

80-88 Regent Street, Redfern

Environmental Impact Statement for State Significant Development
(SSD 7080)



January 2016

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Declaration


Submission of Environment Impact Statement:

Prepared in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

Development Application Details

Applicant:	Sunny Thirdi Regent St Pty Ltd c/- Milligan Group
Applicant Address:	Suite 107, Level 1, 20A Danks Street, Waterloo NSW 2017
Land to be developed:	80-88 Regent Street, Redfern
Proposed development	Mixed use residential development as described in Section 3 of Environmental Impact Statement (EIS)

Environmental Impact Statement

Prepared by:	Joanne McGuinness
Address:	SJB Planning Level 2, 490 Crown Street Surry Hills NSW 2010
In respect of:	State Significant Development – Development Application
Declaration:	<p>I certify that the contents of this Environmental Impact Statement to the best of my knowledge, has been prepared as follows:</p> <ul style="list-style-type: none">• in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;• it contains all available information that is relevant to the environmental assessment of the proposed development; and• to the best of my knowledge the information contained in this report is neither false nor misleading.
Name	Joanne McGuinness B. Town Planning (Honours) University of New South Wales (UNSW)
Signature	
Date	21/01/16

Executive Summary

This Environmental Impact Statement (EIS) has been prepared under section 78A (8A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* in support of a State Significant Development (SSD) Application for a proposed mixed use development at 80-88 Regent Street, Redfern ('the site').

The site is located within the 'Redfern-Waterloo State Significant Development Sites' area under the State Environmental Planning Policy (Major Development) 2005 (SEPP MD). Under Schedule 2 clause 2 of the State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD), development within the Redfern-Waterloo area with a capital investment value of more than \$10 million is identified as State Significant Development (SSD). As the proposed development will have a capital investment value of \$34,308,128 it is SSD and requires the preparation of an EIS.

An earlier iteration of the proposal was provided to the Department of Planning and Environment (DP&E) in May 2015. The Department issued Secretary's Environmental Assessment Requirements (SEARs) for the proposal on 23 June 2015 (reference SSD 7080). This EIS has been prepared in response to the Secretary's Environmental Assessment Requirements (SEARs).

This EIS has been prepared in accordance with the requirements of Part 4 of the *EP&A Act 1979*, Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), and the SEARs.

The proposed development provides for the demolition of the existing buildings on site and construction of an 18 storey mixed use building comprising:

- Active retail uses at ground level fronting Regent and Marian Street and a child care centre at ground and first floor;
- 80 residential apartments, comprising a mix of one (1), two (2) and three (3) bedroom dwellings;
- A basement over four (4) levels accommodating 65 parking spaces, storage, plant and associated services;
- Bicycle parking at ground level and on each residential level;
- Communal roof-top open space; and
- Waste, loading and services at ground level, to the rear of the retail and child care uses.

This EIS addresses the SEARs and demonstrates that the proposal is consistent with the aims and objectives of SEPP SRD and SEPP MD. The proposal complies with the principal development standards contained in SEPP MD, including the floor space ratio (FSR) and maximum overall 18 storey height limit. Due to the constraints imposed by the existing adjoining development to the west, and the need to ensure adequate building separation, the 18 storey component encroaches into the two storey height zone applying along Regent Street and the three (3) storey height control applying along Marian Street. Accordingly a SEPP 1 objection to the two (2) storey height limit has been included with this EIS.

The proposal has been designed with careful consideration of the design quality principles contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the supporting objectives, guidelines and criteria contained within the Apartment Design Guide (ADG).

The proposal I is also consistent with the specific objectives and design principles of the 'Draft Urban Design Principles – Redfern Town Centre' (Draft Guidelines) and consistent with the intent and objectives of the provisions of the Sydney Development Control Plan 2012 (SDCP 2012).

The proposal will provide a positive social impact to the development of the area and contribute to the renewal of the Redfern town centre as envisaged in the SEPP MD and Redfern-Waterloo Built Environment Plan (Stage One) 2006 (BEP).

