

**Environmental Impact Statement**  
**Student Accommodation**  
**13-23 Gibbons Street, Redfern**  
**State Significant Development Application**  
**SSD 9194**



**January 2019**

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## Issue

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## Abbreviations used in this report

ACHAR	Aboriginal Cultural Heritage Assessment Report
AHD	Australian Height Datum
ARHSEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Sydney Council
DCP	Development Control Plan
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
OEH	Office of Environment and Heritage
OMP	Operational Management Plan
RFDC	Residential Flat Design Code
RMS	Roads and Maritime Services
SDRP	State Design Review Panel
SEARS	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SEPP 1	State Environmental Planning Policy No 1 – Development Standards
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SEPP 65	State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Standard LEP	Standard Instrument – Principle Local Environmental Plan
TfNSW	Transport for NSW
UDPRC	Urban Design Principles, Redfern Centre

# Certification of EIS

## Details of Application

Land to be developed:	13-23 Gibbons Street, Redfern
Description of development:	Construction of new 18 storey building and use for student accommodation and retail purposes
Responsible Person / Applicant:	The Trust Company (Australia) Limited ATF WH Gibbons Trust, ABN 99 215 227 858 Att: Mr John de Fazio
Applicant address:	Level 18, 123 Pitt Street, Sydney NSW 2000

## Author

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## Certification

I certify that, to the best of my knowledge, the content of this EIS:

- is in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;
- includes all available information that is relevant to the environmental assessment of the development; and
- the information contained in the statement is neither false nor misleading.



Chris Wilson

11 January 2018

Date

# Executive Summary

This Environmental Impact Statement (EIS) has been prepared to accompany a State Significant Development (SSD) Application under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the development of a new 18 storey student accommodation building at 13-23 Gibbons Street, Redfern.

The proposal is classified as SSD under Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is located within the Redfern-Waterloo Sites area and has a Capital Investment Value (CIV) of more than \$10 million (\$62m).

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), Secretary's Environmental Assessment Requirements (SEARs) as well as all other relevant statutory requirements that apply to the assessment of the development proposal.

## The Site and Locality

The site is located at 13 - 23 Gibbons Street, Redfern within the City of Sydney Local Government Area (LGA). It is one kilometre from the southern edge of the Sydney CBD and is within close proximity to a number of universities. Redfern Station is 170 metres north of the site.

The site has a legal description of SP 60485 and a surveyed area of 1365.5 m<sup>2</sup>. It has frontages to Gibbons Street and Margaret Street and the north-eastern corner of the site also adjoins William Lane which terminates adjacent to the site. The site effectively occupies the 'missing link' in William Lane, which commences again on the southern side of Margaret Street. A four to five storey residential flat building with 32 residential units above basement parking currently occupies the subject site.

The site is within a part of Redfern currently undergoing urban renewal consistent with planning controls that permit 18 storey buildings. A number of buildings in the northern part of the precinct have been completed including mixed use developments that incorporate residential flat buildings above street level including student housing. Immediately to the north of the site at 11 Gibbons Street is the former City of Sydney Council depot. An application for an 18 storey mixed use building, incorporating social and affordable housing is currently being considered by the Department of Planning and Environment. To the east of the site is a service station whilst the remaining site within the block (90 - 102 Regent Street) is currently low scale development, although an 18 storey mixed use development is also proposed for that site.

To the south of the site on the opposite side of Margaret Street is a three to five storey residential flat building and St Lukes Presbyterian Church which is a local heritage item.

## The Proposed Development

Consistent with the renewal of the precinct, approval is sought for an 18-storey building incorporating purpose-built student housing for 488 students as well as a small retail space on the ground floor. The proposal includes:

- demolition of existing above ground structures and limited excavation to lower the existing basement level



- construction of an 18 storey (plus basement and rooftop plant) building comprising podium (3 levels) and tower (15 levels) elements
- creation of a public through site link with associated landscaping and public art to connect the northern and southern sections of William Lane
- small retail unit at ground floor on Gibbons Street
- remainder of the building to be used for student accommodation, including
  - 488 single occupancy rooms
  - Student communal facilities including lounge areas, quiet and study areas, communal kitchens and dining areas, gym, cinema rooms, games area, communal outdoor spaces, and parking for 163 bicycles

## Consultation

During the development of the proposal, consultation was undertaken with City of Sydney Council, State agencies, The Government Architect's State Design Review Panel (SRDP), neighbouring sites and community stakeholders. The consultation process resulted in a number of key changes to the design to address matters raised by stakeholders as outlined in Section 4. All other matters or requests for additional information have been answered through the consultation process or through the information provided within this EIS.

## Strategic and Statutory Context

Section 5 provides a comprehensive assessment of the proposal against all applicable statutory planning controls and strategic planning policies. As demonstrated in the EIS the proposal is shown to be consistent with the objectives of all applicable controls and policies. The proposal is consistent with State and Premiers Priorities, objectives of the Sydney Region and Eastern City and other key strategic plans, particularly with regard to increasing housing supply, increasing housing affordability, improving accessibility and use of alternative forms of transport, and supporting growth of the Innovation Corridor and education precincts.

In addition, a key policy governing the consideration and assessment of the proposal is State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The ARH SEPP has the statutory aim of increasing the supply and diversity of affordable rental and social housing in NSW. To achieve this aim it includes a number of incentives to encourage affordable housing development, including a 20% floor space bonus for the development of boarding houses.

The proposed student housing development is a boarding house by definition and the provisions of the ARH SEPP (including the floor space bonus) apply to the proposal, subject to the existing zoning of the site being found to be equivalent to one of the zones listed in the ARH SEPP. Detailed analysis within the EIS demonstrates that any reasonable interpretation of the ARH SEPP would result in a finding of equivalency as:

- There is equivalency between the uses permitted under the site's zoning and the uses permitted in the zones identified in the ARH SEPP and in particular, equivalency of boarding houses being permissible in all zones.
- The zones identified in the ARH SEPP represent **all** the Standard LEP zones (out of 35 zones) in which boarding houses are permissible, which demonstrates that the provisions are intended to apply to all zones in which boarding houses are permissible.
- There is equivalency between the 'Business Zone – Commercial Core' and the listed Zones B2, and B4 in particular which seek to allow for the establishment of commercial centres in

accessible locations that incorporate a variety of commercial, community and residential uses, including boarding houses.

- A finding of equivalency is consistent with the purpose and overall objects of the ARH SEPP and the objects of the EP&A Act .

Given the above, the proposal has been designed consistent with the floor space provisions of the ARH SEPP, having a floor space ratio of 8.4:1 (being the permitted 7:1 ratio under State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) plus 20%). Should the relevant authority form the alternative view that the provisions of the ARH SEPP do not apply to the proposal, an objection under State Environmental Planning Policy No 1 – Development Standards (SEPP 1) has been prepared in support of the application.

The proposal is also consistent with the objectives of all other applicable controls and policies, However, the proposal does result in some variations from statutory planning controls, including:

- Minor technical variations from the height control under the SSP SEPP (although the overall intention to achieve an 18-storey built form, inclusive of a 3-storey podium, is achieved).
- No on-site motorcycle parking or manager's residence as required by the ARH SEPP due to the site's excellent access to public transport and as staff will not reside at the site.

SEPP 1 objections have therefore been prepared to support these variations.

There are also some variations from the planning controls and design guidelines identified in the SSP SEPP and the associated Urban Design Principles, Redfern Centre relating to the built form of the podium. The controls and design guidelines envisaged that the podium would be built to all site boundaries to create continuous street walls. However, consideration of public benefit, neighbouring amenity and advice from the State Design Review Panel has resulted in a built form that is significantly setback from the eastern boundary primarily to create a public thoroughfare linking the northern and southern sections of William Lane. Varied setbacks to Margaret Street have also been provided to improve the amenity of the public domain and residences opposite. The proposed variations are justifiable as they result in a superior outcome for the locality and neighbours.

## **Environmental Assessment and Mitigation Measures**

Section 6 provides an assessment of the merits of the proposal, having regard to any potential environmental impacts. Impacts are considered in relation to:

- Built Form and Urban Design
- Residential Amenity of Neighbours
- Transport Traffic Parking and Access
- Aboriginal and European Heritage
- Operational Noise and Vibration
- Wind Impacts
- Sustainability, Energy and Water Efficiency
- Stormwater Management and Flooding
- Waste Management
- Infrastructure and Services
- BCA and Accessibility
- Geotechnical
- Contamination
- Air Quality

- **Construction Management**

The assessment demonstrates the proposal has been carefully designed and incorporates mitigation measures to minimise its environmental impacts. The proposal would not result in unacceptable impacts and no greater impact than any other development of the site envisaged by the applicable planning controls.

Importantly, the proposal delivers a range of benefits including:

- The continued urban renewal of the precinct consistent with the applicable planning controls and urban design outcomes, and other emerging built forms in the Centre;
- The delivery of affordable housing in the form of purpose-built student housing to meet growth in student housing demand in close proximity to a number of universities, transport nodes and service centres, consistent with strategic planning policies aimed at improving housing supply, housing affordability and use of public transport;
- The delivery of an alternative housing form which would reduce pressure on the rental housing market;
- The extension of William Lane resulting in improvements for pedestrian amenity and circulation consistent with contemporary public domain objectives; and
- The injection of \$62m of capital investment into the local and regional economies; and the employment of 240 persons during the construction of the development.

Furthermore, the development demonstrates design excellence by:

- Ensuring a high standard of architectural design with materials and detailing appropriate to the proposed use and complementary to surrounding development and heritage values in the vicinity of the site;
- Improving the quality and amenity of the public domain by providing a high quality landscaped through site link, incorporating artwork to celebrate cultural values, significantly improving street activation, improving pedestrian comfort with the provision of awnings, and improved footpaths and street trees adjoining the site
- Incorporating sustainable design principles incorporating energy and water efficiency measures, maximising access to sunlight and natural ventilation, mitigate against wind, privacy, reflectivity, safety and security impacts; and
- Having been designed taking into account feedback from the SDRP and based on a Design Excellence Strategy developed for the site.

## **Conclusion**

This EIS addresses the SEARs and all relevant statutory requirements including extensive consultation with interested and affected stakeholders. The development has been found to be consistent with relevant strategic and statutory planning objectives and all potential environmental impacts associated with the proposal have been assessed and found to be acceptable.

Finally, the development would contribute to the continued urban renewal of the precinct; deliver a building that demonstrates design excellence; deliver affordable housing in the form of purpose-built student housing, deliver the extension of William Lane, inject significant capital and employment into the economy and provide employment for 240 persons during construction.

Given the above, the EIS concludes the approval of the proposal is warranted in this case.

# 1.0 Introduction

## 1.1 Purpose of this Report

This Environmental Impact Statement (EIS) has been prepared by CW Strategic Planning Services on behalf of Wee Hur Capital Pte Ltd (the applicant) to accompany a State Significant Development (SSD) Application under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for a new 18 storey student accommodation building at 13-23 Gibbons Street, Redfern.

The proposal is classified as SSD under Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is within the Redfern-Waterloo Sites area and has a Capital Investment Value (CIV) of more than \$10 million. Accordingly, this application is made to the Minister for Planning and Environment, as the consent authority.

In accordance with the provisions relating to SSD, an outline of a proposal for development of the site for student accommodation (including 541 beds) and preliminary assessment was submitted to the Department on 7 March 2018, requesting the issue of Secretary's Environmental Assessment Requirements (SEARs). SEARs were issued on 5 April 2018 and then subsequently revised on 9 August 2018 to reflect a change in the site ownership and applicant.

This EIS has been prepared in accordance with the SEARs, the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) as well as all other relevant statutory requirements that apply to the assessment of the development proposal. Compliance with the SEARs is set out in Table 1. This EIS is to be read in conjunction with the supporting plans and reports appended to this report.

This report will describe the site and locality ([Section 2](#)); detail the proposed development ([Section 3](#)); outline consultation already undertaken with key stakeholders ([Section 4](#)); outline and provide an assessment against the applicable statutory and planning policy considerations ([Section 5](#)); carry out an assessment of any potential environmental impacts ([Section 6](#)); describe measures to minimise or mitigate impacts as necessary ([Section 7](#)); and on the basis of the above assessment, provide a conclusion as to whether or not the project is in the public interest ([Section 8](#)).

## 1.2 Overview of Proposal

Approval is sought for an 18 storey building incorporating purpose-built student housing for 488 students as well as a small retail space on the ground floor. A detailed description is provided in Section 3, but key aspects of the proposal can be summarised as:

- demolition of above ground structures and limited excavation to lower existing basement level
- construction of an 18 storey (plus basement and rooftop plant) building, including podium (3 levels) and tower (15 levels)
- creation of a public through site link to connect with William Lane, with associated landscaping and public art
- small retail unit at ground floor on Gibbons Street
- remainder of the building to be used for student accommodation, including
  - 488 single occupancy rooms
  - Student communal facilities including lounge areas, quiet and study areas, communal kitchens and dining areas, gym, cinema rooms, games area, communal outdoor spaces, and parking for 163 bicycles

### 1.3 Secretary's Environmental Assessment Requirements

In accordance with section 4.39 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Secretary of the Department of Planning and Environment issued the requirements for the preparation of the EIS. Table 1 identifies how and where the individual matters listed in the SEARs have been addressed in this report and the accompanying technical studies.

**Table 1: Compliance with SEARs**

Requirement	Location in EIS
<b>General Requirements</b> <ul style="list-style-type: none"> <li>Prepared in accordance with clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000</li> <li>An environmental risk assessment to identify the potential impacts associated with the development</li> <li>Report from a qualified quantity surveyor providing a detailed calculation of the capital investment value of the development, estimate of jobs created and verification of accuracy.</li> </ul>	Throughout EIS: refer to Section 5.2. Sections 6 & 7 Appendix A
<b>Environmental Planning Instruments, Policies and Guidelines</b> Statutory provisions of EPIs, including: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State &amp; Regional Development) 2011</li> <li>State Environmental Planning Policy (State Significant Precincts) 2005</li> <li>State Environmental Planning Policy (Urban Renewal) 2010</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>State Environmental Planning Policy No 64—Advertising and Signage</li> <li>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> </ul> Relevant provisions, goals and objectives of: <ul style="list-style-type: none"> <li>NSW State Priorities</li> <li>NSW Long Term Transport Master Plan</li> <li>Better Placed – An integrated design policy for the built environment of New South Wales.</li> <li>Guide to Traffic Generating Developments (RMS)</li> <li>A Plan for Growing Sydney</li> <li>Revised draft Eastern City District Plan</li> <li>Towards our Greater Sydney 2056</li> <li>Sydney Local Environmental Plan 2012</li> <li>Sydney Development Control Plan 2012</li> <li>Sustainable Sydney 2030</li> <li>Central to Eveleigh Urban Transformation Strategy</li> <li>Redfern-Waterloo Built Environment Plan (Stage One) August 2006</li> <li>Redfern-Waterloo Development Contributions Plan 2006</li> <li>Redfern-Waterloo Affordable Housing Contributions Plan 2006</li> <li>Redfern Centre Urban Design Principles</li> </ul>	Section 5.4 Section 5.6 Section 5.11 Section 5.8 Section 5.9 Section 5.12 Section 5.13 Section 5.5 Section 5.14 Section 5.19 Section 5.19 Section 5.19, Appendix D Section 5.19 Section 5.19 Section 5.19 Section 5.19 Section 5.15 Section 5.17 Section 5.19 Section 5.19 Section 5.17 Section 5.17 Section 5.17 Section 5.16
<b>Design Excellence</b> A design excellence strategy prepared in consultation with the NSW Government Architect, demonstrating how the proposal will achieve design excellence. This strategy shall identify: <ul style="list-style-type: none"> <li>the process to ensure that design excellence is achieved</li> <li>process of engagement with the State Design Review Panel</li> <li>connection of William Lane through the site</li> </ul>	Appendix D

Requirement	Location in EIS
<b>Built Form and Urban Design</b> <ul style="list-style-type: none"> <li>An outline of the design process leading to the proposal with justification of the suitability of the site for the proposal.</li> <li>An urban design analysis with consideration of the proposed building form, height, setbacks, bulk and scale in the context of the immediate locality, the wider area, street activation and the desired future character of the area, including views, vistas, open space, the public domain and connectivity.</li> <li>Evidence of a genuine attempt to amalgamate the site to achieve compliance with the minimum lot sizes in accordance with the Redfern Centre Urban Design Principles. If this cannot be achieved, the proposal must demonstrate that the proposed setbacks and building height are appropriate in the context of the site.</li> <li>Demonstration of the future redevelopment of the adjoining properties.</li> <li>Where possible, consider opportunities for public art in area visible from the streets or accessible to the public.</li> </ul>	Appendix D,  Section 6.1, Appendix D, Appendix E Appendix F Section 6.1.6  Section 6.1.6 Section 6.1 & Appendix H4
<b>Building Use</b> <ul style="list-style-type: none"> <li>A table identifying the proposed land uses including a floor-by-floor breakdown of GFA, total GFA and site coverage.</li> <li>Details of the proposed use and operational details for each component of the development, including but not limited to: <ul style="list-style-type: none"> <li>hours of operation</li> <li>patron capacity</li> <li>details of any music to be provided on the premises</li> <li>proposed lighting and illumination</li> <li>the relationship between the proposed uses of the building</li> </ul> </li> <li>A plan of management in accordance with the relevant City of Sydney Council guidelines where required.</li> </ul>	Appendix C, (DA0004) Section 3.3, Appendix W         Appendix W
<b>Amenity</b> <ul style="list-style-type: none"> <li>Detail the impacts of the development on view loss, sunlight/overshadowing, wind impacts, reflectivity, visual and acoustic privacy to achieve a high level of environmental amenity.</li> <li>Demonstrate any potential overshadowing onto the adjoining open space and neighbouring residential properties with shadow diagrams. The portions of the building creating any non-compliance are to be identified and adequately justified.</li> <li>Outline and address the proposed development's impacts in terms of safety and security, including consideration of Crime Prevention through Environmental Design (CPTED) principles.</li> <li>Detail any external lighting or illumination and consider the impacts of this lighting/illumination to surrounding properties and the public domain.</li> <li>Demonstrate and address any wind impacts of the proposed tower and setbacks.</li> </ul>	Section 6.2, 6.5, 6.6, Appendices C, D, I, K, M Section 6.2 & Appendix C  Section 6.1.4, Appendix D  Appendix M  Section 6.6 & Appendix K
<b>Visual Impacts</b> <ul style="list-style-type: none"> <li>A visual impact assessment to identify the visual changes and view impacts of the project to/from key vantage points and surrounding land. Photomontages or perspectives should be provided showing the project.</li> <li>The visual impact assessment must consider the impact of the development on any existing and proposed developments including any view loss.</li> </ul>	Appendix F
<b>Transport, Traffic, Parking and Access</b> A transport and accessibility impact assessment prepared in accordance with the relevant guidelines that provides, but is not limited to the following: <u>Operation</u> <ul style="list-style-type: none"> <li>current daily and peak hour traffic generation (light and heavy vehicle), public transport network, walking and cycling movements, existing traffic and transport facilities located within the vicinity of the proposed development</li> <li>estimated daily and peak hour traffic generation (light and heavy vehicle), public transport, point to point transport, walking and cycling trip generation</li> </ul>	Section 6.3 & Appendix J

Requirement	Location in EIS
<ul style="list-style-type: none"> <li>an assessment of the car parking, loading and servicing facilities for the proposed development and compliance with appropriate parking codes and justification for the amount of car parking, loading and servicing facilities provided on the site.</li> <li>access to, from and within the site from the road network including intersection locations, design and sight distance (i.e. turning lanes, swept paths, sight distance requirements)</li> <li>proposed access arrangements including vehicles access, drop off arrangements, service vehicles, emergency vehicles and loading areas for the development</li> <li>sustainable travel initiatives for employees, students and visitors, particularly for the provision of, green travel plans and wayfinding strategies</li> <li>details of bicycles parking facilities as these facilities need to be provided in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance</li> <li>the existing, proposed and any temporary pedestrian and bicycle routes as well as measures to maintain road and personal safety in accordance with CPTED principles</li> <li>an assessment of predicted impacts on road safety</li> <li>provisions for end of trip facilities and on-site bicycle parking in accordance with relevant RMS/Council guidelines and Australian Standards</li> <li>demonstrate adequate provision for servicing of the site in relation to loading demands, size of waste collection area and method of collection to/from and within the site.</li> </ul>	
<p><b>Construction</b></p> <ul style="list-style-type: none"> <li>an assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists, including the preparation of a draft Construction Pedestrian Traffic Management Plan. This Plan shall include vehicle routes, truck numbers, hours of operation, access arrangements and traffic control measures for all works</li> <li>details of construction vehicle routes, peak hour and daily truck movements, hours of operation, access arrangements at all stages of construction and traffic control measures for all works</li> <li>an assessment of construction impacts on road safety at key intersections and locations for potential pedestrian, vehicle and bicycle conflicts</li> <li>cumulative construction impacts of projects including Sydney Metro City and Southwest</li> <li>details of any temporary cycling and pedestrian access during construction</li> <li>detail of access arrangements for workers, emergency services and the provision for safe and efficient access for loading and deliveries.</li> </ul>	Section 6.15 & Appendix U
<p><b>Signage</b></p> <ul style="list-style-type: none"> <li>Provide detail on the location, size and content of any proposed signage.</li> <li>Consider any signage as part of the overall built form and urban design of the development.</li> </ul>	Section 3.0, Section 5.12, Appendix C
<p><b>Heritage and Archaeology</b></p> <ul style="list-style-type: none"> <li>A Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. The SOHI is to address the impacts of the proposal on any heritage significance of the site and adjacent areas and is to identify the following:             <ul style="list-style-type: none"> <li>all heritage items (state and local) within the vicinity of the site including built heritage, landscapes and archaeology, and provide detail on their heritage significance and location.</li> <li>the impacts of the proposal on heritage items</li> <li>compliance with the policies of relevant Conservation Management Plan</li> <li>potential visual impacts of the proposal on the heritage significance of heritage items in the vicinity of the site</li> </ul> </li> </ul>	Appendix H



Requirement	Location in EIS
<ul style="list-style-type: none"> <li>the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items</li> <li>any impacts of the proposal on the heritage significant building at St. Luke's Presbyterian Church, 118 Regent Street to the south each of the site.</li> <li>A historic archaeological assessment prepared by a suitable historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines including but not limited to 'Assessing Significance for Historical Archaeological Sites and Relics' 2009. The assessment is to demonstrate the following;               <ul style="list-style-type: none"> <li>the Aboriginal cultural heritage and historical archaeological relics likely to be present within the site and their significance</li> <li>the likely impacts of the proposal on these relics</li> <li>opportunities for avoidance through careful consideration of redesign where state significant archaeological resources are identified</li> <li>appropriate mitigation strategies where harm is likely to occur</li> </ul> </li> <li>An interpretation strategy that includes the provision for interpretation of any archaeological resources uncovered during the works.</li> </ul>	<p>Appendix H</p> <p>Appendix H</p>
<p><b>Aboriginal cultural heritage</b></p> <ul style="list-style-type: none"> <li>The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and be guided by the Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and consultation with OEH regional branch officers.</li> <li>Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.</li> <li>Impact on Aboriginal cultural heritage values are to be assessed and documented in an ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.</li> <li>The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the development to formulate appropriate measures to manage unforeseen impacts.</li> </ul>	<p>Appendix H</p>
<p><b>Public Domain and Public Access</b></p> <ul style="list-style-type: none"> <li>The scope of public domain improvements, street activation, key pedestrian linkages with and between other public domain spaces, existing and proposed buildings and surrounding areas.</li> <li>Demonstrate consultation with the City of Sydney Council regarding the potential connection of William Lane through the site.</li> </ul>	<p>Sections 3.0, 6.1.4</p> <p>Appendices E &amp; T</p> <p>Section 4.1</p>
<p><b>Noise and Vibration</b></p> <ul style="list-style-type: none"> <li>A noise and vibration assessment prepared in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise impacts on nearby noise sensitive receivers and outline proposed noise mitigation and monitoring procedures.</li> <li>Address the acoustic privacy between the residential rooms and the communal areas which share floors.</li> </ul>	<p>Sections 6.5, 6.15, Appendix I and U</p>
<p><b>Air Quality, Odour and Waste</b></p> <ul style="list-style-type: none"> <li>The potential air quality, odour and waste impacts during the construction and operation of the development and appropriate mitigation measures.</li> </ul>	<p>Sections 6.9, 6.14, Appdx N, U, X</p>



Requirement	Location in EIS
<b>Drainage and Flooding</b> <ul style="list-style-type: none"> <li>The drainage/flooding issues associated with the site, including: <ul style="list-style-type: none"> <li>stormwater and drainage infrastructure</li> <li>assessment of any flood risk in accordance with the guideline contained in the NSW Floodplain Development Manual 2005, including potential effects of climate change, sea level rise and an increase in rainfall intensity.</li> </ul> </li> </ul>	Section 6.8 & Appendix Q
<b>Soil and Water</b> <ul style="list-style-type: none"> <li>The potential impact of the development on groundwater levels, flow paths and quality.</li> <li>The potential impacts in terms of the NSW Aquifer Policy (DPI, 2012).</li> <li>Any water licensing requirements or other approvals required under the Water Act 1912 or Water Management Act 2000.</li> <li>The geotechnical issues (including Acid Sulphate Soils) associated with the construction of the development.</li> </ul>	Appendix P  Appendix P Nil  Appendix P
<b>Biodiversity</b> <ul style="list-style-type: none"> <li>Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 using the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and the Biodiversity Assessment Method.</li> <li>The BDAR must document the application of the avoid, minimise and offset hierarchy including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.</li> </ul>	Section 5.3 & Appendix Z
<b>Ecologically Sustainable Development</b> <ul style="list-style-type: none"> <li>Detail of how best practice ESD principles (as defined in clause 7(4) of Schedule 2 of the Regulation) will be incorporated in the design, construction and ongoing operation phases of the development</li> </ul>	Section 6.7 & Appendix L
<b>Contamination</b> <ul style="list-style-type: none"> <li>Compliance with the requirements of SEPP 55.</li> </ul>	Section 5.9 Appendix O
<b>Developer Contributions</b> <ul style="list-style-type: none"> <li>The scope of developer contributions proposed</li> </ul>	Section 5.17
<b>Building Code of Australia and the Disability Discrimination Act</b> <ul style="list-style-type: none"> <li>A BCA and access report demonstrating compliance with the Building Code of Australia and the Disability Discrimination Act 1992.</li> </ul>	Appendices R & S
<b>Infrastructure</b> <ul style="list-style-type: none"> <li>Identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure.</li> <li>The existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies.</li> </ul>	Section 6.10 & Appendix V
<b>Land Ownership and Tenure</b> Detail of the current landownership and proposed management of future ownership.	Section 3.0
<b>Consultation</b> During the preparation of the EIS, the applicant must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, consultation is required for the following agencies: <ul style="list-style-type: none"> <li>The City of Sydney Council; NSW Government Architect's Office; Roads and Maritime Services; Sydney Coordination Office within Transport for NSW; The Office of Environment and Heritage; Environment Protection Authority; Sydney Water; Adjoining Sites</li> </ul>	Section 4.0 & Appendix G

## 1.4 Project Team

This Environmental Assessment has been prepared by comprehensive consultant team including:

