount of contribution payable will be calculated on the basis of the total gross floor area (GFA) of the proposed development, and not on the additional GFA only. That is, the contribution payable on the existing GFA will not be offset against the total contribution. This will be addressed in the conditions of consent.

5.0 Final Mitigation Measures

5.1.1 Mitigation Measures

The measures required to mitigate the impacts associated with the proposed works are detailed in Table 11 below.

Mitigation Measures Response

Construction Management and Construction Traffic Management

A Construction Environmental Management Plan and Construction Traffic Management and Pedestrian Plan is to be prepared prior to the issue of a construction certificate. This will generally be consistent with the Preliminary Construction Management Plan prepared by Milligan Group included at Attachment 10 to the EIS, as amended by the conditions of consent.

The Noise and Vibration Report prepared by Acoustic Logic included at Attachment 8 outlined various mitigation measures in relation to the management of construction noise and vibration.

Wind Impacts

As detailed in the Pedestrian Wind Environment Study included at Attachment 6 potential wind impacts arising from the proposal will be mitigated with the implementation of design treatment.

Reflectivity

As detailed in the Reflectivity Statement prepared by SJB Architects and included in Attachment 3 of the EIS glazing and other cladding materials will have a maximum visible light reflectivity of 20% in accordance with the SDCP 2012.

Acoustic

The Noise Impact and Vibration Report included at Attachment 8 outlines various mitigation measures in relation to the following:

- Minimising impacts from external noise sources, namely traffic, on the proposed development;
- Minimising noise operational impacts from the proposed development on surrounding development; and
- Minimising noise and vibration impacts associated with the demolition, excavation and construction phases of the development on adjoining properties and the public domain.

Waste Management

The provision of waste and recycling facilities and management and disposal of waste generated from the operation of the proposal will be undertaken in accordance with the Waste Management Plan included at Attachment 9 of the EIS.

Traffic and Access

A preliminary Green Travel Plan has been prepared and is included in the Transport Assessment at Attachment 5 to the EIS to manage potential impacts associated with pedestrian, vehicle and cyclist movements to and from the site. This will be supplemented by the preparation of a Travel Access Guide prior to the issue of an Occupation Certificate.

Table 11: Mitigation Measures

6.0 Conclusion

Following on from the feedback received from the relevant government agencies and the general public, Sunny Thirdi Regent St Pty Ltd have responded to the issues raised and have made significant amendments to the proposed development.

This report supplements the Environmental Impact Statement prepared by SJB Planning dated January 2016. Given the justification for the proposal, its fulfilment of strategic and design excellence objectives consistent with the planning framework and satisfactory resolution of potential environmental impacts and response to issues, the proposal as amended warrants approval.



Attachments

Attachment 1: Amended Architectural Drawings prepared by SJB
Architects

Attachment 2: Request for Response to Submissions prepared by DP&E

Attachment 3: Summary of the City of Sydney Submission

Attachment 4: Summary of Submissions from Public Agencies

Attachment 5: Summary of Submissions from the Public

Attachment 6: Pedestrian Wind Environment Study prepared by
Windtech

Attachment 7: SEPP 65 Design Verification Statement and ADG
Compliance Assessment prepared by SJB Architects

Attachment 8: Revised Noise and Vibration Impact Assessment and Response to Council Comments prepared by Acoustic Logic

Attachment 9: Plan of Management for Proposed Child Care Centre
prepared by Edge Management

Attachment 10: Electromagnetic Report prepared by EMC Technologies

Attachment 11: Historical Archaeological Assessment prepared by
Urbis

Attachment 12: Swept Path Assessment prepared by GTA Consultants

Attachment 13: Detailed Site Investigation Report prepared by EI
Australia

Attachment 14: Amended Stormwater Concept Plan prepared by
Bekker