This EIS includes an assessment of the potential environmental impacts arising from the proposal including overshadowing, privacy, views loss, visual impacts, noise, wind, safety and security and traffic and transport. It is considered that the proposal will not give rise to unreasonable adverse environmental impacts upon adjoining properties, the public domain or surrounding development. Where appropriate mitigation measures have been identified to manage potential environment impacts, which have been implemented in the design of the proposal or otherwise can be addressed through standard conditions of development consent.

Based on the assessment undertaken in this EIS, approval of the application is sought.

1.0 Introduction

1.1 Overview

This Environmental Impact Statement (EIS) has been prepared by SJB Planning under section 78A (8A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) on behalf of Sunny Thirdi Regent St Pty Ltd c/- Milligan Group in support of a proposed mixed use development at 80-88 Regent Street, Redfern ('the site').

The site is located within the 'Redfern-Waterloo State Significant Development Sites' map under the State Environmental Planning Policy (Major Development) 2005. As the proposed development has a capital investment value (CIV) of \$34,308,128, it constitutes State Significant Development (SSD) in accordance with Schedule 2 clause 2 of the State Environmental Planning Policy (State and Regional Development) 2011, as it has a CIV of more than \$10 million.

SSD requires the preparation of an EIS. This EIS addresses the SEARs and the requirements of Schedule 2 of the *EP&A Act 1979*.

1.2 Project Objectives

In accordance with Schedule 2, Part 3 subclause 7(1)(B) the objectives of the development proposed at 80-88 Regent Street, Redfern are:

- Provide a building that achieves a standard of architectural design and which will make a positive contribution to Regent Street and Marian Street, as well as the wider Redfern town centre and locality;
- Provide a building that minimises impacts on adjoining and nearby development, as well as the public domain;
- Provide a building that delivers a high level of amenity for future occupants;
- To provide a mix of apartment sizes to cater for a range of household types and sizes;
- To maintain commercial uses at ground level to activate Regent and Marian Street and provide services for residents and workers within area; and
- To contribute to the ongoing urban renewal of the Redfern – Waterloo area.

1.3 Secretary's Environmental Assessment Requirements (SEARs)

This EIS has been prepared to address the Secretary's Environmental Assessment Requirements (SEARs) that were issued on 23 June 2015 for application number SSD 7080. Table 1 below provides a summary of the matters listed in the SEARs and identifies where they have been addressed in the EIS. A full copy of the SEARs is provided at Attachment 23.

Secretary Environmental Assessment Requirements		Location in EIS
General Requirements		
The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in Clause 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> , specifically:		
• Declaration		Page 8
• Executive Summary		Pages 9-10
• Statement of Objectives		Section 1.2
• Identification of alternatives to carrying out the development		Section 5.4.2
• Detailed description of the development		Section 3
• Identification and description of likely environment impacts		Section 5
• Identification of mitigation measures		Section 5.13.1
• Approvals under Acts		Section 5.13.2
• Justification for carrying out the development		Section 5.13.3
Key Issues		
(1) Statutory Context		Sections 5.2 and 5.3
(2) Built Form and Urban Design		Section 5.4, Attachments 2, 3 and 16
(3) Ecological Sustainable Development (ESD)		Sections 5.13.3
(4) Environmental and Residential Amenity		Sections 5.4 and 5.5
(5) Noise		Section 5.6 and Attachment 17
(6) Transport and Accessibility (Construction and Operation)		Sections 5.7, 5.12, Attachments 5 and 10
(7) Crime and Safety		Section 5.8
(8) European and Aboriginal Heritage		Section 5.9 and Attachments 21 and 22
(9) Drainage and Flooding		Section 5.10 and Attachment 8
(10) Contributions and/or Voluntary Planning Agreement		Sections 5.3.8 and 5.3.9
(11) Waste		Section 5.11 and Attachment 9
Plans and Documents		
• Architectural Drawings		Attachment 3
• Site Survey		Attachment 1
• Site Analysis		Attachments 2 and 3
• Shadow Diagrams		Attachments 2 and 3
• Access impact statement		Attachment 7
• View analysis/photomontages		Attachment 2 and 3