- |                                      |  |
|--------------------------------------|--|
| • Allen Jack+Cottier                 | Architecture and Urban Design                        |
| • CW Strategic Planning Services     | Urban Planning                                       |
| • Turf Design Studio                 | Landscape Design                                     |
| • Richard Lamb and Associates        | Visual Impact Assessment                             |
| • Artefact Heritage Services         | Heritage   |
| • Northrop                           | Acoustic   |
| • The Transport Planning Partnership | Traffic and Transport                                |
| • SLR Consulting                     | Environmental (ESD, Wind, Reflectivity, Light Spill) |
| • Wilkinson Murray                   | Odour and Air  |
| • Douglas Partners                   | Contamination and Geotechnical                       |
| • JHA Consulting Engineers           | Flooding and Stormwater                              |
| • McKenzie Group                     | BCA Assessment                                       |
| • Accessible Building Solutions      | Accessibility  |
| • Woolacotts                         | Civil Engineering                                    |
| • Arcadis                            | Services   |
| • Waste Audit                        | Waste Management                                     |
| • WT Partnership                     | Quantity Surveying                                   |
| • Linker Surveying                   | Site Survey  |

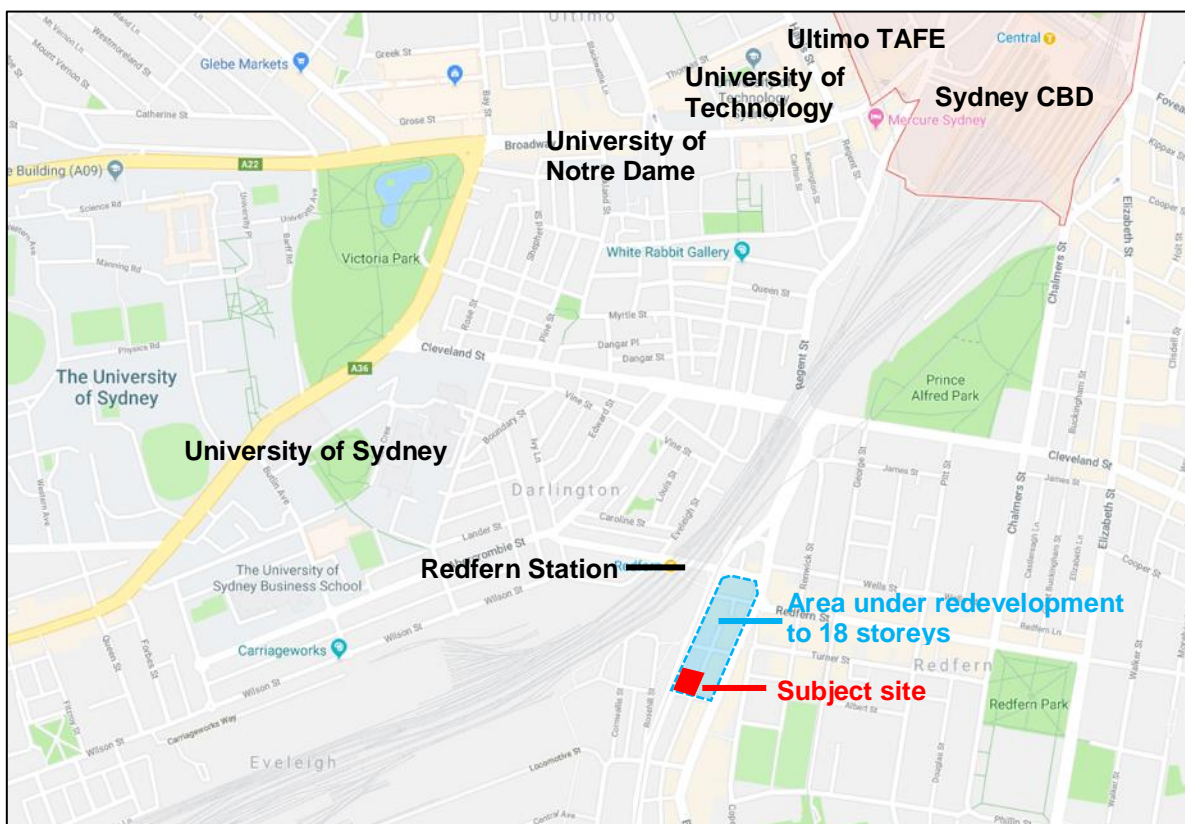
## 2.0 Site Analysis

### 2.1 Site Location

The site is located at 13 - 23 Gibbons Street, Redfern within the City of Sydney Local Government Area.

The site is one kilometre from the southern edge of the Sydney CBD and is within close proximity to a number of universities and educational institutions. The major transport hub of Redfern Station is 170 metres north of the site.

The site is within an area undergoing redevelopment and transformation, as planning controls permit the development of 18 storey mixed use developments in this part of Redfern.



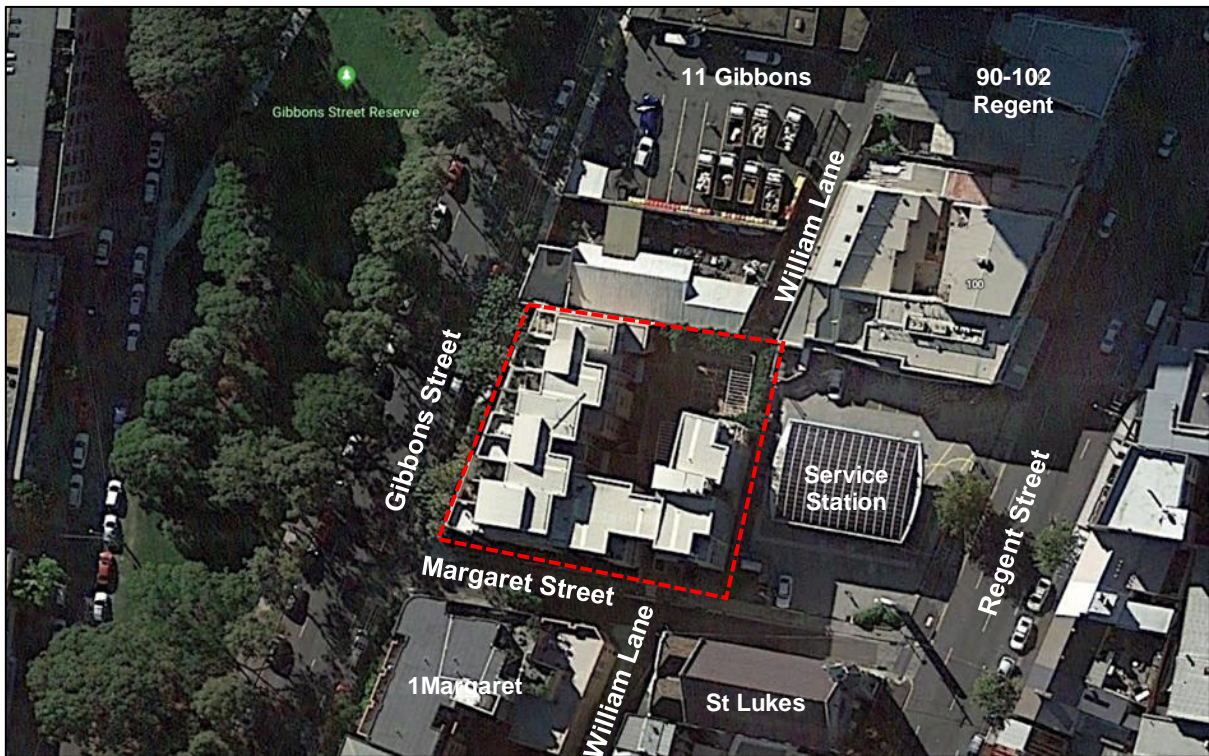
**Figure 1: Site Location**  
(base image source: Google Maps)

### 2.2 Site Description

The site has a legal description of SP 60485 and a surveyed area of 1365.5 m<sup>2</sup>. It is trapezoidal in shape and has a western frontage to Gibbons Street of 34 metres and southern frontage to Margaret Street of 38 metres. The north-eastern corner of the site also adjoins William Lane, where it terminates, adjacent to the site. The site effectively occupies the 'missing link' in William Lane, which commences again on the southern side of Margaret Street. The site slopes very gently from the north-western to the south-eastern corner of the site.

Currently on the site is a four to five storey residential flat building with 32 residential units above basement parking, accessed from Margaret Street. Images of the site are shown in Figures 2 - 4.





**Figure 2: Aerial view of subject site**  
(base image source: Google Maps)



**Figure 3: Existing 4-5 storey building on the site as viewed from Gibbons Street**  
(source: Google Maps)



**Figure 4: Existing 4-5 storey building on the site as viewed from Margaret Street**  
(source: Google Maps)

## 2.3 Surrounding Development

As shown in Figure 1, the site forms the south-western corner of an area currently under redevelopment as planning controls (described in Section 5.6) permit 18 storey buildings in this part of Redfern. A number of buildings in the northern part of the precinct have been completed including mixed use buildings incorporating residential flat buildings above street level as well as student housing (Figure 6).

Immediately to the north of the site, 11 Gibbons Street, Redfern is the former City of Sydney Council depot and has an area of 1540m<sup>2</sup>. An 18 storey mixed use building, incorporating social and affordable housing is proposed for development on the site. At the time of writing, an application had been made for the building (SSD 7749) and was still under assessment. Figures 5 and 7 depict the existing site and Figure 8 includes an image of the proposed development within the context of surrounding proposed and exiting development.

Immediately to the east of the site is a service station operated by BP Australia with an area of 1341m<sup>2</sup> and frontages to Margaret Street and Regent Street (Figure 9). No application has been made as yet for the redevelopment of this site.

Completing the block, 90 - 102 Regent Street is currently low scale development, although SEARs have been issued of redevelopment of the site as an 18 storey mixed use development.

South of the site, on the opposite side of Margaret Street is a three to five storey residential flat building with frontages to Gibbons Street, Margaret Street and William Lane, known as 1 Margaret Street (Figure 10).



Also on Margaret Street, with its main frontage to Regent Street is St Luke's Presbyterian Church, a heritage item with local significance under Sydney Local Environment Plan 2012 (Figure 9).

To the west of the site, Gibbons Street is a major arterial road with one way (northbound) traffic. It is underlain by the Eastern Suburbs Railway Line / Illawarra Relief rail tunnels.

On the western side of Gibbons Street is Gibbons Street Reserve, an area of open space, including trees and grassed area, which slopes up to the west along most of its length towards Rosehill Street (Figure 11). The northern end of the reserve adjoins Redfern Railway Station, being a major transport hub for the locality and heritage item of State significance.

To the east of the site, close to the alignment of Regent Street is the CBD Rail Link Interim Rail Corridor incorporating the new Sydney Metro line under construction and due to be completed in 2024. The nearest associated station will be Waterloo Station, approximately 400 metres south-east of the subject site.



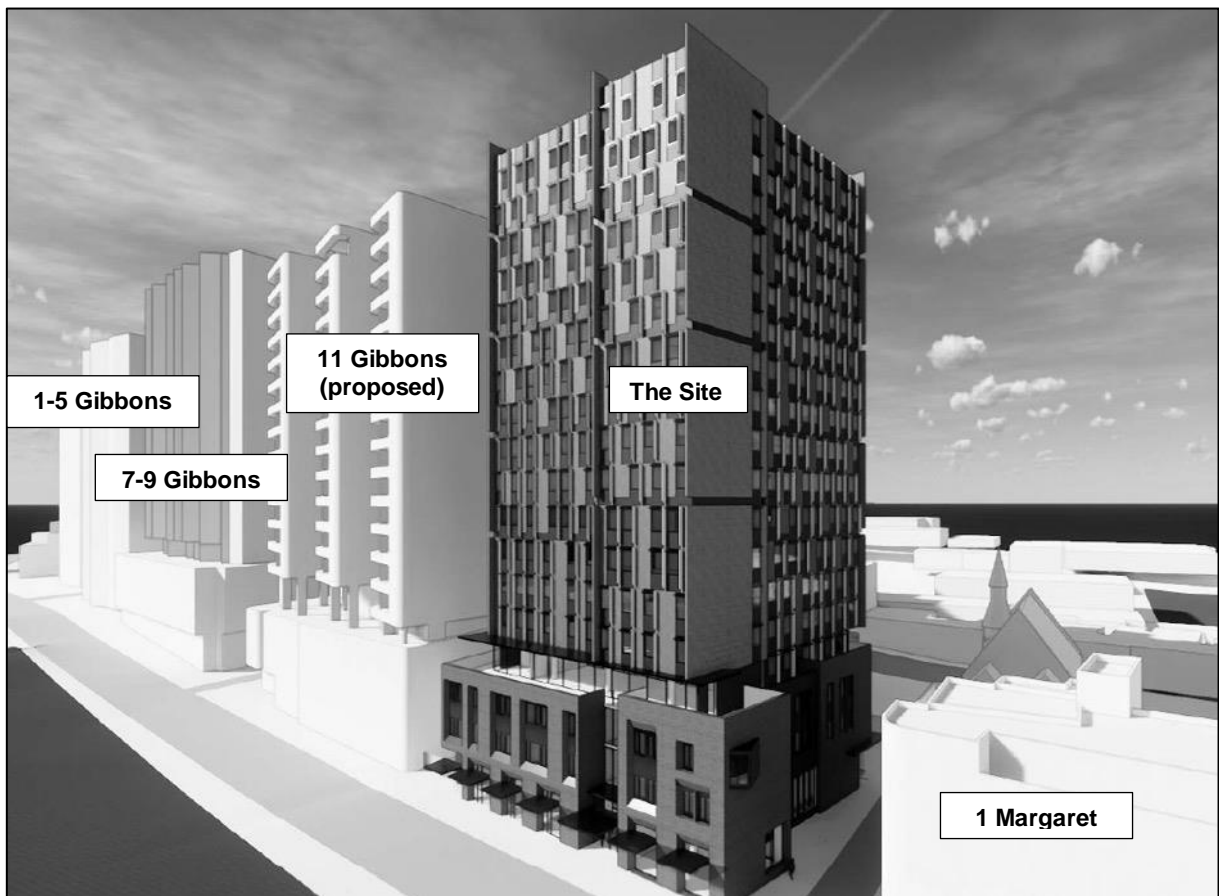
**Figure 5: Adjoining development on Gibbons Street**  
(Source: Turf Design Studio)



**Figure 6: 18 storey development in the northern part of the precinct**  
(source: Google Maps)



**Figure 7: 11 Gibbons Street adjoining site to the north**  
(source: Google Maps)



**Figure 8: The site within the context of existing and proposed adjoining built forms on Gibbons Street**  
(source: AJ+C Architects)





**Figure 9: Margaret Street, St Luke's Church and BP Service Station as viewed from Regent Street**  
(source: Google Maps)



**Figure 10: 1 Margaret Street as viewed from Gibbons Street**  
(source: Google Maps)





**Figure 11: Gibbons Street Reserve opposite the site to the west**  
(source: Google Maps)



**Figure 12: William Lane to the north of the site**  
(source: Google Maps)

## 3.0 The Proposed Development

### 3.1 Background and Strategic Justification for the Development

The Applicant for the proposal is an experienced international developer, who is developing a number of purpose-built student accommodation sites throughout Australia, including Australia's largest student accommodation development (1,578 beds) in Brisbane. The proposal marks the first development for the Applicant in Sydney. The Applicant purchased the site in 2018 in part due to its excellent location within walking distance of an education precinct made up of a number of inner-city university campuses, as well as its access to transport and services.

The proposed student housing development in this location will align with a number of strategic planning goals as outlined below.

As Sydney's universities are well recognised as being of world class quality, there is strong demand for places and therefore associated demand for housing from both international and domestic students. A report by Colliers International "*The Graduation of a Sector: Australian Purpose Built Student Accommodation Research & Insights Report 2018/2019*" advises Australia is among the top three destinations for international students studying abroad and a primary drawcard is the ability to accommodate students in close proximity to the university at an affordable price. The report also demonstrates there is a significant upwards trend in enrolments, including international enrolments and as such, demand for associated housing will continue to grow. At the same time, there is a shortfall of housing in Sydney, compared to other cities, particularly within price ranges affordable to students within the inner-city areas, accessible to the universities.

The proposed purpose-built student housing will deliver housing for a greater number of students in a format that is much more affordable than a typical residential flat building, as well as being able to deliver services and facilities that meet the very specific needs of students. The supply of 488 beds in this locality will also assist with relieving the upward pressure on housing rental prices in the area, by removing a large number of students from competition for local private rental accommodation. These outcomes are consistent with key strategic directions and goals of the NSW Government, objectives of the Environmental Planning and Assessment Act and associated Environmental Planning Instruments (discussed in Section 5) aimed at increasing housing stock and improving housing affordability. It is noted that student housing, as boarding housing, is a recognised form of affordable housing.

The provision of student housing will also support the continued growth of the education sector and the nearby education precinct, enabling universities to continue to attract students nationally and internationally and is therefore also consistent with strategic directions and objectives relating to education, innovation and economic growth.

The location of the site within walking distance to the universities, the CBD, and major transport hubs enables car-free living, with no car or motorbike parking proposed on the site. The proposal therefore also supports key strategic planning directions and objectives related to promotion of reduced reliance on private vehicles and improved opportunities for other modes of transport.

Further, the development is well suited to its location within the Redfern Town Centre, where planning controls (discussed in Section 5) are seeking to facilitate the development of the centre with high quality 18 storey buildings. The proposal would contribute to the growth and vitality of

the centre, with a well-designed building, consistent with the height and scale of emerging development in the centre as envisaged by the planning controls, active ground plane and improvements to the public domain.

### 3.2 Objectives of the Proposed Development

The objectives of the development are set out in the Architect's Design Statement at Appendix D, and include:

*“To deliver a high quality managed student residence which provides for the expressed need for affordable housing for students, both domestic and international, within the vicinity of the urban campuses of central Sydney”*

and

*“through the use of urban, architectural, landscape and artistic design, the proposal aims to revitalise and enhance the urban and social context of the site to the benefit of both the students and the wider Redfern community acknowledging at all times the importance of Redfern to the indigenous community”*

### 3.3 Description of the Proposed Development

The proposal is for an 18 storey building with purpose-built student housing for 488 students as well as a small retail space on the ground floor.

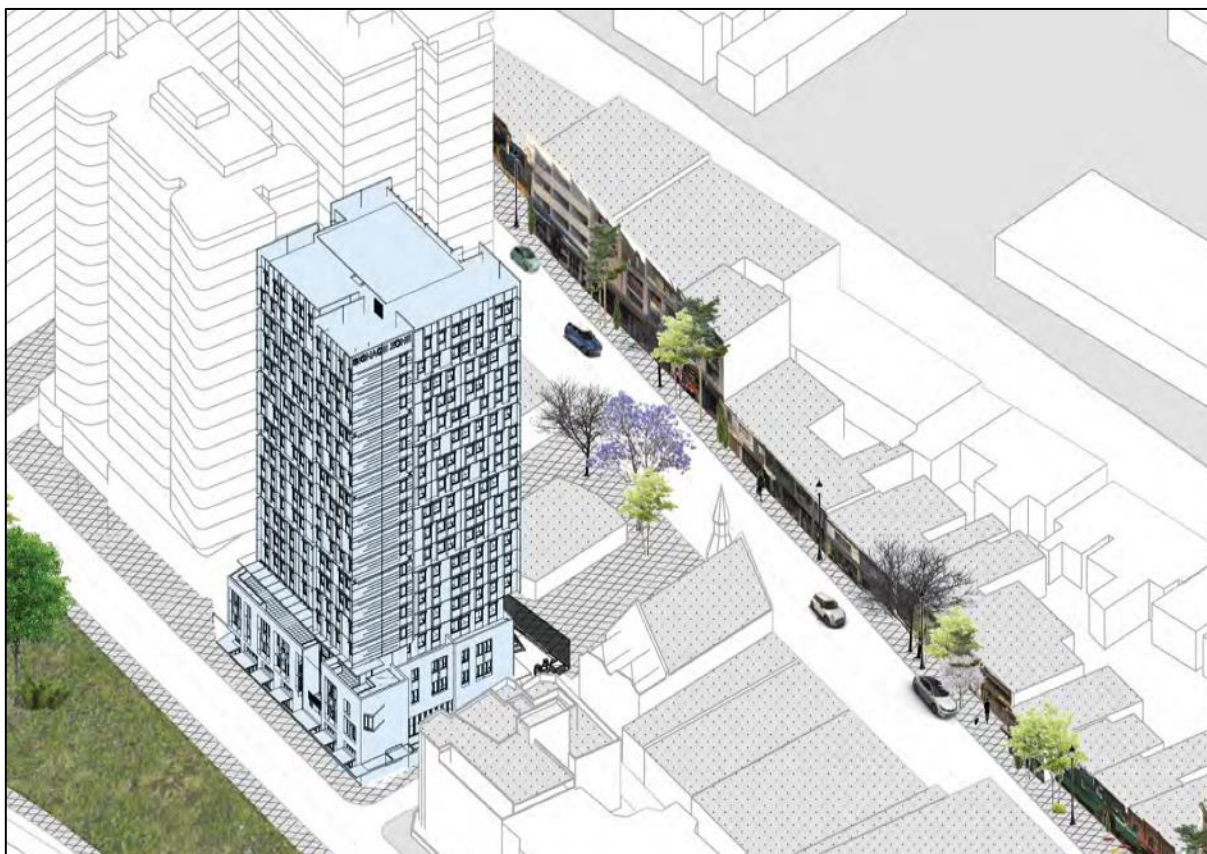
The key components of the development are outlined in Table 2 and depicted in Figures 13 to 16.

**Table 2: Summary of Proposed Development**

Aspect	Description
<b>Areas</b>	
Site Area	1365.5m <sup>2</sup>
Gross Floor Area	11,470m <sup>2</sup>
- Commercial	- 92.7m <sup>2</sup>
- Student Housing	- 11,377.3m <sup>2</sup>
Floor Space Ratio	8.4:1
<b>Built Form</b>	
Height	18 storey building (3 storey podium and 15 storey tower) plus roof level plant and basement level maximum height: 64 m
Setbacks	North 0 m
- Podium:	South 0 – 4.0 m
	East 5.5 – 11 m
	West 0 m
- Tower:	North 2.4 – 6.1 m
	South 2.0 – 6.5 m
	East 7.0 – 11.0 m
	West 2.5 – 4.5 m
<b>Capacity and room size</b>	488 single occupancy rooms, including: - 68 ensuite rooms (bathroom but no kitchen)

Aspect	Description
	<ul style="list-style-type: none"> <li>- 420 studio rooms (kitchen and bathroom)</li> <li>- 19 accessible rooms included in the above</li> </ul> <p>Typical room sizes (including internal bathrooms and kitchens):</p> <ul style="list-style-type: none"> <li>- ensuite rooms 13m<sup>2</sup></li> <li>- studio rooms 15m<sup>2</sup></li> </ul>
<b>Floor by Floor</b>	
Basement:	Gym, cinema rooms, laundry, bicycle parking, storage, waste room, plant
Level 1	Retail unit, building entry, reception, staff offices, meeting rooms, student lounge, games area, quiet area, bike repair and storage, plant, through site link
Level 2	Ensuite rooms, communal kitchen and dining, communal terraces
Level 3	Ensuite rooms, communal kitchen and dining, communal balcony
Level 4	Studio rooms, communal study space, meeting rooms, communal terrace
Levels 5 – 17	Studio rooms
Level 18	Studio rooms, student lounge
Roof	Plant and lift overruns
<b>Parking</b>	
Car / Motorbike	0
Bicycle	163
<b>Materials and Finishes</b>	<p>Podium: Red-brown face brick cavity wall and dark grey precast concrete panel</p> <p>Feature projection windows in white to match neighbouring church building</p> <p>Tower: precast concrete panels in natural finish and yellow and grey shades</p> <p>Vertical aluminium fins and horizontal solar shadings in grey and brown shades</p> <p>Window frames, steel balustrading and terrace and footpath awnings in dark grey / black.</p>
<b>Public Domain and Landscaping</b>	<p>Creation of a through site link to connect with William Lane and retain the alignment of the existing laneways to the north and south. The link will provide public pedestrian access through the site as well as servicing for the development. The link will incorporate permeable paving, soft landscaping, seating areas and lighting. There is space within the link to enable a mobile coffee cart or similar use in the future.</p> <p>Retention and pruning where necessary of street trees on Gibbons Street, 2 x new street trees proposed on Margaret Street as part of wind mitigation.</p> <p>Associated changes to laybacks and footpath paving on Margaret Street and William Lane.</p>
<b>Access</b>	<p>Vehicular access from Margaret Street and William Lane</p> <p>Main pedestrian entry on Gibbons Street. Secondary entry on through site link.</p>
<b>Public Art</b>	Artwork by indigenous artists incorporated into the through site link space
<b>Signage</b>	<p>Three non-illuminated signs:</p> <ul style="list-style-type: none"> <li>- Projecting wall sign at podium level to delineate the main building entry (0.7 x 5.2 m)</li> <li>- Two building identification signs on the eastern and southern parapets in 3D block lettering (0.95 x 10.01m)</li> </ul>
<b>Use and Operational Management</b>	<p>Small retail space – Use, hours and capacity subject to future application. Well suited for café use or similar</p> <p>Student Accommodation - Residents must be students and will have a standard lease agreement with associated rules of occupation. Site will be operated by specialist experienced student accommodation provider, including 5 full time staff equivalent, in addition to maintenance, security and cleaning staff, as well as student resident advisors. Will operate in accordance with Operations Management Plan at Appendix W.</p>





**Figure 13: The proposal in the context of surrounding existing and proposed developments**  
(source AJ+C Architects)



**Figure 14: Photomontage as viewed from Gibbons Street Reserve**  
(source AJ+C Architects)





**Figure 15: Photomontage of podium detail as viewed from Gibbons Street**  
(source AJ+C Architects)



**Figure 16: Photomontage of proposed through site link**  
(source AJ+C Architects)

### 3.4 Consideration of Alternatives

The EP&A Regulation requires consideration of the alternatives to the proposal. These include:

#### 3.4.1 Do Nothing

This would result in the continued use of the site as a small residential flat building. It would not result in the growth of the Redfern Centre as sought by the applicable planning controls. It would also result in a development that is incongruous with surrounding sites, which are being developed to 18 storeys. It would also fail to address the strategic needs discussed above relating to housing supply, affordable housing, growth of education and innovation sectors, reduced reliance on private vehicles and would not result in delivery of the public benefit gained by the through site link.

#### 3.4.2 Use: Development for Other Land uses

Commercial development is not financially feasible as demand for office space is very low, given the extensive availability of commercial space in the CBD. This is evidenced by the current conversion of 1 Lawson Square (Figure 6) from office space to residential, and the lack of recent commercial developments in the area.

Development for a residential flat building is possible, but flats would not deliver accommodation for the same quantity of people / students and could not be delivered at affordable rental rates. As such the significant strategic benefits discussed above associated with the delivery of affordable housing and housing to support the growth of the tertiary education sector would be not be realised.

#### 3.4.3 Built Form: Build a development strictly in accordance with the planning controls

State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP), in conjunction with the Urban Design Principles Redfern Centre (UDPRC), guide development in the Redfern Centre and are considered in detail in Sections 5.6, 5.16 and 6.1. The proposal is generally built in accordance with the controls. However, the controls do not envisage or require provision of a through site link, or connection though the site, but rather require the podium levels be built to the site boundaries.

