

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-9194 13-23 Gibbons Street - Student Accommodation
Applicant	Wee Hur Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Regions, Industry and Key Sites under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

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

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

Date of decision

6 October 2020

Reasons for decision

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

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

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

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

- the project would provide a range of benefits for the region and the State as a whole, including a capital investment value of \$64.3 million, 240 construction jobs, and \$1.95 million of community contributions;
- the project is permissible with development consent, and is consistent with NSW Government policies, including, the Greater Sydney Region Plan, Eastern City District Plan, Redfern-Waterloo Built-Environment Plan (Stage One) 2006 and the Redfern Centre Urban Design Principles (RCUDP);
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 24 January 2019 until 22 February 2019 (30 days) and received 18 public submissions, all objections.

In response to issues raised regarding the EIS, the Applicant lodged a Response to Submissions (RTS) in November 2019. Previous submitters were advised of the lodgement of the RTS and offered the opportunity to provide a further submission. The Department received a further two public submissions, both objections.

In response to issues raised regarding the RTS, the Applicant lodged a Revised Response to Submissions (RRTS) in July 2020. Previous RTS submitters were advised of the lodgement of the RRTS and offered the opportunity to provide a further submission. The Department received one further public submission, an objection.

The Department also undertook the following consultation activities:

- conducted three site visits
- responded to numerous enquiries from interested community members.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include excessive height/overshadowing, oversupply of student accommodation in the area, setbacks/privacy, construction impacts, noise and heritage. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<ul style="list-style-type: none">• Excessive height/overshadowing	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The proposed development is consistent with the 18-storey height control and with the form of development envisaged by the planning controls. In addition, the proposed maximum height of 59.6 m is also 5.4 m below the 65 m maximum referred to in the RCUDP as the approximate height for an 18-storey building.• The extent of the overshadowing is generally consistent with a compliant development.• Notably, the provision of the through-site link on the eastern side of the building and a height that does not extend to the maximum of 65 m, also results in some reduction in overshadowing compared to a complying development.• The proposal will not result in any additional material overshadowing impacts on the public domain.• Existing solar access currently received by neighbouring sites to the south, south-east and south-west is unsustainable and preserving the existing level of solar access would, in effect, prevent the site from future development and impede the renewal of the Redfern Town Centre as envisaged by the SSP SEPP• A large portion of the overshadowing generated by the proposed development would be subsumed within shadows generated by current and future surrounding tower developments.• The proposal would not preclude solar access being achieved to any future development at 116 Regent Street given this site has an east facing street frontage.• The Department concludes the impacts to the solar access on nearby existing and future residential developments are acceptable and consistent with those envisaged by the planning controls for the area <p><i>Conditions</i></p> <ul style="list-style-type: none">• Plans referencing the height of the building will be included in the drawing schedule.
<ul style="list-style-type: none">• Oversupply of student	<p><i>Assessment</i></p>

accommodation in the area	<ul style="list-style-type: none"> The proposed use is permissible and the Department considers the proposal meets the strategic objectives for the area, including more housing and creation of jobs.
<ul style="list-style-type: none"> Setbacks/ visual privacy 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed setbacks/building separation distances are consistent with the street block and the emerging built form character of the Redfern Town Centre and combined with the proposed design treatments, provides an acceptable balance between providing a reasonable level of visual privacy to residents and allowing development to proceed in this high-density area. The Department considers further increasing the setbacks of the proposed building to increase overall building separations would not result in any material improvements to visual privacy. The Department concludes the proposal will not result in any unreasonable visual privacy, overlooking or building separation impacts.
<ul style="list-style-type: none"> Construction impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS included a Construction and Noise Vibration Management Plan (CNVMP) which provides a detailed assessment and recommendations for managing/mitigating noise and vibration impacts during construction. The predicted noise levels for neighbouring residential properties would also comply with the DECCW Guidelines, subject to appropriate noise mitigation measures, including use of 2.4 m high temporary sound barriers and silences on machinery. The CNVMP includes vibration criteria to be adopted to ensure the structural integrity and amenity of 1 Margaret Street is not compromised by construction vibration. The hours of construction are the same as for other developments in Redfern Town Centre. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> Implement the recommendations of the CNVMP. Prepare a Construction Environmental Management Plan, Construction Pedestrian and Traffic Management Plan and an Air Quality and Odour Management Plan. Hours of construction to be: <ul style="list-style-type: none"> 7.00 am to 6.00 pm Monday to Friday 7.30 am to 3.30 pm Saturdays No works on Sundays or Public Holidays. Complaints and enquiries procedure.
<ul style="list-style-type: none"> Noise/operation impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has provided an Operational Management Plan which outlines measures to mitigate noise impacts. The Department considers, subject to the preparation of an updated, detailed OPM, the future use of the site for student accommodation would not have a detrimental impact on residential amenity. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> Prepare an updated, detailed Operational Management Plan.

	<ul style="list-style-type: none"> • Use of external terrace areas limited to 7 am and 10 pm Monday to Saturday and 8 am and 9 pm on Sunday. • Amplified noise prohibited. • Use of the external terrace areas is limited to residents of the student accommodation building and their guests.
<ul style="list-style-type: none"> • Footpath/through-site link 	<ul style="list-style-type: none"> • Although the RCUDP controls require a zero-podium setback to Margaret Street, noting the existing narrow footpath on the northern side, the Department supports the revised design which incorporates setbacks to allow for footpath widening in this location. • The Department further considers the proposed through-site link would provide an attractive and useable public space, including landscaping with six trees reaching mature heights of 10 to 15 m, seating, paving, public art, activation and stormwater improvements.
<ul style="list-style-type: none"> • Insufficient parking 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes the proposed provision of zero on-site car parking is consistent with the approved and constructed student accommodation development at 60-78 Regent Street (SSD 6724), the approved student accommodation development at 80-88 Regent Street (SSD 9275), and the approved social housing development at 11 Gibbons Street (SSD 7749). • The Department considers providing zero on-site vehicle parking spaces is appropriate noting the close proximity of the site to Redfern Train Station and bus services and the location of the site close to shops and services within the Redfern Town Centre. • In addition, the future occupants of the development are students who are unlikely to have or require cars and the development includes 130 bicycle parking spaces. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Future residents will not be able to apply for Council car parking permits.
<ul style="list-style-type: none"> • Heritage impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes the planning controls for the site accommodate high-density development extending to 18-storeys and that tall buildings are consistent with the setting of Redfern Town Centre. • The existing service station at 116 Regent Street, directly adjacent to St Luke's Church, forms part of the Redfern Town Centre and is also zoned for 18-storey development. • The Department considers the visual and overshadowing impacts on St Luke's Church would be unlikely to be reduced were the development to incorporate a slimmer tower form given the proximity of the site to the church. • The Department also considers the proposed setback of the podium to the south-eastern corner of the site is reasonable noting requiring additional setbacks would result in minimal visual benefit to the setting of the church and is inconsistent with the controls which allow for zero setbacks.