Secretary Environmental Assessment Requirements	Location in EIS
• Stormwater Concept Plan	Attachment 8
• Sediment and Erosion Control	Attachment 10
• Landscape Plan, including public domain works	Attachment 4
• Preliminary Construction Management Plan	Attachment 10
• Geotechnical and Structural Report	Attachment 11
• Heritage Impact Statement Report	Attachments 21 and 22
• Wind Impact Assessment Report	Attachment 20
• Contamination Assessment Report	Attachment 18
• Schedule of Material and Finishes	Attachment 3
Consultation	Section 4 and Attachment 14

Table 1: Summary of Secretary Environmental Assessment Requirements and EIS Location Reference

1.4 Structure of the EIS

The EIS addresses the SEARs and the requirements of Schedule 2 of the *EP&A Act 1979*. The EIS is set out as follows:

- Section 1 provides an introduction;
- Section 2 describes the site and local context;
- Section 3 provides a detailed description of the proposed development, including the stated objectives of the proposal and overview of the background to the proposal;
- Section 4 provides an overview of the community consultation that has undertaken for the proposal;
- Section 5 addresses the key environmental issues as set out in the SEARs and includes an assessment of the statutory and policy controls applicable to the site;
- Section 6 provides an assessment of the impacts of the proposal and identifies mitigation measures where appropriate; and
- Section 7 presents the conclusions of the assessment.

1.5 Supporting technical documentation

The proposal SSD is supported by the following technical documentation, prepared by the identified specialists, which are included as attachment to this EIS:

- Attachment 1: Survey Plan prepared by Mitchell Land Surveyors;
- Attachment2: Urban Design and Built Form Analysis Report prepared by SJB Architects;
- Attachment 3: Architectural Drawing Package (plans, sections elevations, montages, materials and finishes, reflectivity statement) prepared by SJB Architects;
- Attachment 4: Landscape Plans prepared by Black Beetle;
- Attachment 5: Traffic Assessment prepared by GTA Consultants;
- Attachment 6: BCA Assessment prepared by BCA Logic;
- Attachment7: Access Report prepared by Cheung Access;

- Attachment 8: Stormwater Concept Plan prepared by Bekker;
- Attachment 9: Waste Management Plan prepared by Elephants Foot;
- Attachment 10: Preliminary Construction Management Plan and Erosion and Sediment Control Plan prepared by Milligan Group;
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- Attachment 19: BASIX Certification and NSW Subsection J (A) BCA Assessment prepared by Efficient Living;
- Attachment 20: Pedestrian Wind Environment Study prepared by Windtech;
- Attachment 21: Heritage Impact Statement prepared by Urbis;
- Attachment 22: Aboriginal Archaeological Due Diligence Desktop Assessment prepared by Urbis; and
- Attachment 23: Secretary's Environmental Assessment Requirements.

2.0 The Site and Its Context

2.1 Site Context

The site is located at 80-88 Regent Street, Redfern at the southern periphery of the Sydney CBD, within the City of Sydney Local Government Area (LGA). The site is situated on the western side of Regent Street at the junction of Regent Street and Marian Street. The site is located approximately 150m to the south-east of Redfern Railway Station (refer to Figure 1).