A development built strictly in accordance with these controls would have less building massing at the tower, but a much larger podium which occupies the entire site. Under these circumstances, the through site link, and its associated public benefits would be lost. These benefits include:

- improved access around the site and provision of an alternative north-south route for pedestrians and cyclists away from the noisy and busy arterial roads
- improved public domain and pedestrian amenity with landscaping and public art incorporated into the through site link, as well as the cultural heritage connections provided by the public art
- improved activation and safety, particularly for the existing sections of William Lane to the north
- improved amenity for adjoining premises due to greater setbacks and landscaping
- improved outcomes for flooding with existing local flooding to the north of the site being resolved due to drainage through the through site link

The massing of the building is considered in detail in Section 6.1 and the size and setbacks are shown to result in no unacceptable impacts to the locality. Any residual impacts would be negligible compared to a narrower tower, and would be more than offset by the benefits associated with the through site link.

## 4.0 Consultation

### 4.1 Summary of Consultation and Design Responses

In accordance with the SEARs, during the preparation of the EIS, consultation was undertaken with The City of Sydney Council, The State Design Review Panel (SDRP), State agencies, and the local community, including owners of adjoining sites. Details of the community consultation are set out in the Community Consultation and Engagement Report by Elton Consulting at Appendix G. This section provides a summary of the consultation and outcomes.

#### 4.1.1 City of Sydney Council

The Applicant's consultant team met with the City of Sydney Council on 26 October 2018 to discuss the proposal, and in particular the proposed through site link and impacts to the public domain. Council provided the following advice:

- At this stage, Council has no intention to connect William Lane through the site as it is not in their current development plans for the site, and there is no desire from a traffic point of view for the through site link to provide public vehicular access through the site.
- The through site link is therefore not required to be dedicated to Council. It is Council's preference that the land remain the land owner's property and all management, upkeep and maintenance be the responsibility of the land owner. However, any future approval of a through site link is to incorporate a requirement for an easement for public access.
- There is no requirement for the through site link to be designed in accordance with Council's Public Domain guidelines as it would be on private land. Rather, Council would prefer the space to look different and be clearly distinguished from Council owned space.
- Council has no concerns with the implementation of access control (bollards or similar) to regulate vehicular access, subject to a maintenance plan to ensure they are fixed promptly if any issues arise. Any vehicles permitted to access the through site link will need to enter and exit in a forward direction. Council advised that if access is restricted to commercial garbage or delivery trucks which enter into an agreement to access and leave the through site link via William Lane to the north and south of the site there is no need to allow swept paths / wider crossover for trucks to turn into or out of Margaret Lane.
- A proposed pull-up bay on Margaret Street is unlikely to be supported by Council as it will impact on the kerb alignment and pedestrian footpath.

In response to these issues, the through site link has been designed for public pedestrian and cyclist access and private vehicular access only. It has also been designed to be easily distinguished from the adjoining Council owned land. A pull up bay originally proposed on Margaret Street has been deleted based on Council feedback.

#### 4.1.2 NSW Government Architects Office / State Design Review Panel

The design of the development has evolved as a result of a detailed design review process including consultation with the Government Architect's State Design Review Panel (SDRP), administered by the NSW Government Architects Office. The Applicant's consultant team met with the SDRP on 12 September and 3 October 2018 and also forwarded updated plans and the Design Excellence Strategy to the Panel for comment on 19 November 2018. A summary of the design responses to feedback from the SDRP is set out in Section 6.1. Key changes include:



- Redesign of the podium to leave the entire through site link open to the sky (the initial design straddled the link to achieve a continuous street edge).
- The design of the podium has been further developed to improve modulation, provide visual interest, delineate the main entry and articulate the street corner / bookend the zoning.
- The corner of the tower form has also been stepped to articulate the bookend to the zoning
- A retail unit was added to the ground floor of the proposal. The remainder of the ground plane has been redesigned to maximise opportunities for activation of the public domain.
- Detailed work was undertaken in relation to Aboriginal Cultural Heritage, resulting in an Interpretation Strategy for the site as well as a Strategy for Integration of Aboriginal Cultural Heritage Values into the Development Design, including artwork visible from the public domain.

#### **4.1.3 Roads and Maritime Services**

The Applicant's consultant team wrote to RMS by email on 5 December 2018, providing a copy of the plans, a preliminary parking assessment and details of the technical reports that were being prepared for submission with the application. RMS raised no initial concerns with the proposal and advised that they would prefer to wait to review the technical reports as part of the usual consultation undertaken once the DA is submitted.

#### **4.1.4 Sydney Coordination Office within Transport for NSW**

The Applicant's consultant team wrote to TfNSW's Sydney coordination office by email on 5 December 2018, providing a copy of the plans, a preliminary parking assessment and details of the technical reports and green travel plan that were being prepared for submission with the application. A response is yet to be received.

#### **4.1.5 The Office of Environment and Heritage**

The applicant wrote to OEH by email on 17 December 2018, providing a copy of the Statement of Heritage Impact, Heritage Interpretation Strategy and Aboriginal Cultural Heritage Assessment Report. OEH have advised they prefer to wait for formal referral from DPE.

#### **4.1.6 Environment Protection Authority**

The applicant wrote to the EPA by email on 17 December 2018 providing details of the proposed development. A response is yet to be received.

#### **4.1.7 Sydney Water**

The Applicant wrote to Sydney Water by email on 18 December 2018 and made a standard application in relation to confirmation of available pressure and flow for drinking water. A response is yet to be received.

#### **4.1.8 Adjoining Sites**

As required by the SEARS, adjoining sites (11 Gibbons Street and 116 Regent Street) were contacted to discuss opportunities for site amalgamation. A representative of 11 Gibbons Street responded that due to the advanced state of its application to develop that site for social and affordable housing, there is no potential for site amalgamation. The owner of 116 Regent Street (BP Australia) did not respond, despite repeated contact attempts. The issue of site amalgamation is discussed in further detail in Section 6.1.

The Applicants consultant team also met with representatives of 11 Gibbons Street to discuss the proposed developments on both sites and implications for the design of both developments, particularly adjacent to the shared boundary. Key feedback from the meeting affecting the design of the development included:

- Limited access opportunities from 13-23 Gibbons Street to the new service lane proposed along the southern edge of 11 Gibbons Street which will be gated for security reasons.
- Design interface including podium and tower setbacks between the two developments.
- Provision of bicycle parking, natural ventilation and acoustic mitigation.

#### **4.1.9 Other Neighbours and the Community**

Elton Consulting undertook a community consultation and engagement process on behalf of the Applicant. It consulted with neighbours and identified stakeholders via face to face meetings, a doorknock campaign, email, phonecalls, and provision of information as requested. Details of the community consultation are set out in Appendix G.

In addition, consultation with Aboriginal stakeholders was undertaken as part of the Aboriginal Cultural Heritage Assessment at Appendix H, which should be referred to for details of that consultation.

Key concerns raised by the community and neighbours related to:

- Operational noise impacts, particularly impacts to No 1 Margaret Street.
- Potential for future tenants to pose a security risk to surrounding premises
- Overshadowing of the properties to the south of the site
- Potential on-street car parking impacts
- Construction impacts and dilapidation at 1 Margaret Street
- The need for affordable housing

In response to the above feedback:

- The acoustic consultant provided further analysis of operational noise and advised that due to existing high background road noise, use of the site is unlikely to result in material noise impacts at nearby residential premises. However, to minimise the potential for impacts, it recommended windows be closed when playing loud music and external common areas be managed so that use of these areas do not adversely impact adjoining residences. These requirements have subsequently been incorporated into the Operational Management Plan (OMP). The OMP has also been developed to include a number of measures to minimise any security risk associated with the proposal. Refer to discussion in Section 6.1.5 and OMP at Appendix W.
- Detailed shadow diagrams have been submitted with the proposal. Shadowing is discussed in detail in Section 6.2 and found to be acceptable
- As discussed in Section 6.3, to mitigate against potential on-street parking impacts it is recommended that tenancy agreements be imposed to ensure students are prohibited from bringing cars to the site and also, cannot apply for on-street resident parking permits.
- As discussed in Section 6.15, construction impacts will be managed in accordance with standard conditions of consent and details provided in construction management plans at Appendix U. These include requirement for dilapidation surveys of adjoining properties.
- As discussed in Sections 3.1 and 5.6, boarding houses are a recognised form of affordable housing. The development enables provision of more affordable accommodation for students, compared to ordinary dwelling rental and relieves pressure on the local housing rental market.

## 5.0 Strategic and Statutory Context

This section provides an assessment of the proposal against all relevant legislation, regulations, planning controls and policies.

### 5.1 Environmental Planning and Assessment Act 1979

Development under the EP&A Act must have regard to the objects set out in Section 1.3. Consistency with the objects of the Act is demonstrated in **Table 3** as follows:

**Table 3: Section 1.3 Assessment**

Objects of the EP&A Act	Assessment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The development would result in no impacts to the State's natural resources and would promote the welfare of the community through investment and development of the site and the provision of affordable student housing close to universities and public transport.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal includes measures to deliver ecologically sustainable development (refer to Section 6.7).
(c) to promote the orderly and economic use and development of land	Orderly and economic use of the land is achieved as development would be consistent with objectives of the zone and deliver student accommodation in a location in close proximity to universities and public transport.
(d) to promote the delivery and maintenance of affordable housing	The proposal provides affordable housing, noting that student housing or boarding housing is a form of affordable housing, being recognised in the ARH SEPP (Section 5.5). The provision of housing for 488 students also relieves market pressure for traditional rental accommodation in the locality, thereby assisting with reducing market rental prices.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage. An Aboriginal Cultural Heritage Assessment (ACHAR) has been prepared by Artefact and the development incorporates measures to recognise the significance of Aboriginal cultural values (refer to Section 6.4 and Appendix H).
(g) to promote good design and amenity of the built environment,	The proposal achieves design excellence: refer to discussion in Section 6.1 and Appendix D. The proposal has been prepared having regard to Urban Design Principles, Redfern Centre (refer Section 5.18) and having regard to input provided by the State Design Review Panel.

Objects of the EP&A Act	Assessment
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The development will be constructed to a high standard and is designed to minimise on-going maintenance. The proposal has been designed having regard to the health and safety of the students: refer to discussion in Section 6.1.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The City of Sydney and other public authorities have been consulted by DPE in the preparation of the SEARs, by the Applicant in the preparation of the EIS (refer to Section 5.0) and will be further consulted during the assessment phase.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Community consultation was undertaken during the development of the proposal as outlined in Section 5.0 and Appendix G. In addition, the proposed development will be publicly exhibited during the assessment process.

The proposal will be assessed under Part 4 of the EP&A Act. Division 4.7 sets out the requirements for assessment of State Significant Development. The proposal is consistent with Division 4.7 for the following reasons:

- Section 4.36: The development is SSD as declared by a State Environmental Planning Policy (refer to Section 5.4)
- Section 4.37: Not applicable as staged development is not sought
- Section 4.38: The development is not prohibited under an Environmental Planning Instrument (refer to Section 5.3)
- Section 4.39: The application is accompanied by an Environmental Impact Statement prepared in accordance with the Regulations (refer to Section 5.2)
- Section 4.40: The Development has been assessed against the relevant heads of consideration in Section 4.15 (see below)
- Section 4.41: Not applicable as approvals under other legislation are not required
- Section 4.42: Works to the adjoining public road, including changes to crossovers (s138 of Roads Act), form part of this application and therefore cannot be refused.

**Table 4: Section 4.15 Assessment**

Matter for Consideration	Assessment
Any environmental planning instrument	Relevant environmental planning instruments are considered in Sections 5.4 to 5.15
Any proposed instrument	Relevant draft environmental planning instruments are considered in Section 5.10
Any development control plan	Although DCPs do not strictly apply to the assessment of SSD applications, consideration has been given to Sydney DCP 2012 as required by the SEARs; refer to Section 5.18.
Any planning agreement or draft planning agreement	Not applicable
The regulations	The application has been prepared in accordance with the requirements of the regulations: refer to Section 5.2.
The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposal are assessed in Sections 6 and 7.

Matter for Consideration	Assessment
The suitability of the site for the development	The proposed development is consistent with the objectives of the zone and with the emerging form of development in this part of Redfern Centre. The site is well located for student housing, being within close proximity to universities and to public transport. There are no specific site constraints that would render the site unsuitable for the proposed development.
Any submissions made	Submissions have not yet been made, Future submissions will be considered in a future 'Response to Submissions' report.
The public interest	Given the proposal is consistent with the objectives for the site under the SEPP, provides much needed additional accommodation in the area, and would not result in any unacceptable environmental, amenity or land use safety impacts to the surrounding area, the public interest is assured.

## 5.2 Environmental Planning and Assessment Regulation 2000

This EIS has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation, including:

- A summary ('Executive Summary')
- Description of the site and surrounds (Section 2)
- Description of the Proposal and objectives (Section 3)
- An analysis of alternatives (Section 3)
- An assessment of the likely impacts of the Development (Section 6 and 7)
- Description of proposed mitigation measures (Section 6 and 7)
- Justification for the development (Section 8)
- Consideration of ESD principles (Section 6.7)
- Details of the applicant, site, and declaration of person preparing the EIS (Page 5),

## 5.3 Biodiversity Conservation Act 2016

*The Biodiversity Conservation Act 2016* requires the submission of a Biodiversity Development Assessment Report (BDAR) with the EIS, unless a BDAR waiver is issued by the Department and agreed by OEH, prior to lodgement of the EIS.

As the site does not contain any significant vegetation or fauna habitat and the proposal will not cause any significant biodiversity impacts, the Department of Planning and Environment and the Office of Environment and Heritage granted a waiver for the preparation of a BDAR on 6 August 2018 (Appendix Y).

As such, there are no further assessment requirements under the Biodiversity Conservation Act.

## 5.4 State Environmental Planning Policy (State & Regional Development) 2011

As identified in Schedule 2 clause 2 of the SRD SEPP, development within the 'Redfern-Waterloo Sites' with a capital investment value (CIV) of more than \$10 million is State Significant Development. As the proposed development has an estimated CIV of \$62,300,000 (Appendix A) and is within the designated Redfern-Waterloo Sites area, it is therefore State Significant Development and the Minister is the consent authority.

## 5.5 State Environmental Planning Policy (Affordable Rental Housing) 2009

This section first outlines the reason why the provision of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) apply to the proposal. It is then followed by an assessment of the proposal against the relevant provisions.

### 5.5.1 Application of the ARH SEPP to the proposal

#### Introduction

The ARH SEPP has the statutory aim of increasing the supply and diversity of affordable rental and social housing in the State of NSW. It is one of a number of 'remedial' and 'beneficial' SEPPs which encourage and facilitate a particular type of development through permissibility and incentive provisions which prevail over LEPs, as a response to particular strategic needs. To this end, clause 3(1) of the ARH SEPP states explicitly that it aims:

*“to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.”*

Part 2 Division 3 of the ARH SEPP, which relates to boarding house development, establishes an incentive in the form of beneficial 'non-refusal standard' effectively permitting a 20% floor space bonus. It prevents a consent authority from refusing consent (on the basis of size) to boarding house development in a zone where residential flat buildings (RFBs) are permitted so long as the FSR of the development is no more than 1.2 times the existing permitted floor space.

While this 'non-refusal standard' does not preclude the operation of State Environmental Planning Policy No 1—Development Standards (SEPP 1), which allows consent to be granted in excess of a development standard where compliance would be unreasonable or unnecessary, the provisions of the ARH SEPP effectively allows a 20% bonus without the need for a SEPP 1 objection.

The proposed development is a boarding house located in a zone where RFBs are permitted. It will therefore enjoy the effective floor space ratio bonus provided that the site is on land to which Part 2 Division 3 applies. Clause 26 of the ARH SEPP states that Part 2 Division 3 applies to land within any of the following land use zones or within a land use zone that is equivalent:

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential,*
- (e) Zone B1 Neighbourhood Centre,*
- (f) Zone B2 Local Centre,*
- (g) Zone B4 Mixed Use.'*

The zones above are taken from the Standard Instrument Principle Local Environmental Plan (Standard LEP). The subject site is not zoned using Standard LEP zoning. Rather, it is zoned 'Business Zone – Commercial Core' under the SSP SEPP.

Clause 5(1)(b) of the ARH SEPP provides that a land use zone is “equivalent” to an identified Standard Instrument LEP zone if it:

*“...is a land use zone in which (in the opinion of the relevant authority) equivalent land uses are permitted to those permitted in that named land use zone”.*

There are a number of compelling reasons indicating that the 'Business Zone – Commercial Core' is an 'equivalent land use zone' for the purpose of the proposed development. We set these reasons out further below.

It is noted that when issuing the SEARs, the Department expressed a view that the 'Business Zone – Commercial Core' is not equivalent to any of the land use zones in clause 26 of the ARH SEPP. No reasons were provided to support this view. In any case, the view expressed is not determinative, as it was expressed by a delegate of the Secretary, and not by the 'relevant authority' i.e. the Minister, or his delegate. Further, it is noted that it is open to the Department to revise its earlier opinion. In addition, the Department may not be the 'relevant authority' determining the application, and if a determination is made by a different authority such as the Independent Planning Commission or the Land and Environment Court, it is open to that relevant authority to form the opinion that the Business Zone – Commercial Core is an equivalent land use zone for the purpose of the proposed development.

In this EIS, an assessment of the proposed development against the relevant provisions of the ARH SEPP has been undertaken on the basis that the ARH SEPP applies to provide the 20% floor space bonus.

Reasons to support the opinion that the Business Zone – Commercial Core is an equivalent land use zone for the purpose of the proposed development are detailed in Items 1-5 below.

### **Equivalency between 'Business Zone – Commercial Core' and zones to which ARH SEPP Part 2 Division 3 applies**

#### **1. Equivalent land uses are permitted in Business Zone – Commercial Core and zones listed in ARH SEPP Part 2 Division 3**

It is clear that apart from 'dwelling houses', **all** other permissible uses in each zone to which Part 2 Division 3 applies are permissible in the SSP SEPP 'Business Zone–Commercial Core'. This is demonstrated in the table below:

**Table 5: Permitted land uses in Standard Instrument zones and Business Zone – Commercial Core**

Zone R1 General Residential,	Permissible in Business Zone–Commercial Core?
Attached dwellings;	✓
Boarding houses;	✓
Centre-based child care facilities;	✓
Community facilities;	✓
Dwelling houses;	✗
Group homes;	✓
Hostels;	✓
Multi dwelling housing;	✓
Neighbourhood shops;	✓
Places of public worship;	✓
Residential flat buildings;	✓
Respite day care centres;	✓
Semi-detached dwellings;	✓
Seniors housing;	✓
Shop top housing	✓
Zone R2 Low Density Residential	Permissible in Business Zone–Commercial Core?
Boarding houses;	✓
Centre-based child care facilities;	✓



Dwelling houses;	x
Group homes;	✓
Respite day care centres	✓
<b>Zone R3 Medium Density Residential,</b>	<b>Permissible in Business Zone–Commercial Core?</b>
Attached dwellings;	✓
Boarding houses;	✓
Centre-based child care facilities;	✓
Community facilities;	✓
Group homes;	✓
Multi dwelling housing;	✓
Neighbourhood shops;	✓
Places of public worship;	✓
Respite day care centres;	✓
Seniors housing	✓
<b>Zone R4 High Density Residential</b>	<b>Permissible in Business Zone–Commercial Core?</b>
Boarding houses;	✓
Centre-based child care facilities;	✓
Community facilities;	✓
Neighbourhood shops;	✓
Places of public worship;	✓
Residential flat buildings;	✓
Respite day care centres;	✓
Shop top housing	✓
<b>Zone B1 Neighbourhood Centre</b>	<b>Permissible in Business Zone–Commercial Core?</b>
Boarding houses;	✓
Business premises;	✓
Centre-based child care facilities;	✓
Community facilities;	✓
Medical centres;	✓
Neighbourhood shops;	✓
Respite day care centres;	✓
Shop top housing	✓
<b>Zone B2 Local Centre</b>	<b>Permissible in Business Zone–Commercial Core?</b>
Boarding houses;	✓
Centre-based child care facilities;	✓
Commercial premises;	✓
Community facilities;	✓
Educational establishments;	✓
Entertainment facilities;	✓
Function centres;	✓
Information and education facilities;	✓
Medical centres;	✓
Passenger transport facilities;	✓
Recreation facilities (indoor);	✓
Registered clubs;	✓
Respite day care centres;	✓
Restricted premises;	✓
Service stations;	✓
Shop top housing;	✓
Tourist and visitor accommodation	✓
<b>Zone B4 Mixed Use</b>	<b>Permissible in Business Zone–Commercial Core?</b>
Boarding houses;	✓
Centre-based child care facilities;	✓



Commercial premises;	✓
Community facilities;	✓
Educational establishments;	✓
Entertainment facilities;	✓
Function centres;	✓
Hotel or motel accommodation;	✓
Information and education facilities;	✓
Medical centres;	✓
Passenger transport facilities;	✓
Recreation facilities (indoor);	✓
Registered clubs;	✓
Respite day care centres;	✓
Restricted premises;	✓
Seniors housing;	✓
Shop top housing	✓

From a quantitative perspective, the 'Business Zone–Commercial Core' zoning clearly permits an equivalent range of uses compared to the zones to which Part 2 Division 3 applies. Given this (and in light of the permissibility of boarding houses in all zones as discussed below), there is a direct equivalency between the 'Business Zone–Commercial Core' and one or more of those zones of the purposes of clause 5 of the ARH SEPP.

## 2. **Boarding Houses are permissible within the Business Zone – Commercial Core**

Further to the above, it is critical to understand that the seven Standard Instrument LEP zones listed in Clause 26 represent **all** of the land use zones (out of the 35 Standard Instrument LEP zones) in which boarding houses are permissible.

It can therefore be clearly inferred that consistent with the objectives of the ARH SEPP, the ARH SEPP intends to apply Part 2 Division 3 to **all zones** in which boarding houses are permissible, allowing for other zones which permit boarding houses to be 'equivalent' to one of the seven identified standard zones listed in the ARH SEPP.

As with the seven identified Standard Instrument LEP zones, the subject site is within a zone in which boarding houses are permissible. As such, it is evident that it is logical, reasonable and consistent to determine that the 'Business Zone – Commercial Core' equivalent to one or more of the zones in clause 26 of the ARH SEPP.

The permissibility of boarding houses within the current zone is also important in light of clause 5(2) of the ARH SEPP which provides that any opinion of equivalency or non-equivalency:

*'applies only in respect of the particular development that is proposed and that more than one such assessment may be made in respect of the same land use zone'*

This clause effectively means that opinions of equivalency between zones must be weighted in light of the actual development proposed.

A straight comparison between the range of permissible uses in the current zone with the standard instrument zones in the ARH SEPP, irrespective of the proposed development, (for example as outlined in Table 5 above) must, necessarily, result in exactly the same determination of equivalency / non-equivalency, whenever the two zones are compared.

However, this would be contrary to the outcome intended by clause 5(2) which allows for different determinations of equivalency between zones depending on the particular development proposed. For example, a boarding house development may be determined to be in an 'equivalent zone' but a residential flat building on the same land may not satisfy the same equivalency test.

Therefore, although (as demonstrated in Table 5), the range of uses in the 'Business Zone Commercial Core' is similar to the range of uses in the identified standard instrument zones, the number of different permissible uses, or the fact that 'registered clubs', 'passenger transport facilities' or 'child care facilities' are permissible in the compared zones, is significantly less important than whether 'boarding houses' are permissible in those zones.

In this case, as the proposal involves a boarding house, any opinion of equivalency must be based on a consideration of the proposed boarding house use. Given boarding houses are permitted in the current zone, as well as all the standard LEP zones set out in the ARH SEPP, it would be reasonable to determine that the zones are equivalent for the purpose of a boarding house development.

The permissibility of boarding houses within the current zone is also relevant when considering the Land and Environment Court cases which have included determinations in relation to equivalency between zones under the ARH SEPP. Our review of the cases considered by the Court indicates that findings of equivalency directly correlate with the permissibility of the proposed development under the relevant Environmental Planning Instrument (EPI). That is, where a proposal sought to apply the ARH SEPP provisions to development on land where boarding houses are already permissible, the Court found that the relevant land use zone was an equivalent land use zone for the purpose of the proposal. However, where applicants were seeking to apply the ARH SEPP to enable development that would otherwise be prohibited by the applicable EPI, the Court found that the EPI land use zones were not equivalent to the zones identified in the ARH SEPP.

### **3. The SSP SEPP 'Business Zone – Commercial Core' is qualitatively similar to the Standard Instrument LEP 'B2 Local Centre' and 'B4 Mixed Use' zones**

Further, in qualitative terms, the SSP SEPP 'Business Zone – Commercial Core' is similar to the 'B2 Local Centre' and 'B4 Mixed Use' zones under the Standard Instrument LEP. While they have their natural differences in terms of specific permissible uses, all three zones seek to enable the integration of a wide range of residential, commercial and community uses within commercial centres that have good access to public transport.

All three zones have a high number of common permissible uses, including: Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres and Shop top housing.

As mentioned, there are some natural differences between the zones, for instance:

- The Commercial Core and B2 zones would also permit hotel or motel accommodation seniors housing, while the B4 zone would not.
- The Commercial Core and B4 zones would permit service stations and tourist and visitor accommodation, while the B2 zone would not.
- The B2 and B4 zones permit restricted premises, while the Commercial Core does not.

- The Commercial Core would allow for some additional uses not permitted in the B2 and B4 zones.

In terms of overall planning purposes, and therefore the qualitative aspects of each zone, all three zones essentially seek to allow for the establishment of commercial centres in accessible locations that incorporate a variety of commercial, community and residential uses, including boarding houses.

It is therefore consistent for the 'Business Zone – Commercial Core' to be determined as equivalent to the 'B2 Local Centre' or 'B4 Mixed Use' zone for the purpose of a Boarding house development under the ARH SEPP.

#### **4. A determination of equivalency would achieve the underlying purpose of the equivalent land use zones provision**

As stated above, the ARH SEPP is of a kind which has a 'remedial' and 'beneficial' purpose. Part 2 Division 3 encourages the development of boarding houses by making boarding house development permissible with consent on land to which the Division applies, and by providing incentives to development through the provision of "non-refusal" standards. The provisions seek to ensure the effectiveness of the ARH SEPP in delivering affordable housing by overcoming relevant inconsistencies in EPIs.

Through the equivalent zone provisions, the ARH SEPP extends its 'remedial' and 'beneficial' effect to zones which, while they may not be Standard LEP zones, are equivalent to the listed Standard Instrument LEP zones. On the other hand, the equivalent zone provisions ensure that the ARH SEPP would not be applied to land use zones that are so dissimilar to the identified standard zones that significant adverse environmental impacts would arise.

For example, the ARH SEPP does not operate to permit boarding houses in an area where a boarding house would be materially out of character with the area. It does not, for example, apply Part 2 Division 3 to any industrial zones. The ARH SEPP only applies Part 2 Division 3 to certain zones with residential and mixed uses, and through the 'equivalent zone' provisions, to zones with similar character, objectives and likely planning and environmental context, such as the 'Business Zone – Commercial Core' zoning under the SSP SEPP.

A determination of equivalency in the case of the proposed development would be consistent with these underlying objectives, as it would

- promote the objectives of the SEPP and encourage boarding house development, rather than impede the delivery of boarding houses merely because of a difference in the drafting of the EPIs; and
- not result in significant adverse environmental impacts or outcomes unanticipated by the existing 'Business Zone – Commercial Core' zoning, given that boarding houses are already permissible, and therefore expected to be developed within the zone.

#### **5. A determination of equivalency would achieve the objectives of the SEPP and the EP&A Act**

The aims of the ARH SEPP are set out in Clause 3 and relevantly include:

- ‘(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards*
- ‘(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing.’*

The objects of the EP&A Act are set out in Section 1.3 and relevantly include:

- ‘(d) to promote the delivery and maintenance of affordable housing...’*

A finding of equivalency between the subject zoning and the zoning in the ARH SEPP would clearly promote these objectives as it would facilitate delivery of new affordable rental housing.

A finding contrary to equivalency would hinder these objectives, particularly in the context of the information set out further above, as it would prevent incentives to develop boarding house projects contrary to the purposes of the ARH SEPP.

## Conclusion

For the reasons provided above, there is a clear evidentiary basis for the relevant authority to conclude that the ‘Business Zone – Commercial Core’ zoning of the subject site is equivalent to one or more of the zones listed in clause 26 of the ARH SEPP, particularly Zone B2 and Zone B4.

As set out above, this is based on:

- The quantitative equivalency between permissible uses in the ‘Business Zone – Commercial Core’ and the permissible uses in both those zones and the other zones listed in clause 26, and in particular, equivalency of boarding houses as permissible uses in all zones, consistent with clauses 5(1)(b) and 5(2) of the ARH SEPP.
- The fact that the zones listed in clause 26 represent all the Standard LEP zones in which boarding houses are permissible, which demonstrates that it is logical and consistent to conclude that the ‘Business Zone – Commercial Core’ is equivalent to one or more of those zones.
- The qualitative equivalency between the ‘Business Zone – Commercial Core’ and those Zones B2, and B4 in particular.
- A finding of equivalency being consistent with the purpose of the equivalent land use zone provision in clause 5(1) of the ARH SEPP, and with the overall objects of the ARH SEPP and the EP&A Act.

In light of this, the alternative opinion i.e. that ‘Business Zone – Commercial Core’ is **not** equivalent to one or more of Zone B2 or Zone B4 or other zones listed in clause 26 of the ARH SEPP, would be inconsistent with established principles guiding equivalency and the intention of the ARH SEPP.

## 5.5.2 Assessment against the provisions of the ARH SEPP

On the basis that the provisions of the ARH SEPP apply to the development, the following provides an assessment of the proposal against the relevant provisions in Division 3.

**Table 6: ARH SEPP Assessment**

Relevant Provisions in Division 3: Boarding Houses	Consideration
<b>26 Land to which Division applies</b> This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	Complies. As discussed above, it is considered that the subject zone is equivalent to the identified land use zones for the purpose of a boarding house, and is most similar to the B2 Local Centre and B4 Mixed use zones.
<b>27 Development to which Division applies</b> (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.	Complies. The development of student housing falls within the definition of a boarding house. Complies. The subject zone is not equivalent to the low density residential zone, as it promotes high density development. However, even if it was determined to be an equivalent land use zone, the site is within a highly accessible area and therefore the Division would continue to apply.
<b>28 Development may be carried out with consent</b> Development to which this Division applies may be carried out with consent.	Development consent is sought.
<b>29 Standards that cannot be used to refuse consent</b> <b>floor space ratio:</b> if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1. <b>building height:</b> if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land, <b>landscaped area:</b> if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located, <b>solar access:</b> where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	<b>floor space ratio:</b> as residential flat buildings are permitted on the site and the land does not contain a heritage item, an FSR of 8.4:1 applies to the site (equivalent to a 20% bonus). The proposal has an FSR of 8.4:1 and therefore cannot be refused on the basis of scale.  <b>building height:</b> as discussed in Section 5.6, the proposal generally complies with the building height control of 18 storeys, and podium height of 3 storeys, with only minor variations to these controls. <b>landscape area:</b> the proposal is compatible with the existing and emerging streetscape character, which does not include front setback landscape treatments

Relevant Provisions in Division 3: Boarding Houses	Consideration
<p><b>private open space:</b> if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> <li>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</li> <li>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</li> </ul> <p><b>parking</b> in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p><b>accommodation size</b> if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <ul style="list-style-type: none"> <li>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</li> <li>(ii) 16 square metres in any other case.</li> </ul> <p>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out above.</p>	<p><b>solar access:</b> The proposal includes numerous west facing communal spaces which all receive at least three hours solar access mid-winter.</p> <p><b>private open space:</b></p> <ul style="list-style-type: none"> <li>(i) The level 4 terrace meets this requirement</li> <li>(ii) Not applicable as manager accommodation is not proposed. However, if necessary, can be provided with amended plans as a condition of consent.</li> </ul> <p><b>parking:</b> as discussed in detail in Section 6.3, no onsite parking is proposed.</p> <p><b>accommodation size:</b> Boarding rooms will vary in size from 10.1m<sup>2</sup> to 11.1m<sup>2</sup> for single accommodation, exclusive of kitchens and bathrooms. The boarding room sizes are discussed in detail in Section 6.1.5 and are demonstrated to provide a good level of amenity for future occupants despite any variation from these standards</p> <p>Consent may be granted despite the variations from the building height, parking, and accommodation size standards.</p>
<p><b>30 Standards for boarding houses</b></p> <p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <ul style="list-style-type: none"> <li>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</li> <li>(b) no boarding room will have a gross floor area of more than 25 square metres,</li> <li>(c) no boarding room will be occupied by more than 2 adult lodgers,</li> <li>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</li> <li>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</li> <li>(f) (Repealed)</li> <li>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</li> <li>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</li> </ul>	<ul style="list-style-type: none"> <li>(a) complies: the development includes multiple communal living spaces.</li> <li>(b) complies: no boarding room exceeds 25 square metres.</li> <li>(c) complies no boarding room will be occupied by more than 1 lodger.</li> <li>(d) complies: all rooms have private bathrooms, most have private kitchens, all others have access to communal kitchens.</li> <li>(e) can comply: it is not intended to provide a live in boarding house manager. A SEPP 1 objection has therefore been prepared (Appendix Z). However, if a room is considered necessary, one can be allocated by condition of consent.</li> <li>(g) complies: the relevant EPI (the SSP SEPP) permits boarding house development at street level.</li> <li>(h) partial compliance: bicycle parking is provided and exceeds this requirement. No motor cycle parking is proposed. The proposed parking is considered to be adequate for the proposed development</li> </ul>

Relevant Provisions in Division 3: Boarding Houses	Consideration
	as discussed in detail in Section 6.3. A SEPP 1 objection has been prepared and is included in Appendix Z.
<b>30A Character of local area</b> A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposal is compatible with the existing and emerging character of the local area. This is discussed further within Section 6.1.

## 5.6 State Environmental Planning Policy (State Significant Precincts) 2005

The site is located within Redfern-Waterloo Sites area which is identified as a State Significant Precinct in Part 5 of Schedule 3 of the SSP SEPP.

The SSP SEPP prescribes the principle statutory land use planning and development controls for the site, and applicable provisions are addressed as follows:

### 5.6.1 Land Use Zoning and Permissibility

The site is zoned 'E - Business Zone – Commercial Core' under the SSP SEPP (Figure 17). The SEPP provides that any use not prohibited in the zone is permitted with consent. Student accommodation or boarding houses are not listed as prohibited uses within the zone and are therefore permitted with consent.

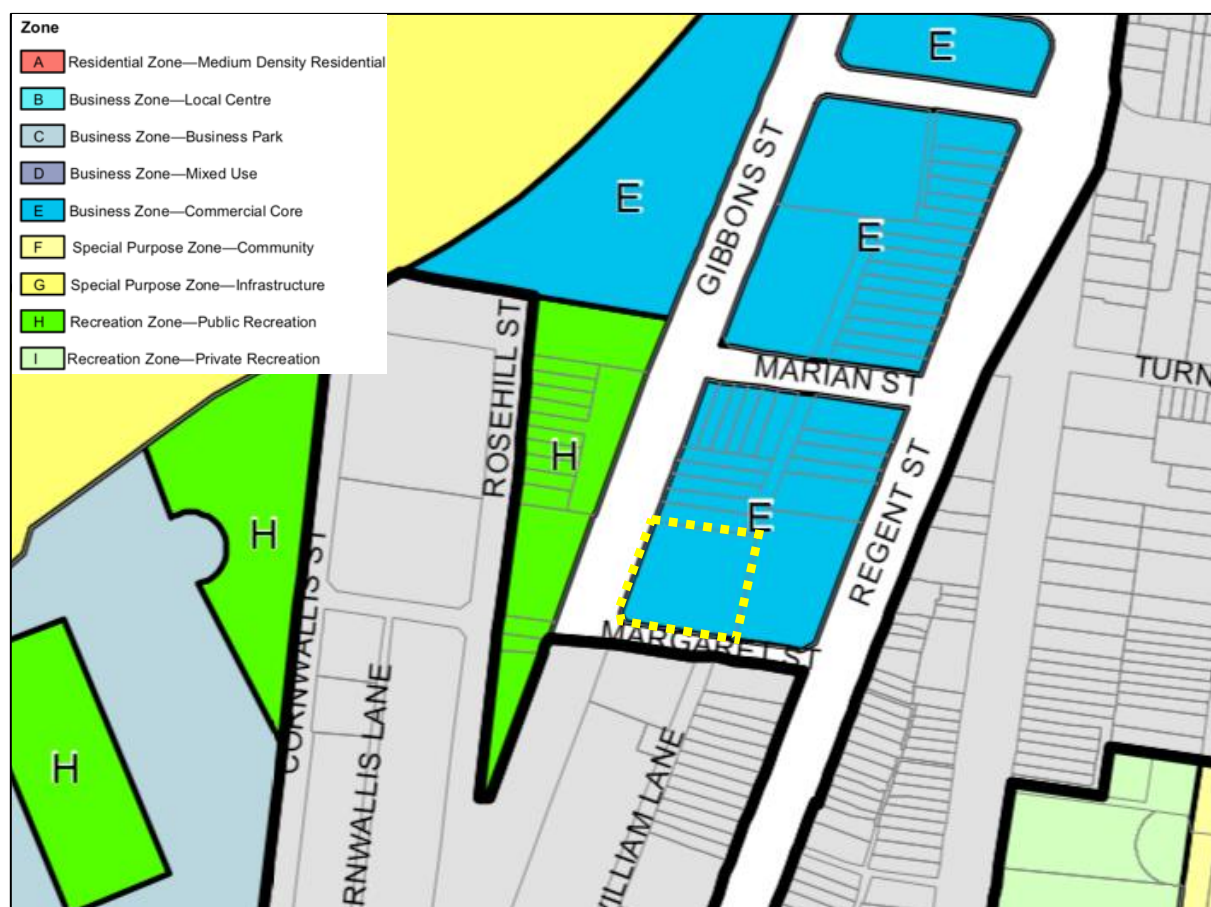


Figure 17: Extract from Zoning Map in SSP SEPP



Furthermore, the proposal is consistent with objectives of the zone as it would:

- Facilitate the development of the Redfern Town Centre by providing a high quality architecturally designed building consistent with the emerging character of surrounding development
- Provide student accommodation that would be compatible with adjoining residential and non-residential development
- Encourage walking, cycling, and use of public transport, due to its close proximity to Redfern Station, bus services, retail services and universities, by not providing on site car parking and providing secure on-site bicycle parking.
- Improve the vitality and safety of the community and public domain by providing active uses at the ground floor overlooking the public domain, the provision of a through site link with the potential for seating and activity within and adjacent to the link, and the injection of a student population which would patronise surrounding retail services and add to the vitality of the area.
- Promote design excellence through the provision of a high quality architecturally designed building arrived at through a consultative process with the Government Architect's State Design Review Panel.
- Provide landscaped areas as well as a publicly accessible through site link to enhance the amenity of the area.

### 5.6.2 Building Height

The site is subject to a maximum building height of 18 storeys for the tower, with a podium height of 3 storeys adjacent to Gibbons Street and Margaret Street as illustrated in Figure 18.

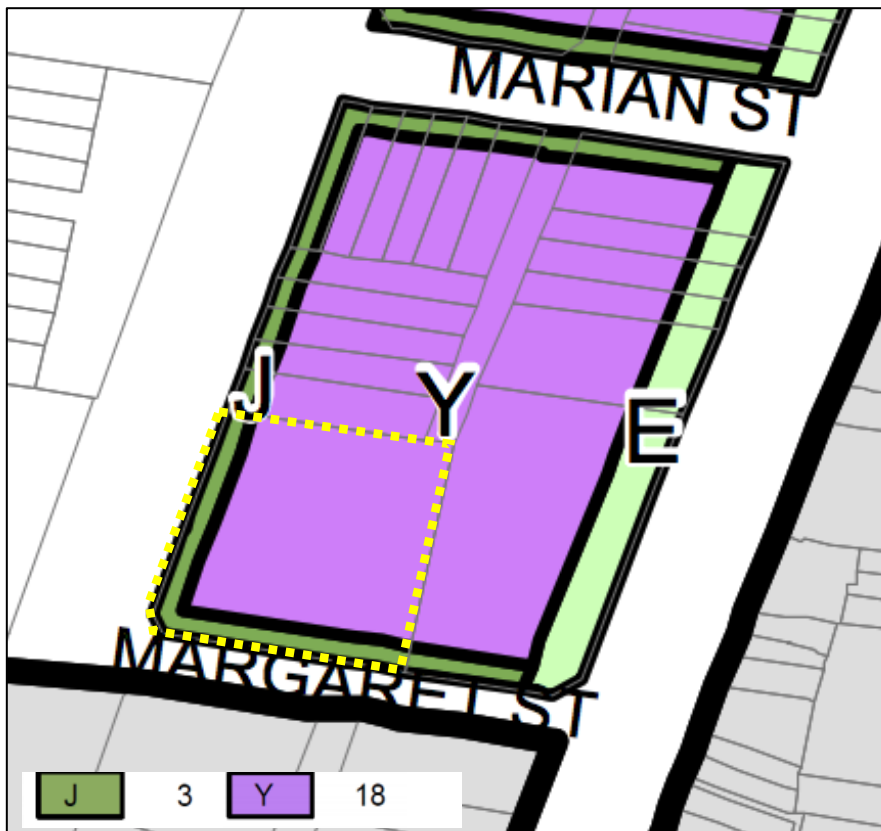


Figure 18: Extract from Height of Buildings Map in SSP SEPP



The main tower complies with the 18 storey height limit, with the exception of an enclosed plant room which is technically a storey, but located centrally on the roof and would not affect perceived building height. Further, the tower incorporates a variable setback from Gibbons and Margaret Street, resulting in some sections of the tower encroaching into the 3 storey height control area.



**Figure 19: Typical tower floorplan showing encroachments into 3 storey height control area**  
(Base Image source: AJ+C Architects)

As shown in Figure 19, the encroachments are minor, are generally offset by other areas of greater setback, are consistent with the form of adjoining development, and allow the building to provide greater architectural interest without any adverse environmental consequences. As such a SEPP 1 Objection to the development standard is provided at Appendix Z. The SEPP 1 concludes that strict compliance with the standard would be unreasonable and unnecessary in this case as the objectives of the control and the zoning are achieved, despite the minor variations from the control.

A detailed discussion of the built form, including the building height is provided in Section 6.1.

### 5.6.3 Floor Space Ratio

The site is subject to a maximum floor space ratio (FSR) of 7:1 under the SSP SEPP, however, with the 20% floor space bonus provisions which apply to the site under the ARH SEPP (As discussed in Section 5.5), the maximum FSR is 8.4:1. The proposal includes a gross floor area of 11,470m<sup>2</sup>, resulting an FSR of 8.4:1, and therefore complies with the permitted FSR.

For the reasons set out in Section 5.5, it is our opinion that the relevant authority could not reasonably form the opinion that the ARH SEPP does not apply to the development. However, in case of such an eventuality, a SEPP 1 Objection to the 7:1 FSR development standard under the SSP SEPP has been prepared and is provided at Appendix Z. The SEPP 1 concludes that strict compliance with an FSR of 7:1 would be unreasonable and unnecessary in this case as:

- the objectives of the control and the zoning are achieved with an FSR of 8.4:1, and
- strict compliance with the control would hinder realising of the objectives of the EP&A Act.

A detailed discussion of the built form, including scale of the building is provided in Section 6.1.

#### **5.6.4 Design Excellence**

In considering whether a proposed development exhibits design excellence, clause 22 of Schedule 3 of the SSP SEPP requires the consent authority to have regard to the following matters:

- a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
- c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*

In addition, clause 22(3) provides that the consent authority may require a design competition to be undertaken for any building over 12 storeys in height, and clause 22(4) provides that a guideline may be drafted by the Redfern-Waterloo Authority detailing what matters are to be addressed for design excellence.

A design competition has not been required in the SEARs or for any recent development in the immediate surrounds of the site. Instead, to ensure design excellence is achieved, the proposal has been designed having regard to the Urban Design Principles Redfern Centre prepared under Clause 22(4), which detail the matters to be addressed for design excellence - refer to discussion in Sections 5.16 and 6.1. In addition, the proposal has and continues to be further refined through a detailed design review process involving the Government Architect's State Design Review Panel.

### **5.7 State Environmental Planning Policy No. 1 – Development Standards**

As described above, the proposal exceeds the building height development standards applicable to the site under State Environmental Planning Policy (State Significant Precincts) 2005 and does not meet the minimum motorcycle parking or managers residence requirements under the ARH SEPP.

Depending on the opinion formed by the relevant authority, the proposal may also exceed the applicable floor space ratio development standard under the SSP SEPP. Accordingly, objections under SEPP 1 have been prepared in support of the non-compliances: refer to Appendix Z.

Detailed assessment of the impacts of the non-compliances is also set out in Sections 6.1, and 6.3.

### **5.8 State Environmental Planning Policy (Infrastructure) 2007**

#### **5.8.2 Rail Corridors**

The CBD Rail Link Interim Rail Corridor is located to the east of the site (generally proximate to Regent Street). The Illawarra Relief Rail Tunnel Corridor is located to the west of the site (generally under Gibbons Street).

Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) applies to development that involves excavation 2 metres below existing ground level within a 25 metre distance (measured horizontally) from a rail corridor. The proposal includes some limited

excavation, which although involves less than 1 metre of excavation below the existing basement level, would be located more than 2 metres below ground level. The excavation would be within 25 metres of the Illawarra Relief corridor, but more than 25 metres from the CBD Rail Link Interim Rail Corridor. As such, the proposal must be referred to the rail authority for the Illawarra Relief Corridor for concurrence. Relevant matters for consideration include:

- The impact of the development on the safety and structural integrity and the operation of the facilities in the corridor
- Measures proposed to avoid or minimise these effects.

As noted in the Geotechnical Assessment (Appendix P), as the extent of excavations will be shallow and will only be within soil and areas of existing fill, vibrations from the works would be minor. Nevertheless, the report recommends vibration monitoring be carried out during the works to ensure TfNSW's requirements for 'Development Near Rail Tunnels' are met. The Construction Noise and Vibration Management Plan (Appendix U), indicates that a Vibration Monitoring Plan will be provided to TfNSW for review and approval prior to construction works commencing.

On this basis, it is considered that the impact of the development on the rail corridor is likely to be negligible and even minor potential impacts can be quickly identified and mitigated through appropriate vibration monitoring during construction.

In accordance with clause 87, the proposal has also been assessed with respect to the impact of rail noise and vibration on the development: refer to the Acoustic and Vibration Impact Assessment prepared by Northrop at Appendix I. The assessment demonstrates that subject to recommended acoustic treatments, including window glazing, bedrooms will achieve night time noise levels of less than 35dB(A) LAeq and common areas will achieve noise levels of less than 40dB(A) LAeq at all times and as required by the ISEPP. Mitigation measures (anti-vibration bearers) to suitably protect against vibration from the rail tunnel are also proposed.

### 5.8.2 Road Corridors

As Gibbons Street is a classified road with an annual average daily traffic volume of more than 20,000 vehicles, the provisions of clauses 101 and 102 of the ISEPP apply to the development.

In accordance with the matters for consideration under clause 101, it is noted that:

- The safety, efficiency and on-going operation of Gibbons Street would not be adversely affected by the proposed development, noting:
  - vehicular access to the site would be very limited given there is no on-site parking, virtually no need for deliveries to the site during operations (all furniture is provided and fixed) and commercial uses are limited to one small retail shop, and
  - the limited vehicle access that would be required (garbage servicing and limited deliveries) would be provided from Margaret Street and William Lane and would not affect the operation of the classified road.
- The proposal incorporates measures to ameliorate potential traffic noise as set out below.

As required by clause 102, the development has been assessed in accordance with 'Development Near Rail Corridors and Busy Roads – Interim Guideline': refer to the Acoustic and Vibration Impact Assessment prepared by Northrop at Appendix I. The assessment demonstrates that subject to recommended acoustic treatments, including window glazing, bedrooms will achieve night time noise levels of less than 35dB(A) LAeq and common areas will achieve noise levels of less than 40dB(A) LAeq at all times as required by the ISEPP.

As the site does not include food and drink premises greater than 300m<sup>2</sup> in area and as the residential component only includes a boarding house and not dwellings, the proposal is not traffic generating development for the purpose of clause 104.

## **5.9 State Environmental Planning Policy No 55 - Remediation of Land**

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) requires the consent authority to consider whether the subject land is contaminated and if so, whether the land is, or can be made suitable for the proposed use.

A detailed site investigation has been prepared by Douglas Partners and is provided at Appendix O. Borehole testing did not find evidence of contamination above site assessment criteria levels and therefore the detailed site investigation concludes the site is suitable for the proposed development in its current state. Refer also to detailed discussion in Section 6.13.

## **5.10 Draft State Environmental Planning Policy (Remediation of Land)**

Draft State Environmental Planning Policy (Remediation of Land) was exhibited from 31 January to 13 April 2018. The draft SEPP retains the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. As the key operational framework of SEPP 55 is to be maintained, new provisions of the draft SEPP are unlikely to significantly affect the subject application. As such, the proposal would be consistent with the intent of the Draft SEPP.

## **5.11 State Environmental Planning Policy (Urban Renewal) 2010**

The site is within the Redfern-Waterloo Potential Precinct identified under State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP).

The proposed development is consistent with the provisions of clause 10 of the Urban Renewal SEPP in that it supports the objective of developing the precinct for urban renewal, noting that it:

- provides a high-density residential use in an area that has excellent access to services and to public transport,
- does not require amalgamation and does not restrict other sites from amalgamating where necessary for the purpose of urban renewal, and
- incorporates a new through-site link improving the public domain and access around the site.

## **5.12 State Environmental Planning Policy No. 64 – Advertising and Signage**

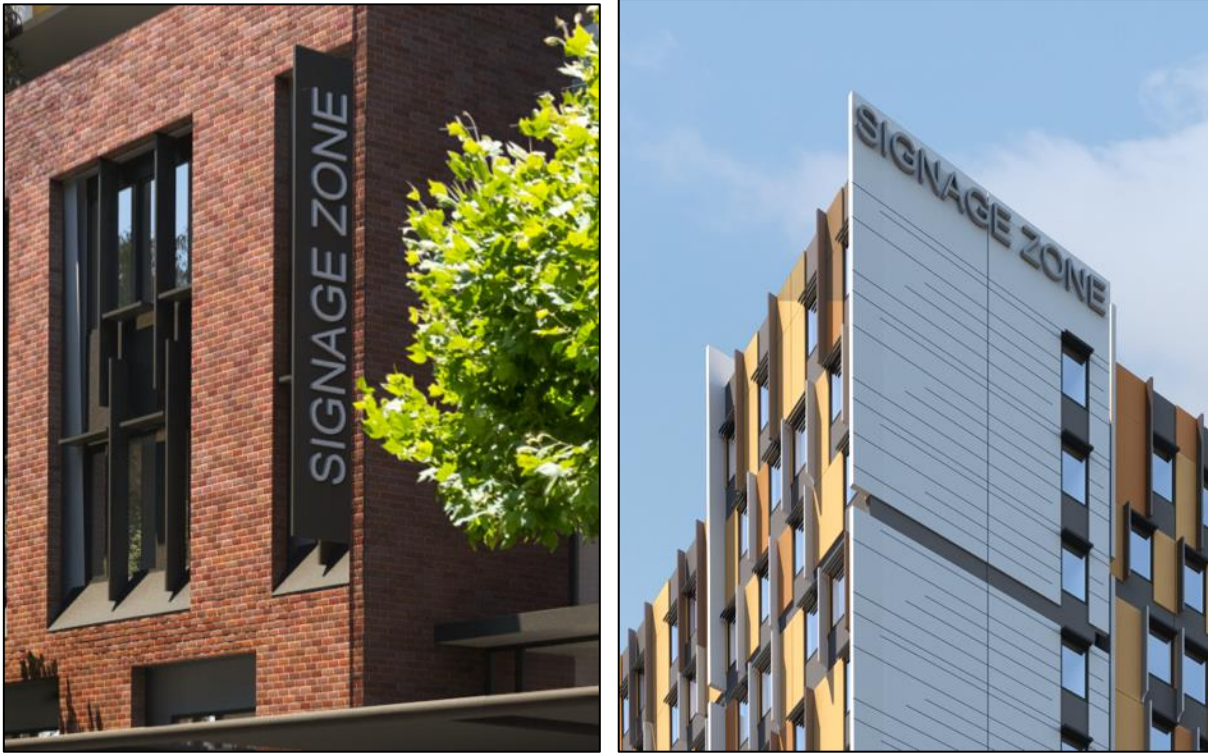
*State Environmental Planning Policy No 64- Advertising and Signage* (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes three non-illuminated business identification signs, including:

- A projecting wall sign at podium level to delineate the main building entry (0.7 x 5.2 m)
- Two block letter wall signs on the eastern and southern parapets (0.95 x 10.01m)



The final wording design of the signs will be dependent on the name of the future operator, but signage zones are indicated on the plans



**Figure 20: Images of proposed signs**  
(Source: AJ+C Architects)

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. Table 7 below demonstrates the consistency of the proposed signage with these assessment criteria, which in turn demonstrate consistency with the objectives of the SEPP.

**Table 7: SEPP 64 compliance**

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs would be consistent with the range of existing signage currently found within the Redfern Centre. The signage is also consistent with the desired future character established by the Redfern Centre Urban Design Principles: refer to discussion in <b>Section 5.16</b> .	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no established theme for signage. The signs would be consistent with the building design.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas,	The sign is not located within a designated special area.	Yes

Assessment Criteria	Comments	Compliance
waterways, rural landscapes or residential areas?		
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	The signs would not obscure any views	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signs would not protrude above the building facade and therefore would not affect the skyline or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	There are no other advertisers in the vicinity of the signs.	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs are of appropriate scale and proportion for the building and are relatively understated in the context of the entire site and adjoining development.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs will complement the building design and the incorporation of signs onto feature blade walls adds to the visual interest of the building and the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs would be simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area?	The signs would sit below the height of the proposed building.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management required.	Yes
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been specifically designed to integrate with the building. Block lettering will be compatible with facade materials and signage zones emphasise feature walls in the façade design.	Yes
Does the proposal respect important features of the site or building, or both?	The signs are designed to complement and integrate with the façade design and do not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	As above.	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No associated devices.	Yes
<b>7 Illumination</b>		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination is proposed	Yes

Assessment Criteria	Comments	Compliance
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable	Yes
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	Not applicable	Yes
<b>8 Safety</b>		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. Extensive views of the footpath and entrance area will still be available	Yes
Would the proposal reduce safety for any public road?	No. The signs would not affect the public road.	Yes

### 5.13 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The SEARs require consideration of State Environmental Planning Policy No 65 - Remediation of Land (SEPP 65), however SEPP 65 only applies to residential flat buildings. The proposal falls under the definition of a 'boarding house' under the standard instrument and is not defined as a residential flat building under SEPP 65. The provisions of SEPP 65 and the associated Apartment Design Guide therefore do not apply to the proposal.