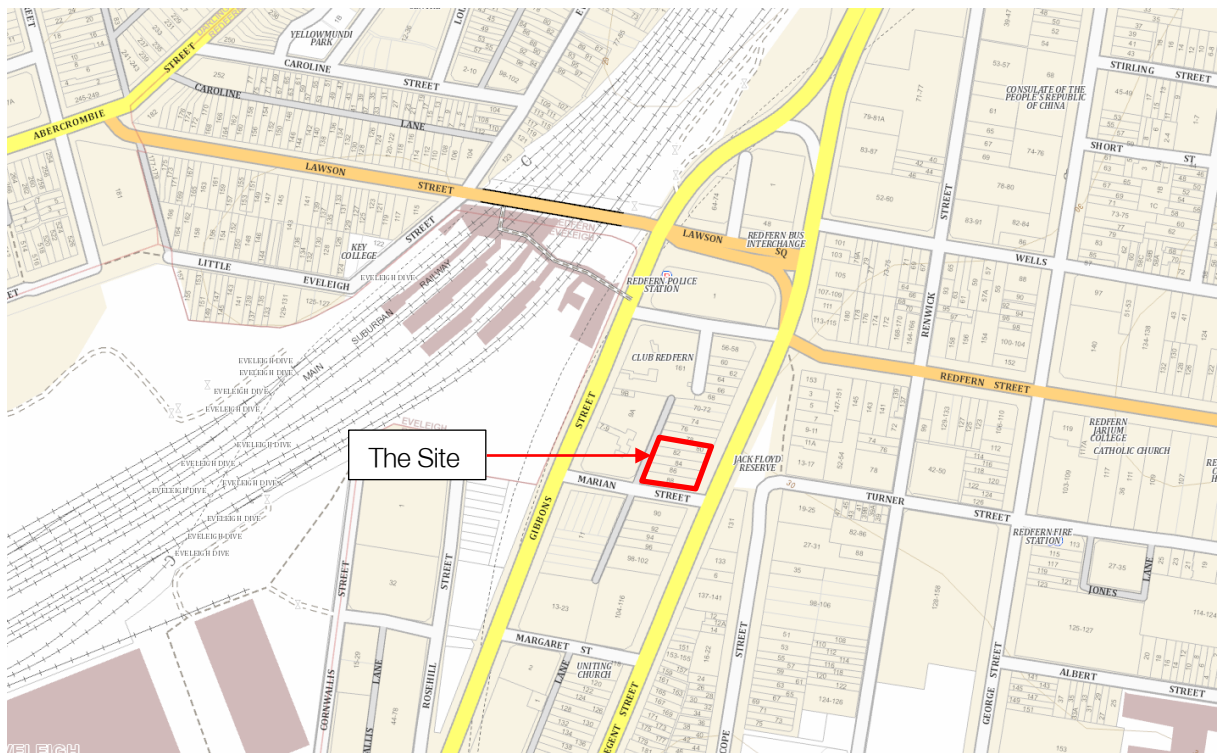


Figure 1: Location Plan (Source: SIX Maps)

2.2 Site Description

The site is known as 80-88 Regent Street, Redfern and is legally identified as Lot A, B, C, D and E in DP 105824 (refer to Figure 2).

The site is rhomboidal in shape, and has an area of approximately 822m² with three (3) street frontages: Regent Street; Marian Street and William Lane. The site currently accommodates five (5) 19th century commercial terraces with shop fronts along Regent Street (refer to Figure 3).

The topography of the site falls from north to south. A survey of the site has been prepared by Mitchell Land Surveyors and is included at Attachment 1.



Figure 2: Aerial view of site and locality (Source: SIX Maps)



Figure 3: Existing terraces at No. 80-88 Regent Street

2.3 Description of Surrounding Development

The character of the immediate locality is mixed, and includes residential, commercial and public use buildings. A description of the urban environment immediately surrounding the site is outlined below and illustrated in Figures 4 and 5 below.

North

To the north, the site adjoins No. 60-78 Regent Street, which currently contains a row of two storey attached terrace shops with shop-top housing and office premises at first floor level. On 25 August 2015, the Minister for Planning approved a State Significant Development (SSD 6724) for an 18 storey student housing development on this site.

Further north of the site is No.1 Lawson Place, which is occupied by a twin tower commercial development with 12 levels. The buildings are occupied by various tenants including the NSW Police Redfern Local Area Command, various other commercial and government organisations. The largest tenant is Group colleges Australia (GCA), which occupies the entire eastern tower. On 18 December 2014 the Minister for Planning approved SSD application No. 5429-2012 to redevelop the site for an 18 storey mixed used development, incorporating residential apartments.

To the north-west is 157 Redfern Street which fronts onto Redfern Street and Gibbons Street. This site has recently been redeveloped as an 18 storey mixed use development, known as Deicota.

East

To the east, on the opposite side of Regent Street is a landscaped public open space area and a vehicle repair station at No. 131 Regent Street. Behind this landscaped area is a mixed use six (6) storey building and various two (2) storey commercial terraces.

West

To the west the site fronts onto William Lane, which currently provides access to the rear of the existing properties at the site.