### 5.14 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEARs require consideration of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. However the SEPP regulates clearing of land that is not linked to development requiring consent. In this case, any vegetation proposed for removal is ancillary to the proposed development and as such the provisions of the SEPP do not apply.

### 5.15 Sydney Local Environmental Plan 2012

Sydney Local Environmental Plan (LEP) does not apply to the site. In accordance with clause 1.3 of the LEP, as the land is not identified on the land application map (the map specifically excludes land within the Redfern–Waterloo Authority State Significant Precinct) there are no planning controls in the LEP applicable to the assessment of this application.

### 5.16 Urban Design Principles Redfern Centre

In accordance with clause 22(4) of Schedule 3 of the SSP SEPP, the Urban Design Principles Redfern Centre (UDPRC) were drafted to guide future development of the centre and ensure high quality design outcomes to meet the design excellence requirements of the SEPP. The subject site is within the area of land to which the UDPRC apply. Table 8 provides an assessment of the proposal's compliance with the relevant principles.

**Table 8: Compliance with Urban Design Principles Redfern Centre**

Summary of Design Principle	Discussion	Compliance
<b>General Design Principles for High Rise Development</b>		
<b>Building heights</b> Max 18 storeys (approx. 65m) 3 storeys on Gibbons and Margaret Street frontages	The tower is 18 storeys tall (plus 1 storey of rooftop plant) and the building has a maximum height of 64m. The podium fronting Gibbons and Margaret Street is 3 storeys tall. However small sections of the tower encroach into the 3 storey podium area. Accordingly, a SEPP 1 objection is provided at Appendix Z.	Partial
<b>FSR</b> 7:1	The proposed development has an FSR of 8.4:1. As described in Section 5.5, this is consistent with the floor space bonus applicable to the site under the ARH SEPP. In case the floor space bonus is not applied, a SEPP 1 objection has also been prepared and is provided at Appendix Z.	Yes, subject to application of bonus under ARH SEPP.
<b>Minimum site area</b> 1400 m <sup>2</sup> Minor variations allowed subject to achieving design excellence	Slightly below at 1365.5 m <sup>2</sup> However, the proposal achieves the design outcomes sought by the control and design excellence provisions as discussed in Section 6.1.	No, although variations are permitted
<b>Building Separation</b> The RFDC can be used as guidance for residential development	The RFDC (now ADG) does not strictly apply to boarding house developments. However, consideration has been given to the objectives of the ADG to ensure the development provides appropriate building separation: Refer to Sections 6.1 and 6.2	Adequate building separation on merit assessment
<b>Podium Design</b>		
<b>Setbacks</b> Nil setbacks to street and side boundaries	Nil setbacks are provided to Gibbons Street (western) and to the northern boundary as required by the controls. Greater setbacks are provided to Margaret Street (southern) and the eastern boundary to allow for provision of a through site link and to provide visual interest and increased separation from dwellings on Margaret Street. The variations from the control are considered to result in a superior outcome in terms of pedestrian connections and amenity of residents opposite the site. Refer to Section 6.1	Partial
<b>Character</b> Respond to fine grain shopfront patterns. Create consistent street edge and scale. Architectural character to respond to use and function.	The podium responds to the scale of adjoining development (as proposed) and provides a consistent street edge to Gibbons Street. This section of the Redfern Centre does not include existing fine grain shop front patterns or a consistent street edge on Margaret Street, however the proposal responds to the surrounding character and to the proposed use and function of the site as a student accommodation development.	Yes
<b>Continuity</b> Respond to adjoining parapet and building heights and create continuous street walls	The podium would be similar in height to the proposed development to the north of the site and residential development south of the site. It incorporates a continuous street wall to Gibbons Street. A continuous wall is not provided to Margaret Street in order to provide a through site link. The variation is considered acceptable as Margaret Street is not characterised by street walls and the public benefits of the link outweigh any	Partial



Summary of Design Principle	Discussion	Compliance
	urban character benefits that may be achieved by a continuous street wall on this frontage.	
<b>Ground level activation</b> Provide active uses on the ground floor. Minimise blank walls and service exits. Lobbies to create a 'dramatic and exciting entry'	The proposal maximises ground level activation by incorporation of a retail shop as well as 'active' residential uses such as common recreational space at the ground floor level. Floor to ceiling glazing is provided to further maximise the relationship between the public and private domains, except on Margaret Street, where glazing is reduced to strike a balance between activation and minimising amenity impacts for premises opposite the site. The main entry on Gibbons Street is clearly defined by the variation in façade massing and materials.	Yes
<b>Tower Design</b>		
<b>Setbacks</b> Above street level on Gibbons and Margaret Street – 4 metres	To provide visual interest and variation in the massing, sections of the tower encroach into the 4 metre setback area (refer to Figure 18). However average setbacks would be about 4 metres and the intention of the control is achieved – refer to discussion in Section 6.1.	Partial
<b>Character and architectural expression</b> Provide articulation, interest and windows / balconies to all facades.	All facades are designed to incorporate a high degree of articulation and visual interest and windows are included on all elevations	Yes
<b>Proportions</b> Clearly define a base, middle and top Respond to building and façade orientation Tower to incorporate vertical or horizontal offsets such as columns, projections and recesses and use colour, materials and different façade elements to provide articulation	The podium provides a clearly defined base, the tower provides a clear 'top' element' and the variations in façade massing and materials at Level 4 provide the 'middle' element which separates the podium from the tower. The tower includes expression of strong vertical elements both through massing and variation in materials.	Yes
<b>Skyline / roof top design</b> Provide a dramatic silhouette Screen plant with integrated roof structures	Feature walls extend above the line of the top of the façade for dramatic effect. Plant and lift overruns are set well back from the building facades and screened.	Yes
<b>General Principles for all development</b>		
<b>Awnings</b> Are to be cantilevered and align with adjoining awnings in terms of height and width and at least 3.2m above the footpath Should be mostly solid with lighting underneath Should allow street tree planting	Cantilevered awnings are proposed to extend over the footpaths on Gibbons and Margaret Streets and part of the through site link. The awnings will be minimum 3.2m above the footpath and align with the design of neighbouring awnings proposed at 11 Gibbons Street. The awnings would be part solid construction part glass infill and incorporate breaks to allow for street tree planting.	Yes
<b>Signage</b> A signage strategy should be provided Illuminated signage	Proposed signage is limited to three signs and therefore a signage strategy is not required. The signs will not be illuminated and no painted roof	Yes

Summary of Design Principle	Discussion	Compliance
above the awning level is not supported Signs painted on the roof are not permitted.	signs are proposed. Refer also to Section 5.12 for an assessment of the proposed signage.	
<b>Materials / treatments</b> A palette of colours should be used in the façade design. Colours and materials should relate to those of well-designed buildings and generally neutral tones should predominate. Towers should include solid elements and avoid curtain walls and high reflectivity glass.	The proposal incorporates a variety of materials and colours consistent with the recommendations of the design principles. The podium is predominantly clad in face brick to relate to surrounding development. The tower includes a variety of materials and finishes including solid elements resulting in overall low levels of reflectivity.	Yes
<b>Environmental Impact</b> A noise impact assessment is to accompany the application Maximise sustainability outcomes by engaging an ESD consultant Minimise wind from down drafts through appropriate design	A noise assessment accompanies the application: refer Section 6.5 and Appendix I. An ESD report has also been prepared: refer Section 6.7 and Appendix L. As a result of a Wind Assessment (refer to discussion in Section 6.6 and Appendix K) the building has incorporated landscaping, ground level awnings and pergola structure as well as awnings to the Level 4 terrace to minimise wind impacts.	Yes
<b>Heritage</b> New development should be complementary to nearby heritage items. It should be contemporary in design and avoid mimicking heritage features.	The proposed development has been designed having regard to the heritage significance of St Luke's Church opposite the site as well as other nearby heritage items. Refer to discussion in Section 5.4 and Heritage Assessment at Appendix H. The proposal is contemporary in design and reflects and celebrates distinctive elements of the church without mimicking those features.	Yes

### 5.17 Redfern-Waterloo Development Contributions Plan 2006 Redfern-Waterloo Affordable Housing Contributions Plan 2006

Development contributions equivalent to 2% of the development cost will be paid in accordance with the Redfern Waterloo Contributions Plan 2006.

The Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 also applies to the site. It seeks to levy a contribution for the provision of affordable housing within the Redfern-Waterloo area based on the additional gross floor area of the development. In this case, proposed additional GFA is 8,665m<sup>2</sup> (11,470m<sup>2</sup> proposed less 2,805m<sup>2</sup> existing GFA).

However, the applicant is seeking an exemption from payment of contributions under the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006. Although student housing is not specifically listed in the plan as being a type of development to which the plan does not apply, it is submitted that the proposed development meets the objectives of the Plan by improving provision of affordable housing within the Redfern-Waterloo area.

The EP&A Act and the ARH SEPP define affordable housing as: housing for very low, low or moderate income households, being households that earn less than 120% of the Sydney median household income. Full-time students will not earn more than the Sydney median income during their studies. Further, the ARH SEPP recognises boarding houses as being one form of affordable rental housing and includes incentives to assist with promoting their development to facilitate delivery of new affordable rental housing. The provision of boarding house accommodation for 488 students will add to the range of affordable rental housing options with Redfern-Waterloo and will also assist by relieving pressure on market rentals within the locality. On this basis, it is submitted that the proposal would already achieve the intentions of the contributions levied under the plans and therefore it would be unreasonable to apply the levy to the proposed development.

## 5.18 Sydney Development Control Plan (DCP) 2012

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development. Further, as identified in Section 1.4 and Figure 2.1 of the DCP, the subject site is excluded from the application of the DCP.

Notwithstanding, as requested by the SEARs, relevant provisions, goals and objectives within the DCP that would otherwise govern the carrying out of the project are appropriate for consideration in this assessment. In particular, Section 4.4.1 of the DCP includes provisions in relation to boarding houses and student accommodation. These are considered below.

**Table 9: Consideration of Boarding House provisions of the SDCP 2012**

Summary of Control	Comment/ Assessment
<b>Subdivision</b>	
- Subdivision is not permitted	Subdivision is not proposed
<b>Bedrooms</b>	
- Minimum size: <ul style="list-style-type: none"> <li>o 12m<sup>2</sup> single</li> </ul>	Room sizes exclusive of kitchenettes and bathrooms range between 10.1m <sup>2</sup> and 11.1 m <sup>2</sup> . The boarding room sizes are discussed in detail in Section 6.1.5 and are demonstrated to provide a good level of amenity for future occupants despite the variation from the DCP.
- Size excludes bathrooms and kitchenettes which must be minimum 2.9m <sup>2</sup> and 2m <sup>2</sup> respectively.	
- Must have windows exceeding 10% of the floor area	Window sizes typically represent 22% of the above floor areas.
- Ceiling height must be 2.7m if there are bunkbeds	No bunkbeds are proposed, but ceilings are 2.7m in any case
- Must meet fire safety standards of the BCA.	Fire safety standards of the BCA can be met – refer to BCA report at Appendix R
<b>Communal kitchens</b>	
- Minimum size 1.2m <sup>2</sup> for each resident without a kitchenette	Equates to 81.6m <sup>2</sup> required. 173m <sup>2</sup> of common kitchen / dining space provided.
- 1 sink and 1 stove per 6 people	Equates to 11 sinks, 11 stoves, 8.84m <sup>3</sup> fridge space, 3.4m <sup>3</sup> freezer space and 20.4m <sup>3</sup> storage space. There is ample room within the common kitchen to provide storage in accordance with these requirements.
- Minimum 0.13m <sup>3</sup> fridge, 0.05m <sup>3</sup> freezer and 0.3m <sup>3</sup> storage space for each resident.	
<b>Communal Living Space</b>	
- Indoor space of 1.25m <sup>2</sup> per resident with minimum width of 3 metres	Equates to 610m <sup>2</sup> . 775m <sup>2</sup> of common living space (excluding kitchens and dining space) proposed.
- Be located near commonly used areas, if appropriate on every	Located at Basement, Level 1, 2, 3, 4 and 18 and adjacent to the entrance and the open space areas. The

<p>level, and to have minimal impact on bedrooms.</p> <ul style="list-style-type: none"> <li>- Receive 2 hours of solar access to 50% of the windows at mid-winter</li> </ul>	<p>majority is located at Basement and Level 1 (ground floor) to minimise impacts to bedrooms.</p> <p>The majority of communal space adjoins the western facade to take advantage of the outlook and optimal solar access (in excess of 4 hours at midwinter to this façade).</p>
<p><b>Open Space</b></p> <ul style="list-style-type: none"> <li>- Minimum 20m<sup>2</sup> of communal space with a minimum width of 3m</li> <li>- Generally north facing and receive 2 hour of sunlight mid-winter</li> <li>- Be provided at ground level in a courtyard or terrace where possible</li> <li>- Provide partial cover from weather</li> <li>- Incorporate porous surfaces for 50% of the area</li> <li>- Be connected to communal indoor spaces</li> <li>- Contain communal facilities such as bbqs and seating</li> <li>- Be screened from adjoining properties and the public domain</li> <li>- 30% of bedrooms to have access to private open space.</li> </ul>	<p>External communal space exceeds this requirement.</p> <p>North facing communal space is proposed, but will be extensively overshadowed by the adjoining development to the north. As such open space is also provided on the western façade as this will achieve in excess of 2 hours of solar access mid winter.</p> <p>Awnings and building overhangs provide partial cover from weather as required.</p> <p>The through site link has been designed to be permeable (stoneset permeable pavement) A rainwater garden also allows for infiltration of rainwater.</p> <p>All communal open space has a direct connection to communal indoor spaces</p> <p>Spaces will incorporate seating and bbqs</p> <p>Vegetation screening is provided along the northern and eastern boundaries– refer to discussion in Section 6.2</p> <p>Private open space is not proposed as discussed in Section 6.1.5. Generous communal spaces are provided instead and better suit student needs.</p>
<p><b>Bathroom, laundry, drying facilities</b></p> <ul style="list-style-type: none"> <li>- Communal bathrooms required for occupants of rooms that do not contain an ensuite</li> <li>- One communal washing machine (5kg+) and one dryer for every 12 residents</li> <li>- One large laundry tub with hot and cold running water</li> <li>- Drying facilities such as clothelines to be provided.</li> </ul>	<p>N/A all rooms have an ensuite</p> <p>Refer to discussion in Section 6.1.5. Less washing machines and dryers are provided than recommended by the controls, but machines have a much greater capacity and are appropriate to meet demand</p> <p>Will be provided</p> <p>Clotheslines not provided as the site is not suitable for provision of external clothelines.</p>
<p><b>Amenity Safety and Privacy</b></p> <ul style="list-style-type: none"> <li>- Communal spaces to be in safe and accessible locations</li> <li>- Bedrooms incorporate sound insulation to provide reasonable amenity.</li> <li>- Structural fixtures designed to maximise nonchemical pest management</li> <li>- All appliances to achieve 3.5 of higher energy star rating</li> <li>- Main entry located away from neighbouring premises</li> <li>- Communal areas and bedroom windows located to minimise amenity impacts to adjoining premises</li> <li>- Screen fencing, plantings, acoustic barriers and double glazed windows provided where necessary to protect neighbour amenity</li> </ul>	<p>Communal spaces are all designed to be safe and accessible.</p> <p>Insulation will be provided to meet acoustic amenity requirements – refer to acoustic report in Appendix I</p> <p>Can comply, with details provided at detailed design phase</p> <p>Can comply and can be conditioned</p> <p>Main entry is provided on Gibbons Street where it would have the least impacts for adjoining residential premises.</p> <p>Communal areas are predominantly oriented to the west where there would be no amenity impacts to neighbours.</p> <p>Communal spaces with other orientations have been designed to minimise amenity impacts – refer to discussion in Section 6.2.</p> <p>Provided as required – refer to discussion in Section 6.2.</p> <p>Acoustic assessment is provided at Appendix I.</p>



- An acoustic assessment may be requested.	Private contracting arrangements will be made
- Need to make private contracting arrangements for waste collection	A traffic assessment is provided at Appendix J
- A traffic assessment is required.	
<b>Plan of Management</b>	An Operational Management Plan is provided at Appendix W.
- An operating Plan of Management is to be submitted which includes details of staffing, rules, occupancy, measures to minimise impacts to neighbours, waste management, cleaning arrangements, safety and security measures.	

## 5.19 Strategic Policies and Guidelines

Consideration has been given to the following strategic planning policies and guidelines, as required by the SEARs.

**Table 10: Consideration of Strategic Policies and Guidelines**

Strategic Policy	Consideration
<b>NSW State Priorities</b>	The proposal assists with achieving a key State Priority, being to increase housing supply. The proposal provides housing for 488 students in close proximity to a number of university campuses, thereby improving supply of accommodation in a high demand area and reducing pressure on the local rental housing market.
<b>NSW Long Term Transport Master Plan / Future Transport Strategy 2056</b>	Future Transport Strategy 2056 updates the NSW Long Term Transport Master Plan. The proposal assists with achieving the objectives of these strategies as it provides high density accommodation in close proximity to a major transport hub (Redfern Station) as well as within walking distance of a number of university campuses. The location of the development, in conjunction with the absence of on-site parking and provision of ample bicycle storage will ensure reduced reliance on private vehicles and encourage alternative forms of transport. The proposed through site link will improve public pedestrian access to Redfern Station from the south-east, enabling a new alternative walking route away from noisy arterial roads.
<b>Better Placed – An integrated design policy for the built environment of NSW</b>	The Design Excellence Report in <b>Appendix D</b> describes the Proposal's consistency with the Design Objectives of The NSW Government Architect's Better Placed policy. In addition, the proposed design has evolved from feedback received through the State Design Review Panel process overseen by the Government Architects office based on the principles and objectives of Better Placed.
<b>Guide to Traffic Generating Developments (RMS)</b>	As required by the RMS Guide to Traffic Generating Developments, a traffic impact study has been prepared – refer to study by The Transport Planning Partnership in <b>Appendix J</b> . The study demonstrates that the safety and efficiency of the surrounding road network would not be adversely impacted by the proposal, noting: <ul style="list-style-type: none"> <li>• vehicular access to the site would be very limited given there is no on-site parking, virtually no need for deliveries to the site during operations (all furniture is provided and fixed) and commercial uses are limited to one small shop, and</li> <li>• the limited vehicle access that would be required would be provided from Margaret Street and William Lane and therefore would not affect the operation of the classified road.</li> </ul>

<b>A Plan for Growing Sydney / The Greater Sydney Region Plan</b>	<p>The Greater Sydney Region Plan has replaced A Plan for Growing Sydney as the overarching metropolitan strategy for Sydney. The proposal will support the directions of the Region Plan in that:</p> <ul style="list-style-type: none"> <li>• It will increase the supply of housing, and in particular improve affordable rental housing options in the locality (Direction 4).</li> <li>• It incorporates art and public domain improvements that celebrate the culturally rich and diverse Redfern neighbourhood (Direction 3).</li> <li>• It improves the walkability and accessibility of the city by locating density within a major metropolitan centre and due to improved pedestrian links enabling north-south pedestrian movements away from noisy arterial roads (Direction 6).</li> <li>• The publicly accessible through site link incorporates landscaping and amenity space that will make a positive contribution to the neighbourhood and the great places within the city (Directions 5 and 8).</li> <li>• It incorporates energy and water efficiency measures (Direction 9).</li> <li>• It will provide jobs and contribute to the growth of the economy (Direction 7).</li> </ul>
<b>Revised draft Eastern City District Plan / Eastern City District Plan</b>	<p>The revised draft Eastern City District Plan has been superseded by the Eastern City District Plan. The proposal is consistent with the objectives of the Eastern City District Plan in that:</p> <ul style="list-style-type: none"> <li>• It will support strengthening the international competitiveness of the Innovation Corridor and the Education precincts by supporting nearby universities with provision of well-located housing for students.</li> <li>• It will provide well designed housing close to transport and infrastructure.</li> <li>• It will make a positive contribution to public places, walking and cycling, cultural and artistic assets, with the provision of a landscaped and well-designed through site link incorporating artwork to reflect the culture of the neighbourhood.</li> <li>• It will be responsive to climate change by incorporating energy and water efficiency measures.</li> </ul>
<b>Towards our Greater Sydney 2056</b>	<p>Towards Our Greater Sydney is the underlying strategy that amended 'A Plan for Growing Sydney' and informed the development of The Greater Sydney Region Plan and the Eastern City District Plan. The proposal's consistency with these strategies is set out above.</p>
<b>Sustainable Sydney 2030</b>	<p>Sustainable Sydney 2030 is the City of Sydney's Strategic Plan. The proposal will assist with revitalising this part of Redfern, deliver student housing to support nearby universities, incorporate a pedestrian through site link with landscaping and artwork, incorporate active ground floor uses and energy and water efficiency measures. As such it will contribute to the following strategic directions under the plan:</p> <ul style="list-style-type: none"> <li>• A globally competitive city</li> <li>• A city for pedestrians and cyclists</li> <li>• A lively, engaging city centre</li> <li>• Vibrant local communities and economies</li> <li>• A cultural and creative city</li> <li>• Housing for a diverse population</li> <li>• Sustainable development, renewal and design</li> </ul>
<b>Central to Eveleigh Transformation Strategy</b>	<p>The proposal is consistent with the following Key Moves under the strategy:</p> <ul style="list-style-type: none"> <li>• Connect the City with surrounding places (by improved pedestrian connections)</li> <li>• Create centres of activity around stations (by providing a new development and population in close proximity to the station)</li> <li>• Strengthen arts, culture and heritage (through incorporation of public art and heritage interpretation on the site)</li> </ul>

	<ul style="list-style-type: none"> <li>• Integrate new high-density mixed-use buildings within existing neighbourhoods and places (by providing a new high density building)</li> <li>• Deliver a diversity of housing choice and tenure (by adding to the range of housing choices for students)</li> </ul>
<b>Redfern – Waterloo Built Environment Plan (Stage 1)</b>	The Redfern – Waterloo Built Environment Plan (Stage 1) was the underlying strategy that informed the development of the Redfern – Waterloo provisions in the State Significant Precincts SEPP and the Redfern Centre Urban Design Principles. The proposal's consistency with these is set out in Sections 5.6 and 5.16. Accordingly the proposal also aligns with the Built Environment Plan.

## 6.0 Environmental Assessment

### 6.1 Built Form and Urban Design

#### 6.1.1 Design Excellence

Relevant considerations relating to Design Excellence include:

- Clause 22 of Schedule 3 of the SSP SEPP, which requires consideration of architectural design, materials and detailing, quality and amenity of the public domain, and sustainable design principles.
- The UDPRC, which have been prepared in accordance with clause 22(4) of Schedule 3 of the SSP SEPP detailing the matters to be addressed for design excellence.
- The requirement for a design excellence strategy as required by the SEARs.

The UDPRC have been considered in detail in Section 5.16. This section (Section 6.1) of the report considers the design of the building having regard to the UDPRC and the matters outlined in Clause 22.

AJ+C Architects have prepared a Design Excellence Report, at Appendix D. It outlines the design process leading to the proposal and provides detailed consideration of the design of the building in its context and having regard to the design excellence principles of the Government Architect's 'Better Placed' design policy. It forms part of the overall Design Excellence Strategy developed for the site as required by the SEARs, also at Appendix D.

The design of the development has evolved as a result of a detailed design review process in consultation with the Government Architect's State Design Review Panel (SDRP) and consistent with the Design Excellence Strategy at Appendix D. The Applicant met with the SDRP on 12 September and 3 October 2018 and also forwarded updated plans and the Design Excellence Strategy to the Panel for comment on 19 November 2018. The following is a summary of the feedback from the panel and the design responses.

**Table 11: SDRP Feedback and Response**

Key SDRP Feedback	Response
<b>Context and Ground Plane</b> <ul style="list-style-type: none"> <li>• Design to be based on contextual analysis</li> <li>• Entry location and articulation to be further developed</li> <li>• Respond to the site location as a corner block and bookend to the zoning</li> <li>• Suggest relocating plant / service zones to Gibbons Street</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed contextual analysis has been undertaken to inform the design: refer to the Design Excellence Report at Appendix D.</li> <li>• The main building entry has been designed to be clearly delineated by a recessed façade and variation in building materials.</li> <li>• The corner of the tower form and podium parapet line is stepped to articulate the bookend to the zoning.</li> <li>• Disagree: Plant has been located away from Gibbons Street to minimise streetscape impacts and maximise activation as required by the Design Principles.</li> </ul>
<b>Public Realm</b> <ul style="list-style-type: none"> <li>• Laneway to be open to the sky</li> <li>• Laneway to be publicly accessible and used for shared purposes</li> </ul>	<ul style="list-style-type: none"> <li>• The initial design incorporated a built form which straddled the through site link in order to achieve a continuous street edge as recommended by the UDPRC. Based on the SDRP advice, the proposal was redesigned with the entire link open to the sky.</li> </ul>

<ul style="list-style-type: none"> <li>Reconsider ground plane design as an extension of the public domain</li> <li>Engage with Council regarding ownership expectations.</li> <li>Consider enterprise opportunities to activate the laneway</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant met with Council which advised that it did not wish to take ownership of the through site link. Council also advised that the link should be designed to clearly differentiate it from adjoining Council owned land. The area has therefore been designed to both invite pedestrians to use the space as a through site connection but using materials and finishes to clearly distinguish it from public owned land.</li> <li>The proposal incorporates a bike repair workshop on the link. There is also ample space for a mobile coffee cart or similar enterprise to be provided to assist with activation. Windows and entrance door to the student common areas will also provide a sense of activation.</li> </ul>
<b>Building Form and Mass</b> <ul style="list-style-type: none"> <li>Building should be designed to an FSR of 7:1 to ensure amenity and quality</li> <li>Articulate the form at grade / modulate the podium to provide a variety of spaces, and break down the building bulk.</li> <li>Consider incorporating double height spaces overlooking Gibbons Street</li> </ul>	<ul style="list-style-type: none"> <li>Disagree: this comment is based on an assumption that the floor space provisions of the ARH SEPP do not apply to the site and that design excellence can only be achieved at an FSR of 7:1. For the reasons set out in Section 5.5, it is considered that the floor space bonus provisions of the SEPP do apply to the site and the application can not be refused on the basis of floor space. As discussed below, the additional floor space would not result in any significant adverse amenity or quality impacts and would improve provision of affordable housing in line with strategic planning objectives.</li> <li>The design of the podium has been further developed to improve modulation to provide visual interest and break down visual bulk, while still maintaining a clear street wall edge as required by UDPRC</li> <li>Double height spaces are not considered necessary or appropriate. A high ceiling is provided to the common space on Level 1 facing Gibbons Street, but double height glazing may result in additional noise penetration to the common living spaces, while the current design can meet applicable noise guidelines. It would also result in the spaces being less 'cosy' and uninviting for students to use.</li> </ul>
<b>Amenity</b> <ul style="list-style-type: none"> <li>Consider cross ventilation, circulation, access to natural light, noise and wind issues.</li> <li>Consider occupant amenity, including internal planning and room dimensions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to discussion in Section 6.1.5 and 6.5 The proposal has been designed to maximise internal amenity, including access to light and ventilation, having regard to existing site constraints arising from heavy traffic noise and overshadowing from adjoining development.</li> <li>The final design has also incorporated measures to mitigate wind impacts as discussed in Section 6.6.</li> <li>Room size and layout has been carefully considered: refer to Section 6.1.5.</li> </ul>
<b>Type</b> <ul style="list-style-type: none"> <li>Recommends providing more retail, especially on William Lane, and the façade on William Lane to be permeable at ground level to activate the laneway.</li> </ul>	<ul style="list-style-type: none"> <li>The applicable planning controls do not require retail at the ground floor level, however as a result of feedback from the SDRP, a retail unit was included in the ground floor of the proposal. In addition, a bike workshop and storage area was added to the through site link frontage and there is opportunity for a mobile coffee cart or similar enterprise to be provided to assist with activation. Windows and entrance door to the student common areas will also provide a sense of activation.</li> </ul>
<b>Design Excellence</b> <ul style="list-style-type: none"> <li>Demonstrate the methodology for ensuring design excellence</li> <li>Provide a stronger response demonstrating how culture and heritage can inform the built form and be incorporated into the design</li> </ul>	<ul style="list-style-type: none"> <li>A Design Excellence Strategy outlining the methodology to achieve design excellence was subsequently sent to the SDRP for review. A copy is included in Appendix D.</li> <li>Refer to Section 6.4.1. Detailed work was undertaken, resulting in an Interpretation Strategy for the site as well as a Strategy for Integration of Aboriginal Cultural Heritage Values into the Development Design. The proposal incorporates concept designs for Aboriginal artwork visible from the public domain, as well as interpretation panels, naming, and native plants in accordance with the recommendations of these studies and strategies.</li> </ul>



Having regard to the assessment throughout this EIS and supporting reports, the proposal is considered to demonstrate design excellence as it:

- Exhibits a high standard of architectural design with materials and detailing which are appropriate to both the proposed use as a student accommodation building as well as complementary to the materials of surrounding development and heritage values in the vicinity of the site.
- Will improve the quality and amenity of the public domain by providing a high quality landscaped through site link, incorporating artwork to celebrate cultural values, significantly improving street activation, improving pedestrian comfort with the provision of awnings, and improved footpaths and street trees adjoining the site.
- Incorporates sustainable design principles to maximise access to sunlight and natural ventilation, mitigate against wind, visual and acoustic privacy impacts, reflectivity, safety and security impacts and incorporates energy and water efficiency measures.
- Has been designed having regard to the UDPRC.
- Has been designed taking into account feedback from the SDRP.
- Has been designed based on a Design Excellence Strategy developed for the site.