On the opposite side of William Lane is a recently constructed 18 storey mixed use residential development at 7-9 Gibbons Street. This building was approved by the Minister under MP 08_0112 and was the subject of several modifications.

South

To the south of the site on the opposite side of Marian Street is a range of range of two (2) to three (3) storey terraces.



Figure 4: View of site and surrounding high-rise buildings looking north along Regent Street



Figure 5: View of adjacent high-rise buildings looking west from Cope Street

3.0 Proposed Development

3.1 Background to the proposal

A concept proposal was submitted to DP&E on 22 May 2015 with the request for Secretary's Environmental Assessment Requirements (SEARs).

A summary of key changes between the concept design submitted with the SEARs request and the current proposal is provide below:

- The existing shop fronts are no longer being retained. Following the outcome of the heritage assessment, which found the shopfronts were of little heritage value due to previous intervention, it was decided that the shopfronts would not be retained and a better urban design outcome would be achieved with their removal;
- Modified building form, to create a stronger corner element at the junction of Marian and Regent Streets;
- Provision of a greater mix of apartments, including three (3) bedroom apartments. The concept design did not provide any three bedroom apartments;
- Introduction of child care centre use;
- Relocation of vehicle access from Marian Street to William Lane; and
- Provision for additional car parking, but which is within the maximum rates specified under the Sydney LEP 2012 and provision of additional bicycle parking which complies with the City of Sydney requirements.

Overall the proposed changes are considered to result in an improved scheme from what was initially submitted with the SEARs request. As detailed in the Urban Design and Built Form Analysis prepared by SJB Architects included at Attachment 2, the current proposal has been the outcome of a considered design process, which has involved consideration and analysis of a number of development options for the site. The subject proposal is considered to provide the best outcome for the site in terms of the urban context, design quality and amenity.

3.2 Overview

The proposed development seeks consent for the following:

- Demolition of the existing structures on site;
- Earthworks and associated site preparation works;
- Construction of an 18 storey mixed use building accommodating retail premises, child care centre and residential apartments (shop-top housing), communal open space, storage, waste facilities and associated services;
- Four (4) levels of basement car parking, accommodating 65 car parking spaces with access from William Lane; and
- Construction of infrastructure works, including drainage to service, the development.

The proposal is detailed in the architectural drawing package prepared by SJB Architects included at Attachment 3 and is described in the following sections of this EIS.



Figure 6: Photomontage of the proposed development from

3.3 Development Statistics

A summary of the development particulars is provided in Tables 2 below:

Development Particulars	Proposal
Site area	822m ²
Gross Floor Area	5,752m ² – total 90m ² – retail/commercial 275m ² – child care 5,387m ² – residential
FSR	7:1
Building Height	18 storeys – total One (1) storey – commercial, including a plant mezzanine level above ground level One (1) storey – child care centre 16 storeys – residential, including a mezzanine level on level 17
Dwellings	80 apartments
Communal open space	401m ² (49% site area)
Vehicle Parking Provision	65 spaces , plus 1 loading bay
Bicycle Parking Provision	89

Table 2: Development Statistics

3.4 Land Uses

The proposal seeks consent for the retail/commercial premises, residential apartments (shop-top housing) and a child care centre. Each use is described below.

Residential- Shop-top Housing

Key elements of the residential component of the proposal is described in Table 3.

Element	Description
Dwellings Total	80 apartment
Residential GFA	5,387m ² residential
Dwelling mix	6 x studio – (7%) 27 x 1 bedroom – 34% 38 x 2 bedroom – 48% 9 x 3 bedroom dwellings - 11%

Element	Description
Adaptable apartments	12 (15%)
Dwelling sizes	Studios - 35m ² (min) 40m ² (max) 1 bedroom dwellings – 50 m ² (min) 52m ² (max) 2 bedroom dwellings – 75m ² (min) 75m ² (max) 3 bedroom dwellings – 90 m ² (min) 95m ² (max)
Private open space/balconies	Studios dwellings - 4m ² (min) 11m ² (max) bedroom dwellings – 8.3m ² (min) 16m ² (max), minimum depth 2m 2 bedroom dwellings – 9.7m ² (min) 39m ² (max), minimum depth 2m 3 bedroom dwellings – 9.7 m ² (min) 32m ² (max) minimum depth 2.4m (note: only 1 balcony is 9.7m ²)
Communal open space	401m ² (49% site area)
Storage	6m ³ -10m ³ per apartment depending on number of bedrooms

Table 3: Key elements - Residential apartments

Retail Premises

Around 90m² of commercial/retail gross floor area (GFA) is proposed along the Regent Street frontage.