### 6.1.2 Building Height, Scale and Setbacks

#### *Building Height*

With an overall height of 64m, including 18 storeys and 1 storey of roof plant, the proposed building height is consistent with all other emerging development in this part of Redfern, expectations under the SSP SEPP and the UDPRC which allows for buildings up to 18 storeys or 65 metres.

Podium height is three storeys which is also consistent with expectations under the controls and the height of adjacent development.

Parts of the tower encroach into the three storey podium height control area and as such there is a technical breach of the height control under the SSP SEPP. The impact is considered below as a variation to the street setbacks.



**Figure 21: Image demonstrating proposed building height consistent with emerging character**  
(source: Visual Impact Assessment)

### *Building Scale*

The proposed building would have a GFA of 11,470m<sup>2</sup>, resulting in an FSR of 8.4:1. The FSR complies with the 7:1 control under the SSP SEPP, subject to the addition of the 20% floor space bonus permitted under the ARH SEPP and supports the strategic planning objective of increasing the stock of affordable rental housing. Arguments demonstrating the applicability of the ARH SEPP provisions are set out in detail in Section 5.5.

However, in case the relevant authority forms an opinion that the ARH SEPP provisions do not apply, a SEPP 1 objection to the 7:1 FSR development standard has been prepared at Appendix Z.

Regardless of which control applies to the proposal, the building scale is considered to be appropriate, noting that building bulk is a function of height and setbacks, and:

- Part of the floor space is provided at basement level which does not contribute to building bulk or associated impacts.
- Building height complies with expectations under the controls (despite minor technical variations) and is consistent with the height of emerging surrounding development.
- The proposal incorporates a reduced building footprint at the podium levels in order to provide the through site link, resulting in this lost floorspace being relocated to the tower levels. The public benefit of the through site link outweighs any minor impact arising from additional floor space or reduced setback at the tower levels.
- Building setbacks are considered in detail below and are shown to be either consistent with or greater than setbacks expected by the controls, or consistent with typical setbacks of emerging built forms in the area and without any unacceptable impacts to the locality or adjoining development.
- Building bulk would be consistent with overall scale of adjoining development at 11 Gibbons Street, which is also proposed with an FSR of 8.4:1 and other nearby development, such as 80-88 Regent Street, proposed at 8.7:1.

### *Building Setbacks*

Expected setbacks for the western and southern facades adjoining the street fronts are clearly established by the controls in the SSP SEPP and the UDPRC. They include a nil setback for the podium levels and a 4 metre setback for the tower.

The UDPRC also provide that podium levels should be built with nil side setbacks (applicable to the eastern and southern facades in this case) so that development abuts each other and reinforces the street wall.

However, controls relating to tower setbacks on side boundaries which do not adjoin a street are not clearly defined. As shown in Figure 17, the height control map allows for a built form of 18 storeys to be built to the northern and eastern side boundaries. The UDPRC advise that the Residential Flat Design Code (now the Apartment Design Guide (ADG)) has been used as a reference for separation of residential buildings. If the ADG were to be applied to the proposal, the upper levels of the tower would require side setbacks of 12 metres for habitable rooms and 9 metres for non-habitable rooms or rooms with no windows on the façade. However, SEPP 65 and the ADG do not strictly apply to boarding house developments. In addition, the Department has consistently approved all residential development in this part of Redfern with much smaller side setbacks. Minimum approved tower setbacks to side boundaries not adjoining a street or laneway include:

- 1-5 Gibbons Street 6m (4.5m to balcony)
- 7-9 Gibbons Street 6m (5.3m to balcony)
- 60-78 Regent Street 2.08m
- 80-88 Regent Street 3m

Other proposed development nearby not yet approved includes minimum tower side setbacks of:

- 11 Gibbons Street: 5m
- 90-102 Regent Street 2m

As such, a merits-based approach to the tower setbacks on the northern and eastern facades should be applied, having regard to the emerging character of the area and approved built forms as well as the impacts associated with the setbacks, particularly in relation to shadowing, privacy, views, and visual impacts.

A summary of the setback controls and discussion of compliance and impacts are provided in Table 12. Detailed consideration of amenity impacts to neighbours relating to shadowing, privacy, views, and visual impacts is also set out in Section 6.2 and confirms that no unacceptable impacts arise as a result of the proposal.

**Table 12: Assessment of proposed building setbacks**

Required and proposed setbacks	Discussion
<b>Podium: west (Gibbons Street)</b> Required: 0m Proposed: 0m	Complies. Other than a recess to delineate the building entry, the podium is built to the street boundary to reinforce the street edge.
<b>Tower: west (Gibbons Street)</b> Required: 4m Proposed: 2.5 - 4.5m	The tower is stepped to provide visual interest, and to reinforce the importance of the street corner. This results in reduced setback in the southern part of the façade, offset by a slightly increased setback in the northern part of the façade (Figure 18). The variation is minor and results in no adverse privacy or view loss impacts. Overall shadowing impacts would be similar to a development built strictly in accordance with the controls and overall visual impacts are improved as a result of the stepping in building massing and corner treatment.
<b>Podium: south (Margaret Street)</b> Required: 0m Proposed: 0 - 4m	The podium is setback from the street edge and stepped to provide visual interest, to allow for the provision of a raingarden and street trees and to improve views to St Lukes Church. Although a strong street wall is not provided as recommended by the UDPRC, the design response is considered appropriate in this case, noting Margaret Street is not characterised by retail or commercial developments with strong street walls, but includes a mixture of development forms. The stepped form and associated landscaping will improve amenity of the public domain and residential premises opposite.
<b>Tower: south (Margaret Street)</b> Required: 4m Proposed: 2 - 6.5m (average 4 m)	The tower is stepped for visual interest and to highlight the corner. As an average setback of 4 metres is retained, no additional overall impacts arise in terms of privacy or views or solar access as compared to development built strictly in accordance with the setback control. Overall visual impacts are improved as a result of the stepping in building massing and corner treatment.
<b>Podium: east</b> Required: 0 m	The podium is significantly setback from the eastern boundary to provide the through site link in an alignment consistent with William Lane. Although this results in a different design outcome from that envisaged by the UDPRC, the proposal

Proposed: 5.5m – 11.5m	results in a superior outcome for the locality, with significant public benefits provided by the through site link as discussed elsewhere in this report. The proposal exceeds setback expectations under the ADG, were they to be applicable.
<b>Tower: east</b> Required: no applicable control Proposed: 7 – 11m	The eastern side of the tower provides a generous setback from the side boundary and would have a greater minimum side setback than any other nearby development built under the same controls. While the uppermost levels would not meet setback expectations under the ADG, the setbacks ensure a good level of privacy would be achieved with future adjoining development (refer to discussion in Section 6.2) and therefore the intention of the ADG controls would be met. Further, in the context of the scale of future development surrounding the site, the eastern setbacks would not result in adverse shadowing or view impacts as also discussed in Section 6.2.
<b>Podium: north</b> Required: 0 m Proposed: 0 m	Complies. The podium is generally built to the side boundary. At Levels 2 and 3, parts of the podium are recessed to provide communal open space and separation from adjoining development, without compromising the intent of the control to provide a strong street wall edge. While the setbacks would not comply with the recommendations of the ADG (if it were to apply), the proposal has been designed to ensure no adverse privacy impacts arise by orienting development away from the northern boundary and providing dense landscaping to the edge of the open space – refer to discussion in Section 6.2.
<b>Tower: north</b> Required: no applicable control Proposed: 2.4 – 6.1m	Northern side setbacks are similar to the setbacks of other development in this part of Redfern. Although the setbacks are generally smaller than the recommendations of the ADG, they are considered to be acceptable in this case, noting: <ul style="list-style-type: none"> <li>- due to the site's location, which is to the south of adjacent development, no adverse shadowing impacts arise</li> <li>- as with the proposed adjacent development to the north, habitable space is generally oriented east and west and development is designed so that no unacceptable visual or privacy impacts arise (refer to discussion in Section 6.2)</li> <li>- the setbacks would result in a built form and building separation that is consistent with the character of other nearby developments.</li> </ul>

### 6.1.3 Materials and Finishes and Design Elements

Detailed consideration of the building design is set out in the Design Excellence Report in Appendix D. Key design features are summarised below.

#### Podium

The podium has been designed to respond to the historic urban character of Redfern by aligning to the street boundary along Gibbons Street and aligning the extension of William Lane with neighbouring buildings. On Margaret Street the podium form is stepped in alignment to offer a glimpse of St Luke's church spire and improve the amenity of Margaret Street, which is very narrow. The podium parapet aligns with the proposed adjoining development on Gibbons Street but steps up at the Margaret Street corner to acknowledge the corner, respond to the form of adjacent development, provide wind protection to the Level 4 terrace as well as privacy to No 1 Margaret Street.

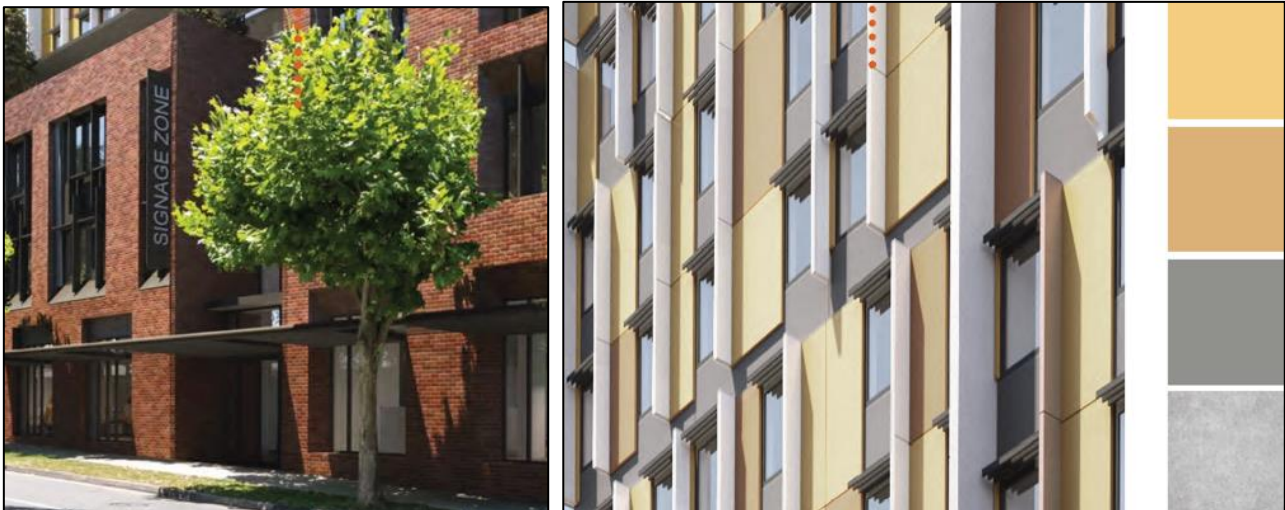
Materials are predominantly face brick to reflect the context and historic character of the area. Feature windows are of light grey framing. Also consistent with the context, the ground floor has wider openings to provide activation of the surrounding public domain. Awnings are provided on the western, southern and eastern facades for weather protection and will align with proposed awnings on adjacent

development. Other openings in the podium above street level are proportionally smaller and exhibit variations in size and proportions to give the impression they have been modified over time. Tall window shapes have been included which are inspired by the long vertical windows on the adjacent church.

### **Tower**

The tower is designed to present a contemporary appearance in contrast to the podium. A distinct break between the two is created by the variation in design, roof terrace and awning provided at Level 4. The tower form and massing is articulated and stepped in plan to follow the site geometry and internal planning. The masses also step in height to mark the corner and the site's position as the bookend to the zoning, to reference to the tall parapets of the historic shops, as well as to conceal roof top plant.

Materials are precast concrete in grey and yellow tones, consistent with the colour palette recommendations of the UDPRC. Good sized windows are provided for bedroom amenity, but the tower facades still retain a high solid to void ratio and therefore low levels of reflectivity. The tower is designed 'in the round' with visual interest provided to all facades by variations in massing, materials and detailing (including vertical aluminium fins and horizontal solar shades) and incorporation of windows on all facades.



**Figure 22: Facade materials, including podium (left) and tower (right)**  
(source: AJ+C Architects)

Overall the building presents as a high quality development with a design that responds to both the historic character of Redfern and the emerging contemporary character of adjoining development.

### **6.1.4 Street Activation and Public Domain**

The proposal significantly improves street activation as encouraged by the controls. Activation will be maximised on Gibbons Street with the provision of a retail unit, as well as the main building entry. Large windows will also enable a direct visual interface between the ground level common areas and the footpath on this frontage. The interface with Margaret Street is less active and strikes a balance between the need to ensure casual surveillance of the street, while at the same time respecting the need for visual and acoustic privacy for the residential premises immediately opposite this very narrow street. Ground level services are kept to a minimum and are concentrated at the rear of the through site link to minimise public streetscape impacts but activation is still achieved on the link with the provision of a bike workshop, second entrance to the premises, windows providing an interface between the public and private domains



and attractive landscaping and seating to encourage recreational use of the space and potential future enterprise.

The pedestrian experience of the public domain is also improved in other ways. Street awnings provide all weather protection currently not available to pedestrians. Street trees are proposed to improve the amenity on Margaret Street and the footpath width effectively available to pedestrians would be slightly widened. Street trees on Gibbons Street would be retained, pruned and protected during the works. Most importantly, the proposed through site link opens up the missing link in the William Lane connection, providing pedestrians in the area an alternative north-south walking route away from busy arterial roads. High quality landscaping and footpath paving have been incorporated to improve the publicly accessible areas within and surrounding the site.



**Figure 23: Through site link**  
(source: Turf Design Studio)

Crime prevention through environmental design and safety has been achieved in the development design by:

- Passive surveillance from the common areas to the public through site link and public domain.
- Minimisation of ground floor services to allow for more direct ground level access and maximise street activation.
- The proposed use will encourage use of the common areas and associated passive surveillance beyond standard business hours.
- Secure entry points to the building.
- Lighting of entry points, the through site link, and the public domain.
- Incorporation of CCTV to monitor entries and the through site link.
- Operational management procedures and onsite management personnel to monitor behaviour inside and surrounding the site.

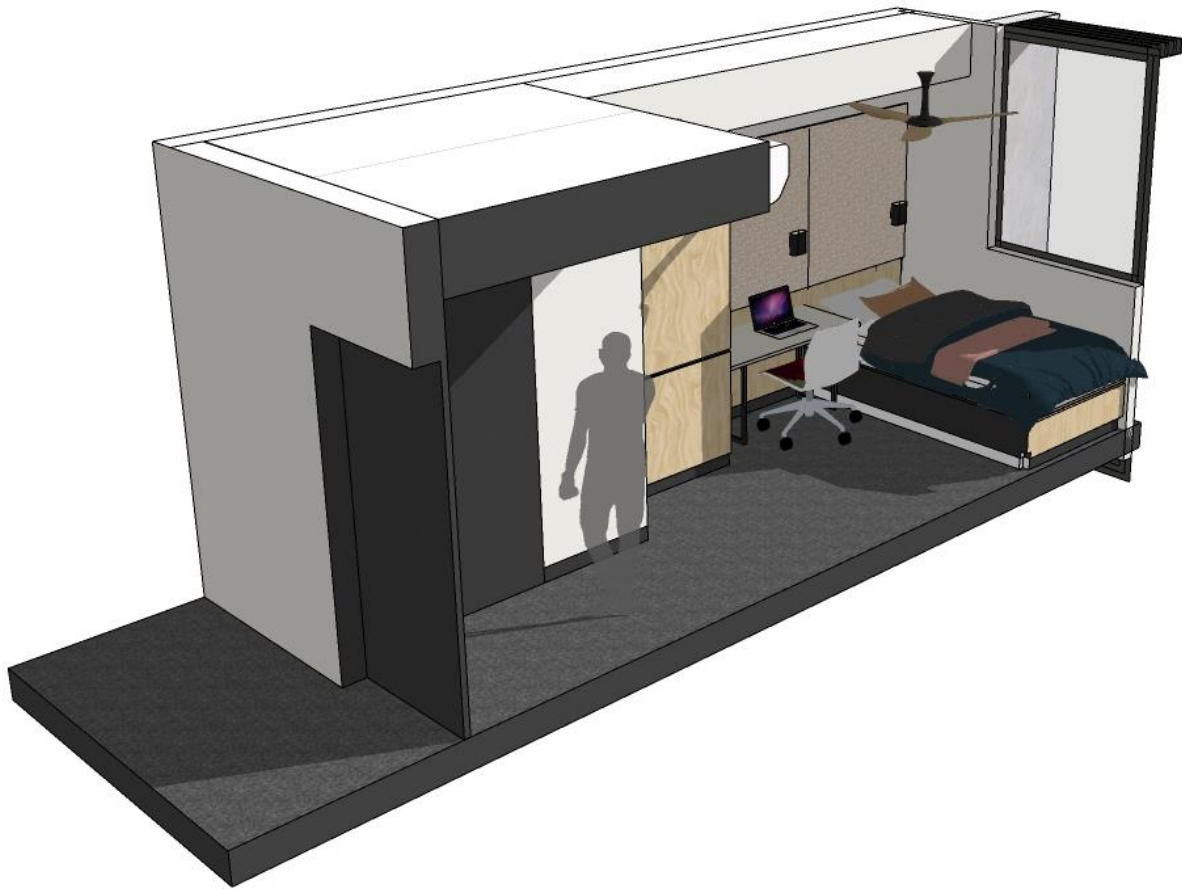
### 6.1.5 Internal Amenity

The proposal has been designed to comply with the internal amenity standards for boarding houses established by the ARH SEPP and the SDCP 2012, with the exception of the room size requirements, private open space and laundry facilities (refer to assessment in Sections 5.5 and 5.18). These variations from the controls result do not result in any adverse consequences for occupant amenity as discussed below.

#### *Room Size*

The proposed bedrooms would vary in size between 10.1m<sup>2</sup> and 11.1 m<sup>2</sup> (exclusive of kitchens and bathrooms) and therefore would be marginally smaller than the recommended room size of 12m<sup>2</sup> under the controls. All rooms would be single occupancy only. Despite the variation, the proposed room sizes are considered to be acceptable as:

- The rooms are well designed, with custom-made built-in furniture which is designed to maximise storage and make efficient use of the space (Figure 23).
- The rooms have generous floor to ceiling heights of 2.7 metres which exceed minimum requirements for boarding houses and provide a feeling of spaciousness.
- The rooms are provided with large windows which also add to the amenity of the room.
- The controls apply to all boarding houses, but students have different needs to typical residents in a boarding house, usually residing for shorter periods of time, and typically spending less time alone in their rooms and more time socialising and using common areas.
- The smaller room size is offset by increased areas of communal living space, communal kitchen and dining space and communal outdoor spaces, which all exceed the areas recommended by the DCP and ARH SEPP.
- The site is well located in an inner-city area with immediate access to a park opposite the site and numerous cafes in close proximity, which add to the amenity of the accommodation and provide further alternative spaces for study and leisure time.
- The Department has recently approved other student housing developments with similar sized rooms, including at the University of Sydney (SSD 7417) (581 rooms between 10m<sup>2</sup> and 11m<sup>2</sup>) and Darling Harbour (SSD 7133) (372 rooms 10.9m<sup>2</sup>) indicating that smaller room sizes can still provide reasonable levels of amenity.
- Other jurisdictions in Australia typically allow for smaller room sizes, including 7.5m<sup>2</sup> in Victoria, Queensland, Northern Territory and 9m<sup>2</sup> - 10 m<sup>2</sup> in the ACT, indicating that smaller room sizes can still provide reasonable levels of amenity.
- Smaller rooms translate to provision of greater housing supply as well as more affordable housing, consistent with strategic planning objectives.



**Figure 24: Indicative layout of ensuite room**

### *Private Open Space*

SDCP 2012 recommends that 30% of rooms in boarding houses have access to private open space in the form of a balcony, although the ARH SEPP does not require private open space. It is noted the DCP controls do not strictly apply to the development and in this case it is not considered reasonable or necessary to provide rooms with balconies for a number of reasons:

- A variety of well-designed communal open space areas, well in excess of minimum requirements are provided on the site to meet student needs.
- Public open space is located directly opposite the site providing additional access to open space.
- The use of the building for student accommodation, noting the different needs of students compared to typical boarding house residents as discussed above.
- Due to the constraints and location of the site, balconies would be likely to be adversely affected by wind impacts and by road and rail noise (particularly to the west), and therefore would be unlikely to provide material additional amenity benefits for students
- On other elevations, balconies would be overshadowed and would be likely to result in adverse privacy impacts for future adjoining developments
- Balconies have not been included in other recently approved student housing developments, indicating that reasonable levels of amenity can be achieved without the provision of balconies

### *Laundry Facilities*

SDCP 2012 recommends provision of one communal washing machine (5kg+) and one dryer for every 12 residents (40 washing machines and dryers in this case) as well as drying facilities such as a clothesline. The proposal includes 10 commercial washing machines and dryers, with a capacity of 9.1kg and 14 kg respectively. The high density inner city location does not lend itself to provision of an outdoor clothes line and none are included in the proposal.

The proposal results in 1 washing machine and 1 dryer per 49 students. Although this is less than the 1 per 12 ratio recommended by the DCP, the capacity of the machines are significantly greater. They also have very fast cycles (24 mins wash cycle, 20 minute dry cycle). In addition, the ratio is similar to other approved student accommodation developments (1:41 at 60-78 Regent Street, 1:45 at and 1:50 at Central Park). In this case, the number of machines has been based on the Applicant's experience with other student developments, ensuring the laundry facilities will meet the day to day laundry needs of the students.

### *Noise and Ventilation*

There are no specific requirements for ventilation of boarding houses in the ARH SEPP or SDCP 2012. As discussed in Section 6.5, due to existing traffic noise and rail noise, bedrooms will be mechanically ventilated and windows appropriately glazed to allow occupants the choice to close windows to mitigate against noise impacts or open windows for ventilation during periods of low traffic noise. Circulation corridors have been designed to provide natural cross ventilation on each floor and during peak traffic times when windows need to be closed for acoustic reasons, a mechanical exhaust can be triggered to start drawing air from the corridor space.

The Acoustic Report also identifies the various internal sound insulation requirements for internal walls, floors and services to ensure each apartment / room will have access to appropriate internal acoustic privacy and these measures will be incorporated at the detail design phase.

#### **6.1.6 Development of Adjoining Land**

The SEARS provide that there is to be a genuine attempt to amalgamate the site with adjoining land to achieve compliance with the minimum lot sizes under the Redfern Centre Urban Design Principles, and to otherwise demonstrate the setbacks and building height are appropriate in the context of the site. The SEARs also require demonstration of the future redevelopment of adjoining properties.

The site is adjoined by 11 Gibbons Street to the north and 116 Regent Street to the west. The Applicant wrote to owners or representatives of both sites with regards to amalgamation.

Consultants acting on behalf of the owners of 11 Gibbons Street responded that owing to the advanced state of their application to develop that site for social and affordable housing, as well as contractual requirements to deliver the housing there is no potential for site amalgamation. The owner of 116 Regent Street (BP Australia) did not respond, despite repeated attempts to contact them.

However, with a site area of 1365.5m<sup>2</sup>, the site achieves 97.5% of the 1400m<sup>2</sup> size recommended by the Redfern Centre Urban Design Principles and therefore there would be no perceptible difference in terms

of the development's height and setbacks as compared to the height and setbacks of a development on a 1400m<sup>2</sup> site. The appropriateness of the proposed height and setbacks is discussed in Section 6.1.2.

Further, adjoining sites are appropriately sized to enable future development as indicated in Figure 25.

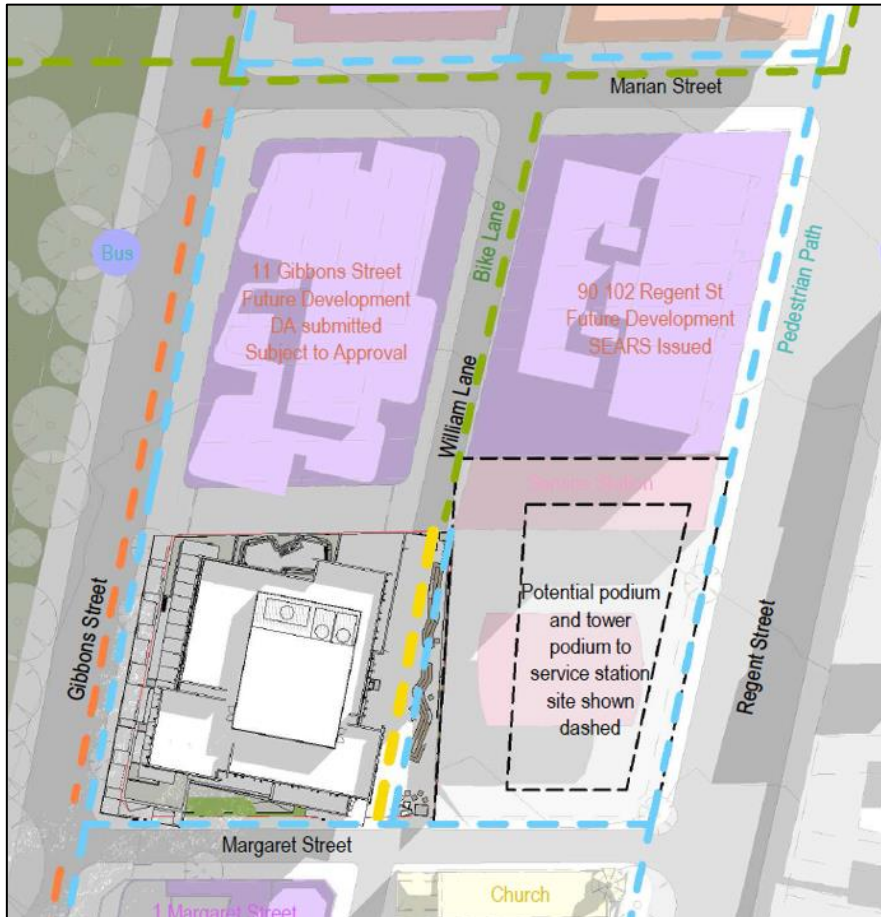


Figure 25: Subject site and future development potential of adjoining properties

## 6.2 Residential Amenity of Neighbours

This section considers potential amenity impacts to neighbours arising from the development, including overshadowing, visual and view impacts, and privacy. Potential for noise impacts has been separately considered in Section 6.5.

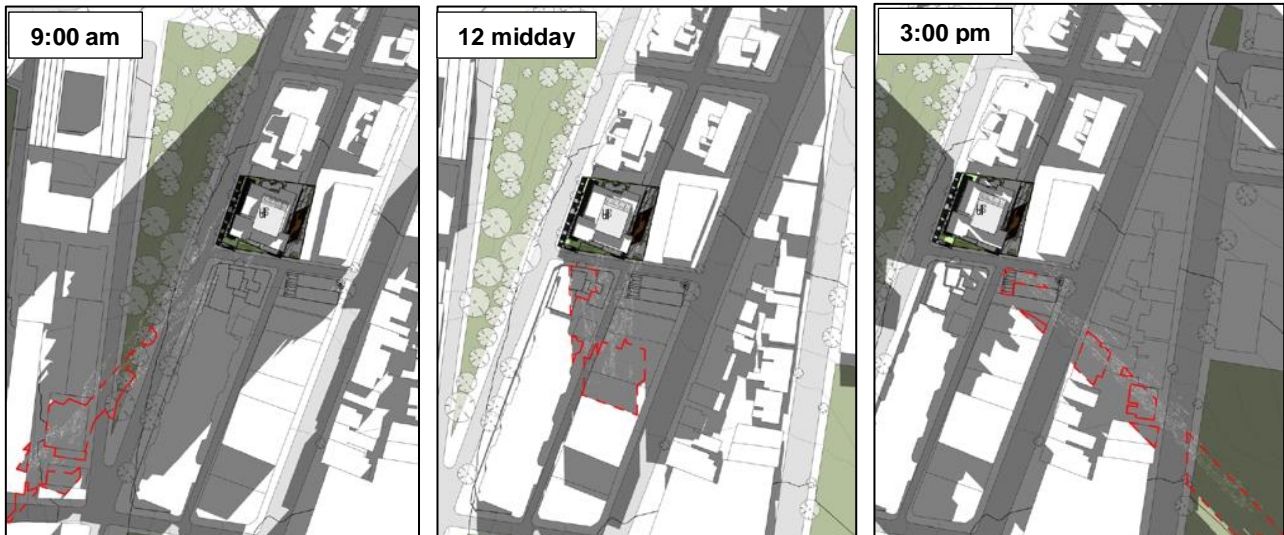
### 6.2.1 Overshadowing

Being the southernmost site within the Redfern Centre under redevelopment, any development of the site in accordance with the built form controls is going to result in some overshadowing impacts for adjoining properties to the south. However, shadow diagrams prepared by Allen Jack + Cottier provided in Appendix C demonstrate that:

- At mid-winter, the building will cast a long narrow shadow that moves quickly over most adjoining development.
- Shadowing of adjoining open space areas is limited, with shadows being clear of Gibbons Street Reserve from 10.00 am at mid-winter



- The majority of additional shadows created by the proposal fall on the roofs of surrounding buildings. It is also important to note, that in the context of the likely shadows from the emerging built forms surrounding the site, the proposed building would not significantly contribute to overshadowing of nearby properties as shown in Figure 26. Moreover, a reduction in tower massing, by increasing northern or eastern setbacks (western and southern setbacks are already informed by clear controls) would be unlikely to result in any discernible change to shadow impacts for nearby properties.



**Figure 26: Mid-winter shadow diagrams which incorporate shadows from likely future surrounding development.**

Additional shadows created by the proposal over and above existing and future shadows created by adjoining development are shown outlined in red (source: AJ+C Architects)

### 6.2.2 Visual Impacts and Views

The visual impact of the development as viewed from the public domain within the locality has been considered in detail in the Visual Impact Assessment in Appendix F and Section 6.1.

The Visual Impact Assessment also considered private domain view impacts. It concludes that the built form is unlikely to create significant view loss in respect of existing neighbouring residential development, noting that:

- Any existing views over the site from residential towers north of the site (such as 7-9 Gibbons Street) are likely to be largely lost in the future by proposed development at 11 Gibbons Street and proposed development in Regent Street.
- A specific assessment of potential visual impacts on views from the proposed development at 11 Gibbons Street, has not been undertaken, but proposed plans indicate that on typical floors, south facing windows relate to bedrooms and bathrooms, while living areas and external balconies are orientated to the west and east, views from which would not include the subject site or proposed development.
- Potential private domain views may be available from the upper level of 1 Marian Street (the former Water tower building). However, the spatial separation created by the park and intervening vegetation canopy within it, is likely to filter or block some potential views to the east.
- Due to the topography of the area and the height of other surrounding development, there are no other material views over the site.

In addition, the proposal has sought to minimise visual impacts to immediate neighbours by:

- Setting the podium back from the Margaret Street boundary and the eastern boundary, varying the façade massing and materials and incorporating some street tree planting, all of which will assist to reduce the overall impacts to the properties on Margaret Street, compared to a development built in accordance with the controls with no setbacks.
- Incorporating variations in the massing of the tower and a wide palette of materials and finishes to assist with visually breaking up the tower façades as viewed from future development immediately adjoining the site.

Overall, in the context of the emerging high density environment and the scale of development expected on the site under the controls, the proposal would not result in any unexpected adverse visual or view impacts on neighbouring properties.

### 6.2.3 Privacy

The proposed development has been designed to minimise overlooking and privacy impacts to adjoining development. A merits-based consideration of privacy impacts from each of the facades is set out below, noting the ADG requirements for building separation do not apply to student housing developments.

#### *Western Facade:*

There are no overlooking / privacy concerns on the western boundary which overlooks the park and has a setback of more than 60 metres from other residential development in this direction.

#### *Southern Facade*

Setbacks to Margaret Street / the southern boundary are generally in accordance with, or exceed the controls set by the SSP SEPP. Extensive glazing has not been provided at Level 1 (ground) compared to other elevations and opportunities for overlooking would be no greater than those currently available from the street. Proposed windows at Levels 2 and 3 would also not result in any material additional overlooking impacts, compared to existing development on the site. In addition, new street trees are proposed on Margaret Street which will make a contribution towards screening between the two sites. Windows in the tower on this facade would only overlook the roof of the premises and would not cause privacy impacts. The podium parapet is raised around the Level 4 Terrace to prevent overlooking from this part of the site.

#### *Eastern Facade*

Currently no privacy impacts arise on the eastern side of the site, as the proposal adjoins the BP Service Station. The proposal has been designed to ensure that any future development on that site, whether commercial or residential, can proceed without adverse privacy impacts, noting:

- The proposed through site link provides an extensive setback which exceeds expectations under the ADG for privacy at the lower levels and incorporates landscaping and screening.
- The proposed tower would have an average setback of 9 metres from the eastern boundary, which is generous for development in this locality, and is sufficient to ensure adequate privacy, subject to the future design on the adjoining site.
- The part of the tower closest to the boundary is oriented to the south and does not include openings from habitable rooms facing the adjoining premises to the east.
- The nature of the proposed use for student accommodation, noting that above ground level windows are limited to individual student rooms and there are no common areas, balconies, or terraces that would allow groups to gather on this elevation.

### *Northern Façade*

Currently there are no privacy impacts to the northern side of the site, as the proposal adjoins a former Council depot site. The site is proposed to be developed for a mixed-use building, incorporating apartments above the ground floor level, although final floorplans and window locations have not yet been approved. At the time of writing, plans had been exhibited but a Response to Submissions had not been made. The proposal has been designed to minimise privacy impacts between the two sites, based on the exhibited plans, noting:

- The proposed development on the adjoining site to the north orients living areas and external balconies to the west and east and limits the extent of windows facing towards the subject site.
- The majority of rooms within the student accommodation proposal adjoining the northern façade are also oriented to the east or west and do not include openings towards the adjoining site.
- On a typical floor level, northern windows would be limited to two corridor windows and two small studio room windows. These have been designed to be generally setback further from the side boundary and offset from any windows in the adjoining tower.
- Once final window locations in the adjoining development are known, appropriate privacy treatments can be provided to these windows, if necessary, to ensure no direct overlooking impacts arise.
- Common areas or gathering spaces on this elevation are limited to the small outdoor terrace on Level 2, a small balcony on Level 3 and the northern end of the outdoor terrace on Level 4. These are not expected to result in unacceptable privacy impacts, as:
  - These areas comply with expected nil side setbacks under the UDPRC.
  - The spaces on Levels 2 and 3 are designed as small intimate spaces and the Summer Retreat on Level 2 includes a raised planter bed with dense landscaping to provide privacy screening from the neighbouring premises as shown in Figure 26.
  - Similar dense landscaping is also proposed at the northern end of the Level 4 terrace for privacy and wind mitigation purposes.



**Figure 27: Proposed Level 2 Summer Retreat showing dense landscape screening**

## 6.3 Transport Traffic Parking and Access

This section considers operational traffic and transport impacts. Construction impacts are considered in Section 6.15.

A Transport Impact Assessment (TIA) has been prepared by The Transport Planning Partnership and is at Appendix J. It provides details of the existing surrounding road network and associated traffic, pedestrian and bicycle movements and existing public transport options and provides an assessment of the parking, servicing, traffic, transport and access impacts of the proposal.

### 6.3.1 Public Transport

The site has excellent access to public transport services including Redfern Station (3-minute walk) and bus stops in the immediate vicinity of the site. These public transport options provide high frequency services to the CBD and extensive other destinations within the metropolitan area. In addition, the new Waterloo Metro Station (6-minute walk) is being developed, providing further transport opportunities in the future.

The proposal encourages patronage of public transport due to its proximity to these services, by not including on-site parking and through education measures recommended in the TIA, including travel access guides for all occupants and a public transport noticeboard within the development.

In addition, the primary destination for most occupants each day will be the nearby university campuses, all of which are within walking distance from the site.

### 6.3.2 Car and Motorcycle Parking

Given the site's accessible location, no on-site car parking or motorcycle parking is proposed in conjunction with the proposal.

It is noted there are no minimum on-site parking requirements for cars under any applicable EPIs and the absence of on-site parking will ensure the proposals consistency with strategic planning objectives (discussed in Section 5) to reduce reliance on private vehicles in favour of more sustainable transport options.

The TIA notes that multiple high-density student accommodation sites have been approved in close proximity and it is standard practice for these to be developed without on-site car parking. In addition, the site is within close proximity to various car share spaces as demonstrated in the TIA, so that students could still access cars when needed.

The ARH SEPP requires the provision of on-site motorcycle parking at the rate of at least one space per 5 beds, equivalent to 98 spaces in this case. No on-site motorcycle parking is proposed. Justification for the variation from this control is set out in detail in the SEPP 1 objection in Appendix Z, but key reasons include:

- The site's accessible location as described above, noting the ARH SEPP applies across the entire state and does not account for reduced needs for private vehicles in Central Sydney locations.
- The City of Sydney DCP (which better accounts for the unique transport needs of the locality) does not require on-site motorcycle parking.

- The absence of motorcycle parking is consistent with key strategic planning objectives to reduce reliance on private vehicles in favour of more sustainable transport options.
- The accommodation is targeted at students who typically do not own a private motor vehicle (car or motorbike).
- The reduction in motorbike parking is offset by additional on-site bicycle parking to better meet the transport needs of students as discussed below.

To mitigate against potential on-street parking impacts caused by students who may decide to own a private vehicle, the TIA recommends tenancy agreements be imposed to ensure students are restricted from bringing a car to the site and are unable to apply for an on-street resident parking permit.

### **6.3.3 Bicycle parking**

The ARH SEPP requires the provision of on-site bicycle parking at the rate of at least one space per 5 beds, equivalent to 98 spaces in this case.

Although DCPs do not apply to the assessment of SSD, it noted that the Boarding House provisions of Sydney DCP 2012 recommend the provision of one bicycle space per 3 beds, in this case, equivalent to 163 spaces

Bicycle Parking for 163 bikes is proposed, with parking provided at the ground and basement levels. A bicycle workshop for repair and maintenance is also proposed. The proposal therefore meets the requirements of both the ARH SEPP and Sydney DCP 2012.

### **6.3.4 Loading and Servicing**

There will be limited requirement for service vehicles, other than waste collection and deliveries for the small retail unit. All furniture will be fixed and therefore students are not expected to require removalists or on-site loading, only arriving and departing with their luggage. Therefore service vehicle movements are anticipated to be limited to twice weekly collection of general waste and recycling, some limited service vehicle trips associated with the small retail use, and other very occasional servicing and maintenance needs. Movements are expected to be outside of peak hours, resulting in nil peak hour movements and negligible overall trips per day.

Service vehicles will be accommodated off-street on the through site link which has been designed for vehicles up to and including a 9.54m long waste truck. Removable bollards will be placed on the through site link and removed only to accommodate pre-booked service vehicles. This way the facility building manager can ensure deliveries are timed and managed so that they do not interfere with peak pedestrian movements or compromise pedestrian safety. For the rare occasions students may require on-site loading, a booking system is recommended to ensure loading can be appropriately managed.

Vehicles will be able to enter and exit the site in a forward direction via William Lane and Margaret Street. As access points are not located on Gibbons Street there would be no impact to the operation of the arterial road, as recommended by the RMS Guide to Traffic Generating Developments.



### 6.3.5 Traffic Impacts

As the proposal does not include car parking, the development will not result in any material traffic generation, other than the service vehicles described above, which would have negligible impact on the performance of adjoining roads or intersections. Further, given the existing use of the site includes parking for 32 residential apartments, and is therefore assessed as currently generating 5 to 6 peak hour trips and 49 trips per day, overall traffic impacts would be reduced by the removal of these spaces.

Nevertheless to further assist with reducing the potential for traffic impacts, the TIA includes a Green Travel Plan to encourage sustainable travel and discourage private vehicle use.

### 6.3.6 Pedestrian Access

Pedestrian access to the building will be primarily from the main entrance on Gibbons Street, with a secondary access provided on the through site link. Entrances would be access controlled and overseen by building management at the reception desk.

General pedestrian access and permeability around the site is substantially improved by the proposal. The proposal incorporates a small setback from the Margaret Street boundary which has the effect of slightly improving the width of the otherwise narrow footpath available to pedestrians. The proposed through site link, in conjunction with the upgrade of William Lane to the north of the site provided by other developments, will provide a pleasant alternative north-south route for pedestrians towards the station and away from noisy arterial roads.

## 6.4 Aboriginal and European Heritage

A Statement of Heritage Impact, incorporating an archaeological assessment, an Aboriginal Cultural Heritage Assessment, a Heritage Interpretation Strategy and a report outlining 'Integration of Aboriginal Cultural Heritage Values into the Development Design' have all been prepared by Artefact consistent with relevant guidelines and consultation requirements and are included at Appendix H.

### 6.4.1 Aboriginal Heritage

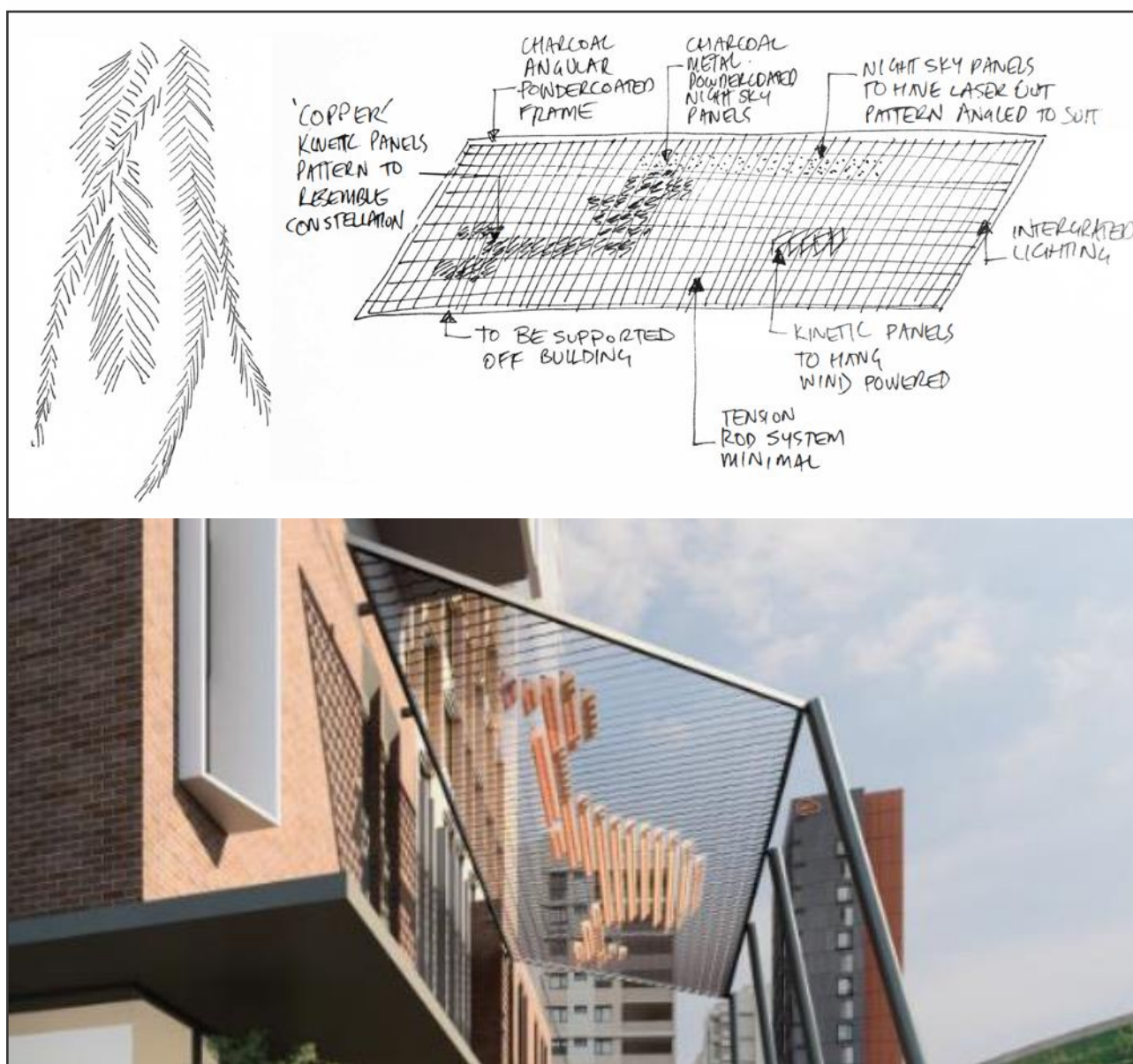
The Aboriginal Cultural Heritage Assessment found there are no previous recorded Aboriginal sites on, or within the immediate vicinity of the site. In addition, the site is not located on a ridgeline or within proximity of water resources and therefore is unlikely to represent a preferred area of Aboriginal occupation or location of Aboriginal objects. The archaeological survey also found the site had been heavily disturbed through previous construction of buildings on the site. As such the potential for Aboriginal objects to be found on the site is low and no further archaeological investigation is recommended. Nevertheless, an unexpected finds procedure is recommended to ensure appropriate steps are taken in case objects are discovered during the construction process.

Rather than objects within the site, Aboriginal Cultural Heritage values associated with site relate to it being part of a wider landscape of cultural significance, noting the Redfern region holds substantial cultural value related to both pre and post colonisation. Values relate to dispossession of land both during the La Perouse mission and following the great depression in which a large population of Aboriginal people lived in the Redfern area, as well as values related to it being the birth place of the Aboriginal rights movement and the location of multiple community based services.

As such, the report recommends investigating methods to incorporate Aboriginal cultural heritage values into the proposed design and to implement a heritage interpretation strategy for the site.

A Heritage Interpretation Strategy and a report outlining 'Integration of Aboriginal Cultural Heritage Values into the Development Design' have therefore been developed by Artefact in consultation with Aboriginal Stakeholders and local Aboriginal artists.

Concept Designs for an artwork in the form of a canopy over the through site link have been developed by Aboriginal Artist, Nicole Monks, in consultation with Uncle Charles Madden. The artwork focuses on Aboriginal astronomy and the stars connecting all people across place and time, with primary image being 'The Emu in the Sky', a constellation seen from across Australia with many stories associated with it. An image of the concept design is provided in Figure 28.



**Figure 28: Concept Plan of Artwork and potential translation to built form**  
(source: Artefact and AJ+C Architects)

Other interpretive measures proposed to be incorporated into the development include:

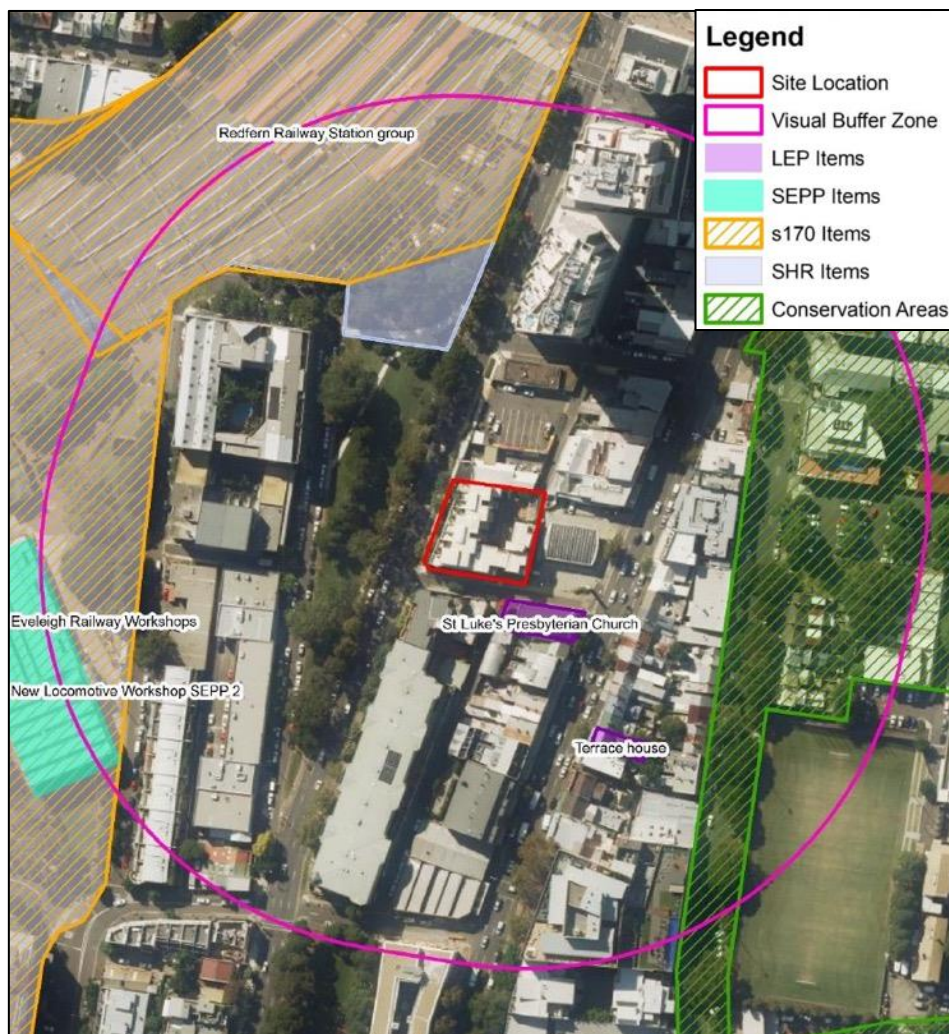
- an interpretive panel/feature addressing the recent Aboriginal heritage of the surrounding Redfern area within the foyer.
- use of local Aboriginal language words for naming elements within the development.
- planting of native plant species in the landscaping.

On this basis, the proposed development is considered to have appropriately incorporated measures that reflect the cultural heritage values of the site and locality.

#### 6.4.2 European Heritage

The site is not subject to any statutory heritage listings, although some heritage items and a heritage conservation area are located within close proximity to the site (Figure 29), including:

- Redfern Railway Station Group (State Listing)
- Eveleigh Railway Workshops (State Listing)
- St Luke's Presbyterian Church (Local Listing)
- Terrace House on Regent Street (Local Listing)
- The Redfern Estate Conservation Area (Local Listing)



**Figure 29: Location of nearby heritage items**  
(Source: Statement of Heritage Impact, Artefact)



The Statement of Heritage Impact has considered the impact of the development on these heritage sites and conservation area. It found that the proposed development would be visible from all of the above locations, but in many cases the site would be largely obscured by existing intervening development. Therefore, the development would not have any adverse direct impacts on these sites and, with the exception of St Luke's Church opposite the site, would only have negligible to minor visual impacts.

St Luke's Presbyterian Church is a two-storey Victorian Gothic style church, constructed in 1876. Its primary façade is to Regent Street, but its side (Margaret Street) and rear (William Lane) elevations are directly visible from the site. The proposed works would not have a direct (physical) impact on St Luke's Church, but would be situated approximately 8 metres to the north west of the curtilage of the heritage item and would have a moderate visual impact on the Church.

While the proposal would alter the setting and context of the Church, introducing a prominent element in the surrounding skyline, the size and scale of the building is consistent with that expected under the planning controls for the site under the SSP SEPP which would have been developed taking into consideration the heritage values of surrounding items. Further, the proposed development, by introducing a through site link and setting the building back from the eastern boundary results in a building with a greater setback and less impact on the curtilage and views of the Church from that envisaged by the planning controls.

The Statement of Heritage Impact finds that adverse visual impacts associated with the proposal would be offset by positive aspects of the design, including its generous setback distance, the scale and form of podium windows which interpret the design of the long vertical windows in the Church, and vertical aluminium fins on the tower which integrate a customised arched profile to further acknowledge the church and its distinctive windows. Materials are also considered appropriate, particularly the concrete blade wall on the eastern elevation which offers a neutral backdrop to maintain the silhouette of the church spire from various vantage points. In addition, it was noted there was opportunity for heritage interpretation on the site to enhance engagement and understanding of the history of the place and connections with St Luke's Church.

Due to the proximity of the site to the Church, the Statement of Heritage Impact notes construction could have vibration impacts which could affect the Church and therefore recommends a vibration assessment be conducted to determine potential structural impacts on the Church. Refer to discussion in Section 6.15 on management of vibration impacts.

The assessment also considered the potential for non-Aboriginal archaeology on the site and found that the site has low potential for archaeological remains of local significance. It nevertheless recommends development of a heritage interpretation strategy which includes provision of on-site interpretation of archaeological remains in the event that any be uncovered during the works, as well as implementation of a standard condition in relation to dealing with finds of unexpected archaeological relics.

The Heritage Interpretation Strategy in Appendix H has incorporated the recommendations of the Statement of Heritage Impact.

## 6.5 Operational Noise and Vibration

An Acoustic Report has been prepared by Northrop Consulting Engineers and is at Appendix I. The report considers the impacts of external noise sources on the subject site, as well as the potential for noise emissions from the site to impact adjoining properties. Noise associated with the construction phase has been considered in Section 6.15.

### 6.5.1 Internal Amenity

As discussed in Section 5.8, due to the site's location on a busy road and adjacent to the rail corridor, the development is required to demonstrate that bedrooms will achieve night time noise levels of less than 35dB(A) LAeq and common areas will achieve noise levels of less than 40dB(A) LAeq at all times as required by the ISEPP.

Acoustic modelling of the proposed development shows that due to existing traffic noise and rail noise, the above requirements cannot be met with the windows open.

Therefore to comply with the above criteria, the Acoustic Report recommends that the bedrooms be mechanically ventilated to allow occupants the choice to close windows to mitigate against noise impacts or open windows for ventilation during periods of low traffic noise. The Acoustic Report also sets out the minimum glazing acoustic requirements and external wall requirements to achieve the ISEPP internal amenity levels.

The Acoustic Report also identifies the various internal sound insulation requirements for internal walls, floors and services to ensure each apartment / room will have access to appropriate internal acoustic privacy.

To mitigate against vibration impacts from the adjacent Illawarra Relief rail tunnel, the Acoustic Report recommends that the building be structurally designed with anti-vibration bearers so as to isolate the residential units from structural vibration and ground borne-noise induced by the rail tunnel, and that rail tunnel induced vibration measurements be undertaken after the basement concrete slab floor construction is completed and a final confirmation made whether the building anti-vibration bearers are necessary.

All of the measures recommended by the Acoustic Consultant will be implemented at the detailed design and construction phases and as such, the proposal will achieve acceptable levels of internal acoustic amenity.

### 6.5.2 Acoustic Emissions

Being a residential use, acoustic impacts from the use of the site are generally not expected and would not be significantly greater than any other mixed use / residential development on the site.

The Acoustic Report notes that as long as windows are closed, the playing of even very loud music inside the building would not translate to noise at adjoining development above background noise levels. As such, the Operational Management Plan has included a requirement that windows be closed when playing amplified music.



The only other potential sources of emissions are noise from mechanical plant and noise from use of the outdoor communal areas.

Project amenity noise levels have been identified for the development in accordance the NSW EPA ‘Noise Policy for Industry’. The Acoustic Report notes that building services equipment selection has not been finalised, but the necessary acoustic treatments of the building services and plant to achieve the identified criteria will be finalised in the detail design phase of the project.

To mitigate and manage noise from the outdoor areas, the Acoustic Report recommends that large outdoor gatherings in external common areas, be managed so as not to disrupt adjoining residences. The report notes Sydney City Council requirements to restrict amplified music where it can be heard in adjoining properties after 10pm Sunday to Thursday and after midnight on Friday and Saturdays. These requirements have subsequently been incorporated into the Operational Management Plan. Further, it is noted that the external outdoor commons area on Levels 2 and 3 have been designed as small, intimate spaces and are not conducive to large gatherings, while noisy students in other external spaces are unlikely to materially impact adjoining development due to the existing high background road traffic noise.

## 6.6 Wind Impacts

An assessment of the wind impacts of the proposal has been prepared by SLR consulting and is provided at Appendix K. The assessment outlines the existing wind conditions in the locality and based on a wind tunnel test, assesses the impact of the proposed building on outdoor areas within and surrounding the site.

The report demonstrates that wind conditions for the majority of footpaths and other outdoor areas surrounding the site would be suitable for their proposed use or will be improved compared to existing conditions.

However the modelling showed that some areas will exceed the relevant criteria, particularly the footpath along Margaret Street, the southern end of the through site link, parts of the Level 4 outdoor terrace and part of the footpath on Gibbons Street.

The report noted that the wind tunnel testing did not include existing vegetation and trees on Gibbons Street or proposed landscaping and pergola on the through site link and Level 4 podium and that these would have an ameliorating impact on wind speeds. However, to further mitigate against wind impacts, the report recommended additional awnings to sections of the façade on Margaret Street and to the Level 4 terrace and two new street trees on Margaret Street. These recommendations have subsequently been incorporated into the design of the proposal.

As such, the proposal has been appropriately designed to mitigate against wind impacts.

## 6.7 Sustainability, Energy and Water Efficiency

An Ecologically Sustainable Development (ESD) Report and Section J compliance report have been prepared by SLR consulting and are provided in Appendix L.

The Section J report demonstrates that the proposal is capable of meeting minimum requirements of energy efficiency and thermal comfort.

The ESD Report notes the proposed building is located near multiple public transport options that will encourage occupants and building staff to use public transport, along with other means of transportation and minimise automobile use. It also notes that sufficient recreational opportunities are easily accessible, eliminating the need for long distance motorised transport for most recreational activities, with associated benefits for sustainability as minimization of greenhouse gas emissions.

The report also finds that numerous positive ecologically sustainable design (ESD) and energy efficiency features have been included in the design, including:

- Passive and active energy saving measures such as operable windows to enhance natural ventilation through the residential units, where appropriate.
- High levels of natural ventilation to accommodation units.
- High levels of natural light and solar access exposure, especially for upper levels.
- Incorporation of thermal mass throughout the development as external walls, structural internal walls and slabs are predominantly concrete.
- Landscaped elements at Levels 1, 2 and 4 increase green space.
- Incorporation of low water demand and low maintenance plant species in all areas to reduce mains consumption and fertiliser contamination of drainage water.
- Energy efficient air conditioning system with heat recovery system.
- Three boilers connected to the proposed cooling towers to provide space heating.
- Preparation of Green Travel Plan for the project and the absence of parking to encourage occupants and users to take public transport.

The report also makes the following recommendations to further improve the sustainability of the development:

- Appropriate glazing selections and building fabric (as set out in the Section J Compliance Report)
- Water efficient bathroom and kitchen fittings.
- LED and fluorescent lighting throughout the project.
- Electricity sub-metering for significant end uses that will consume more than 10,000 kWh/a .
- Low levels of volatile organic compounds paints and floor coverings and low formaldehyde wood products where possible.
- Inclusion of gas hot water system.
- Operational waste management measures.
- Possible installation of an optimal Photo Voltaic Solar Power for the site, subject to a feasibility study during the detailed design stage.

All of the above recommendations can be implemented during the detailed design phase of the development.

As such, best practice ESD principles have been incorporated into the design, construction and operational phases of the development consistent with the principles of ESD as set out in the Environmental Planning and Assessment Regulation 2000, noting:

- The technical reports demonstrate that subject to appropriate management and mitigation measures, the development will not result in threats of serious or irreversible environmental damage (the precautionary principle)

- The proposed development will not adversely affect the environment in the long term, but rather would provide an asset in the form of affordable housing in an accessible location that will benefit future generations (inter-generational equity)
- As the site does not contain any threatened species, and as appropriate measures are included in the design of the proposal to ensure no adverse impacts to air or water quality arise during the construction and operational phases of the proposal, there would be no unacceptable impacts to the natural environment (conservation of biological diversity and ecological integrity).
- The cost of infrastructure and recommended measures to mitigate environmental impacts caused by the development have been factored into the cost of the development (improved valuation, pricing and incentive mechanisms).

## 6.8 Stormwater Management and Flooding

A Flood Assessment and Stormwater Management Report prepared by JHA consulting is at Appendix Q.

### 6.8.1 Flooding

The JHA report notes that during a major storm event, the site is not currently affected by flooding. However, William Lane, adjoining the northeast corner of the site is affected by localised flooding. During minor events existing underground stormwater pipes are sufficient to divert the flow away from the laneway, but during major rainfall events existing stormwater pipes do not have capacity and stormwater ‘tanks’ at the low point on the laneway adjoining the site trapped by a 700mm retaining wall on the site boundary.

The proposed development will remove the retaining wall that causes stormwater ponding and the through site link will be designed to connect with the William Lane footpath level. As such, during a major event, flood water will not be trapped and would escape and flow south toward Margaret Street, resulting in a significant improvement for local flood levels and flood risk.

Based on flood modelling for the post-development scenario, the Flood Assessment classifies the entrances on Gibbons Street as being ‘outside floodplain’ and entrances on the through-site link as being “local drainage flooding” and has proposed flood planning levels accordingly, ranging from RL 24.44 to RL25.05. The proposed floor levels have been designed to comply with these requirements and accordingly, the proposal would not result in any unacceptable flood risks, but rather would reduce flooding and risk in the immediate vicinity of the site.

### 6.8.2 Stormwater Management

A stormwater system has been designed to capture rainwater from the roof, terraces, and hard paved areas on the site and will divert flows to an onsite detention tank via either the onsite raingarden or storm filters to provide stormwater quality treatment.

The system has been designed to meet Council and Sydney Water Corporation requirements, including

- on site detention capacity of 24 cubic metres and a discharge rate of 48 L/s.
- water sensitive urban design measures (raingarden and stormfilter) to remove pollutants and meet stormwater quality targets.

The through site link has been designed to be permeable (stoneset permeable pavement) so that during minor storm events stormwater will filtrate through the pavement, into the layer of sand underneath (500mm deep) and discharge via subsoil pipes into a collection pit. During major events the link will serve as a floodway discharge as discussed above.

## **6.9 Waste Management**

An operational waste management plan has been prepared by Waste Audit and is provided in Appendix X. The plan was prepared having regard to City of Sydney's 'Policy for Waste Minimisation in New Developments' and addresses waste handling, storage and collection systems, the size, location and design of the waste collection areas and access for service vehicles.

The size of the basement waste storage area has been calculated based on a twice weekly collection by private contractor and includes sufficient room to accommodate 20 x 660 litre bins for the student accommodation use and 2 x 660 litre bins for the retail use. General waste and recycling chutes to the basement will be accessible from every floor and allows waste and recycling to be easily sorted by tenants. The waste management plan recommends residents be educated on appropriate sorting as part of their induction and orientation and through appropriate signage at the location of the chutes. The retail operator will be responsible for transporting its waste to the waste storage area.

For the twice weekly collections, bins will be brought to the through-site link via a bin hoist from the basement. Collections will be performed in the early morning when there is minimal pedestrian activity and vehicle traffic in the area.

## **6.10 Infrastructure and Services**

A Building Services report has been prepared by Arcadis and is provided in Appendix V. The report has identified existing infrastructure in the vicinity of the site and outlined the expected service connections for the development. The report demonstrates the site will have adequate access to services, subject to ongoing consultation with the relevant service providers to confirm any required augmentation or extension of infrastructure.

## **6.11 BCA and Accessibility**

A Building Code of Australia (BCA) report prepared by McKenzie Group is provided in Appendix R. An Access Report prepared by Accessible Building Solutions is provided in Appendix S.

The BCA report demonstrates the proposal is capable of achieving compliance with the BCA, subject to the inclusion of the report's recommendations and further review as part of detailed design. Where compliance with the Deemed to Satisfy provisions of the BCA cannot be achieved, an alternative solution will be developed prior to the issue of a Construction Certificate.

The Access Report confirms the proposal can achieve compliance with the relevant requirements, including the Access provisions of the BCA, the Access to Premises Standard, the AS1428 series, and AS 1735.12 for lifts, and therefore will meet expectations under the Commonwealth Disability Discrimination 1992. It notes that of the 488 sole occupancy units proposed, 19 are required to be

accessible. 19 units are provided to meet this requirement. All other aspects of the design comply, or can comply subject to further details at the construction certificate stage.

## 6.12 Geotechnical

A Geotechnical Investigation has been prepared by Douglas Partners and is provided at **Appendix P**. The investigation, based on collection and analysis from six boreholes on the site, provides an assessment of the subsurface ground conditions, together with comments on any implications for design and construction issues.

The geotechnical investigation notes the site does not occur within an area mapped for known acid sulphate soils and identified the following soil profile:

- Fill (0.3m – 1.3m depth)
- Sand to depths of 0.9 m – 1.7 m)
- Sandy clay / clayey sand (to depths of 2.5 m – 3.5 m)
- Clay (3.6 m – 5.2 m)
- Laminate bedrock ( low strength 5.5 m to 8.4 m, higher strengths at 12 m).

Ground water measurements indicate the ground water table is likely to be about 3.28m to 4.9m below the existing basement slab.

As the building only requires a minor amount of cut / excavation for earthworks (to extend the depth of the basement by only 1 metre), the development is therefore unlikely to have any impact on groundwater levels, flow paths or quality, is unlikely to have any impact with respect to the NSW Aquifer Policy and will not require any licensing or approvals under the Water Act 1912 or Water Management Act 2000.

In addition, as the extent of excavations will be shallow and within soil/ fill, the report notes that vibrations from the works would be minor. Nevertheless, the report recommends vibration monitoring be carried out during the works to ensure TfNSW's requirements for "Development Near Rail Tunnels" are met, as well as to ensure amenity for nearby residences.

The report also makes recommendations in relation to

- Completion of dilapidation surveys on adjoining buildings
- Subgrade preparation
- Excavation Support
- Foundation Design

All of the measures recommended by the Geotechnical Investigation can be implemented during the detailed design and construction phases, to ensure the proposed development will not give rise to any unacceptable geotechnical impacts.

## 6.13 Contamination

A Detailed Site Investigation has been prepared by Douglas Partners and is provided at Appendix O. The investigation included a review of the site history, collection and analysis of soil samples from six boreholes on the site, as well as collection and testing of groundwater samples.



The site history revealed that potential sources of contamination could be from historical demolition of buildings on the site, uncontrolled imported fill and adjacent industrial / commercial uses, including the petrol station. However, the soil and water testing did not find evidence of contamination above site assessment criteria levels or expected background conditions and there was no evidence of asbestos on the site. On this basis, the investigation concludes the site is suitable for the proposed development in its current state.

However, to further protect against any possibility of contamination impacts, Douglas Partners recommends the implementation of the following measures:

- further testing of soils prior to off-site disposal, should off site disposal be required, in order to provide a final waste classification.
- further consideration be given to potential contaminants in ground water and treatment for disposal if dewatering is required.
- the incorporation of an unexpected finds protocol in the works management plan, so a strategy for asbestos management (or other unexpected finds) is established prior to commencement of works.

## 6.14 Air Quality

An Odour and Air Assessment has been prepared by Wilkinson Murray and is provided at Appendix N. The assessment considers operational and construction air quality issues.

During the operational phase, the assessment notes that the potential air quality impacts to the site arise from the adjoining service station. However, the service station operates vapour recovery systems which capture most displaced vapours. As such no petrol vapours were detected on the site, and the report concludes there would be negligible impact on air quality and odours from the service station on the proposed development. The assessment also notes that the development has been appropriately designed to minimise impacts, by setting the building back from the station, not having apartments on the ground floor, or balconies overlooking the service station site.

In terms of managing air quality and odour impacts from the site to adjoining properties, the assessment notes the development has incorporated:

- enclosed garbage storage.
- a laundry in the basement will discharge via the eastern façade away from residential premises.
- common area kitchens and retail premises will incorporate a riser to discharge to the roof.
- kitchens in studio rooms have recirculating rangehood with a filter.

The assessment also makes recommendations for managing air quality during the demolition and construction phases, including

- Appropriate communications with the community
- Implementation of a dust management plan
- Site management procedures to record and act on complaints and incidents
- Monitoring
- Management of construction vehicles and haulage
- Management of construction activities to suppress dust emissions

These measures can be implemented during the construction phases, to ensure the proposed development does not give rise to unacceptable air quality impacts.

## 6.15 Construction Management

Construction impacts will be managed in accordance with conditions of consent and a detailed construction management plan, to be developed once a builder is appointed, and based on the recommendations of the following:

- Construction Pedestrian Traffic Management Plan by The Transport Planning Partnership at Appendix U
- Acoustic Construction Noise Management Plan by Northrop Consulting Engineers at Appendix U
- Demolition and Construction Waste Management Plans by Waste Audit at Appendix U
- Relevant recommendations of the other specialist reports with regard to construction management, including air quality as discussed above.

Key issues relating to construction traffic as well as noise and vibration, have been assessed as follows.

### 6.15.1 Construction Traffic

Construction traffic has been assessed by the Transport Planning Partnership. A modest level of vehicular traffic, with up to five truck movements (two-way) per hour is expected during peak construction activities. As such, construction activities are not expected to result in adverse impacts on the surrounding road network. Measures to manage traffic, access, heavy vehicle routes and loads, construction worker parking and pedestrian safety have been set out in the Construction Pedestrian Traffic Management Plan (appendix U) to ensure the construction phase is appropriately managed with respect to traffic and pedestrian movements.

### 6.15.2 Noise and Vibration

Northrop Consulting Engineers have provided an assessment of potential noise and vibration impacts during the construction phase against the requirements of *the Interim Construction Noise Guideline* (DECCW, July 2009) and the requirements of TfNSW in relation to the nearby underground Illawarra Relief rail tunnel.

Due to the proximity of the site to nearby sensitive receivers and the rail tunnel, the proposal will result in some noise and vibration impacts during the construction phase. However, as noted in the geotechnical report in Appendix P, given the extent of excavations will be shallow and within soil and areas of existing fill, vibrations are expected to be minor. To minimise impacts, Northrop has prepared a Construction Noise and Vibration Management Plan (CNVMP) (Appendix U). The CNVMP recommends adoption of the following measures to manage noise and vibration impacts:

- Standard Construction Hours of 7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturdays
- Adoption of management practices to reduce disturbances and scheduling noisy activities to less sensitive times of the day
- Erection of temporary sound barrier walls along development site boundaries
- Community engagement during construction including complaints management arrangements
- Appropriate training for all staff and contractors on noise and vibration management
- Implementation of a vibration management plan and vibration monitoring
- Dilapidation surveys of adjoining premises

Subject to the adoption of these measures, as well as standard conditions of consent, noise and vibration can be appropriately mitigated during the construction phase.

## 7.0 Environmental Risk Assessment and Mitigation

As the development represents a proposal that is consistent with the emerging built forms and uses that are typical of this area and envisaged by the controls, overall environmental risk is likely to be low and can be appropriately mitigated with accepted standard conditions, management practices and design solutions. A summary of potential risks or impacts and mitigation measures are included in Table 13.

**Table 13: Environmental Risk Assessment and Mitigation**

Category	Potential Risks / Impacts	Proposed Mitigation Measures or Comment
<i>Urban Design</i>	<ul style="list-style-type: none"> <li>Adverse impacts to streetscape and overall emerging character of the Redfern Centre</li> <li>Adverse impacts to the surrounding public domain and pedestrian amenity</li> </ul>	<ul style="list-style-type: none"> <li>Detailed analysis in the EIS and Design Excellence Report demonstrates the proposal is consistent with the emerging character of Redfern Centre. Height and setbacks are consistent with emerging buildings. Materials and design elements have been chosen to complement the existing character and heritage values.</li> <li>Existing pavements and street trees retained. New street trees and paving provided to Margaret Street footpath. Through site link provides significant improvement to the public domain and pedestrian experience.</li> </ul>
<i>Neighbour Amenity</i>	<ul style="list-style-type: none"> <li>Adverse impacts to adjoining developments due to:               <ul style="list-style-type: none"> <li>Shadowing Impacts</li> <li>Visual and View Impacts</li> <li>Privacy</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Detailed EIS assessment demonstrates the proposal would not unreasonably impact on the residential amenity of neighbours.</li> <li>Increased south and east podium setbacks compared to controls and design of podium results in improved amenity outcomes</li> <li>Final design of north facing windows, including potential privacy treatments to be based on final approved plans of neighbouring development</li> </ul>
<i>Traffic and Parking</i>	<ul style="list-style-type: none"> <li>Increased local traffic</li> <li>Increased on-street parking</li> <li>Conflicts between loading / servicing and pedestrian use of the through site link</li> </ul>	<ul style="list-style-type: none"> <li>Carry out development in accordance with Green Travel Plan to encourage use of alternative transport</li> <li>Tenancy agreements will restrict students from bringing cars to the site and further restrict them from applying for applying for an on-street resident parking permit.</li> <li>Removable bollards on through site link removed only to accommodate pre-booked service vehicles. Building manager to ensure deliveries are timed and managed so that they do not interfere with peak pedestrian movements or compromise pedestrian safety.</li> </ul>
<i>Heritage</i>	<ul style="list-style-type: none"> <li>Impact on surrounding heritage items / conservation areas</li> <li>Impact on archaeological heritage (Aboriginal and European)</li> </ul>	<ul style="list-style-type: none"> <li>Heritage interpretation strategy which includes provision of on-site interpretation of nearby heritage items and archaeological remains in the event that any be uncovered during the works,</li> <li>Development of an unexpected finds protocol as well as compliance with standard conditions in relation to dealing with finds of unexpected archaeological relics</li> </ul>
<i>Operational Noise</i>	<ul style="list-style-type: none"> <li>Poor internal amenity due to road and rail noise</li> <li>Poor internal amenity due to layout / noise from communal areas</li> </ul>	<ul style="list-style-type: none"> <li>Glazing and external wall construction in accordance with Acoustic Report at Appendix I.</li> <li>All rooms be mechanically ventilated and have openable windows</li> <li>Internal sound insulation for internal walls, floors and services as per standards and Acoustic Report</li> </ul>

Category	Potential Risks / Impacts	Proposed Mitigation Measures or Comment
	<ul style="list-style-type: none"> <li>Unacceptable noise emissions to adjoining sites</li> </ul>	<ul style="list-style-type: none"> <li>Further vibration measurements to be taken and if necessary, anti-vibration bearers to isolate residential units from vibration and noise from the rail tunnel.</li> <li>Operate in accordance with OMP, which requires windows be closed when playing amplified music and restrictions on outdoor gatherings within the external common areas.</li> <li>Select and design plant and enclosures to meet project amenity noise levels.</li> </ul>
<i>Wind Impacts</i>	<ul style="list-style-type: none"> <li>Poor pedestrian amenity adjacent to the site</li> <li>Poor neighbour and occupant amenity</li> </ul>	<ul style="list-style-type: none"> <li>All recommendations of the Wind Impact Assessment at Appendix K (awnings, landscaping / trees) be retained in the detail design phase.</li> </ul>
<i>Sustainability, Energy and Water Efficiency</i>	<ul style="list-style-type: none"> <li>Contribution to long term adverse environmental impact as a result of building design and details.</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the proposed ESD measures already shown on the plan and discussed in the ESD Report at Appendix L</li> <li>Incorporation of additional measures as recommended in the ESD report, including: <ul style="list-style-type: none"> <li>Appropriate glazing and building fabric</li> <li>Water efficient fixtures</li> <li>LED and Fluorescent lighting</li> <li>Electricity sub-metering</li> <li>Appropriate paints, floor coverings and wood products</li> <li>Gas hot water system</li> <li>Operational waste management measures</li> <li>Photo Voltaic (PV) Solar Power for the site, subject to a feasibility study</li> </ul> </li> </ul>
<i>Stormwater Management and Flooding</i>	<ul style="list-style-type: none"> <li>Flooding of the site / basement during high rainfall events</li> <li>Impacts to Council stormwater system during high rainfall events</li> </ul>	<ul style="list-style-type: none"> <li>Floor levels comply with recommended flood planning levels</li> <li>On site detention capacity of 24 cubic metres and discharge rate of 48 L/s</li> <li>Water sensitive urban design measures (raingarden and stormfilter) to remove pollutants and meet stormwater quality targets</li> <li>Through site link has been designed to be permeable (stoneset permeable pavement)</li> </ul>
<i>Waste Management</i>	<ul style="list-style-type: none"> <li>Insufficient waste storage with associated amenity and odour impacts</li> <li>Waste not appropriately sorted and to minimise landfill</li> </ul>	<ul style="list-style-type: none"> <li>Provide waste storage as per plans</li> <li>Monitor waste generation and adjust collection frequency as required.</li> <li>Residents to be educated on appropriate sorting as part of their induction and orientation and though appropriate signage at the location of the chutes</li> </ul>
<i>Infrastructure and Services</i>	<ul style="list-style-type: none"> <li>Adequate servicing not provided to the site or adverse impacts to existing infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Final design and construction phases subject to ongoing consultation with the relevant service providers to confirm any required augmentation or extension of infrastructure.</li> </ul>
<i>BCA and Accessibility</i>	<ul style="list-style-type: none"> <li>Final building not in accordance with required standards</li> </ul>	<ul style="list-style-type: none"> <li>The detailed design phase will ensure the proposal complies with the applicable requirements of the BCA or appropriate alternative solutions will be developed and verified by a qualified BCA Consultant and the Access Consultant.</li> </ul>
<i>Contamination</i>	<ul style="list-style-type: none"> <li>Potential for contamination from</li> </ul>	<ul style="list-style-type: none"> <li>Further testing of excavated soils prior to off-site disposal for waste classification purposes;</li> </ul>

Category	Potential Risks / Impacts	Proposed Mitigation Measures or Comment
	<p>disposal of site fill if not appropriately classified</p> <ul style="list-style-type: none"> <li>• Potential for contamination from disposal of groundwater if dewatering is required</li> <li>• Potential to encounter asbestos or other unexpected contaminants in the demolition phase</li> </ul>	<ul style="list-style-type: none"> <li>• If dewatering is required, further consideration will be given to potential contaminants and treatment for disposal</li> <li>• Development of an unexpected finds protocol in the works management plan</li> </ul>
<i>Operational Air Quality</i>	<ul style="list-style-type: none"> <li>• Odour from the site discharged to adjoining premises</li> </ul>	<ul style="list-style-type: none"> <li>• Enclosed garbage storage</li> <li>• Laundry discharge on the eastern façade away from residential premises</li> <li>• Common area kitchens and retail premises incorporate a riser to discharge to the roof</li> <li>• Kitchens in studio rooms have recirculating rangehood with a filter</li> </ul>
<i>Construction Management</i>	<ul style="list-style-type: none"> <li>• Noise and Vibration Impacts</li> <li>• Traffic Impacts</li> <li>• Dust, odour, air quality, water impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and operate in accordance with detailed Construction Management Plan, based on construction management reports at Appendix U and Geotechnical Report.</li> <li>• Compliance with standard conditions of consent to mitigate construction impacts</li> </ul>



## 8.0 Conclusion

This EIS addresses the SEARs and all relevant statutory requirements. All potential environmental impacts associated with the proposal have been assessed and the proposal is found to be acceptable as it would:

- Provide a high-quality building that would contribute to the growth and vitality of the Redfern Centre in a manner consistent with that expected by the controls and the other emerging built forms in the Centre
- Deliver public benefits and improvements for pedestrian amenity and circulation by the provision of a well-designed through site link
- Provide high-density purpose-built student housing in close proximity to a number of universities, transport nodes and service centres, consistent with strategic planning policies aimed at improving housing supply, housing affordability and use of public transport
- Not result in any material adverse impacts to adjoining development or the locality beyond those expected by any development on the site built under the planning controls, and impacts can be effectively managed with standards conditions of consent and mitigation measures as identified throughout this report.

Accordingly, in the absence of any unacceptable environmental impacts, and the significant benefits for the Redfern Centre, benefits for the supply of housing and affordability, and general consistency with strategic and statutory planning objectives, the EIS concludes the approval of the proposal is warranted in this case.