Child Care Centre

Part of the ground level and the entire first level will be used for a 65 place child care centre. Key elements of the child care centre are provided in Table 4 below. It is noted that the fitout of the child care centre will be subject to a separate development application.

Element	Description
Children	65
Staff	13 (2 Admin staff, plus 11 staff for children)
Total Area	295m ²
Indoor play area	232m ² (3.25m ² per child is 212m ² + 20m ² outdoor play)
Outdoor play area	435m ² (7m ² per child is 455m ² , 20m ² is accommodated indoors)

Table 4: Key elements Child care centre

3.5 Building form and siting

The building form comprises the following:

- 18 storey tower building;
- 2 storey street wall height to Regent Street;
- 6 storey height at the corner of Regent and Marian Street; and
- 2-6 storey street wall height to Marian Street

Other elements of the built form and siting are outlined in Table 5.

Element	Proposal
Building height	Podium: 2 storeys: to Regent Street 2 - 6 storeys to Marian Street Tower (overall): 18 storeys (71.4m)
Floor to Floor Heights	7.2m - ground level (retail/child care) 4m – level 1 (child care) 3.1m- residential levels
Building setbacks	Regent Street: 0m – ground and level 1 0m to 3m –2 to 4 3m –5 to 14 1.5m to 3m –15 to Roof Marian Street: 0m – ground and level 1 0m to 4m –2 to 4 0m to 4m –5 to 14 0m to 4m –15 to Roof William Lane: 0m – ground and level 1 3.5m –above level 2 North: 0m – ground and level 1 0m to 3m –level 2 above

Table 5: Key elements Child care centre

3.6 External Materials and Finishes

The proposal incorporates high quality materials and finishes, as detailed in the Material and Finishes schedule prepared by SJB Architects included in the architectural drawings package at Attachment 3. The finishes and materials are summarised below:

- Pre-cast concrete on the western section of the Marian Street elevation wrapping around the corner of William Lane
- Zinc cladding to Regent and Marian Street awnings;
- Metal louvres along part of the southern elevation;
- Patterned metal screening to child care centre parapet; and
- Painted metal hood windows to William lane elevation.

3.7 Open Space and Landscaping

The proposed landscaping is detailed in the Landscape Plan prepared by Black Beetle and included at Attachment 4. The landscape plan details the landscaping treatment for the roof-top communal open space, the child care centre outdoor space and reinstatement works in the public domain around the site.

As a separate application will be provided for the child care centre, the landscaping for the outdoor space is indicative.

Communal open space

The proposal includes a communal open space area of 401m² on the roof-top. The roof top terrace accommodate garden and lawn areas, BBQ facilities and various configurations of seating to maximise the use and enjoyment of the space by residents.

Private Open Space

All of the dwellings are provided with private open space in the form balconies that are directly accessed from the main living area. The balconies have a minimum area of 4m² up to a maximum of 39m².

3.8 Parking, Vehicular Access and Servicing

Details of parking and vehicular access are provided in the architectural drawings and the Transport Assessment Report prepared by GTA Traffic Consultants included at Attachment 5.

Car Parking

The proposal provides a total of 65 car parking spaces which is within the maximum parking rates applying to this locality under the SLEP 2012. A breakdown of the parking is provided in Table 6.

Use	Proposed
Resident car parking spaces	52
Resident visitor car spaces	7
Retail car spaces	2
Child care spaces	4
Total	65

Table 6: Breakdown of bicycle parking

Bicycle Parking

The proposal provides a total of 89 bicycle parking spaces on site as outlined in Table 7 below.

Use	Proposed
Resident	80
Resident visitor	8
Retail/child care (visitor)	1
Retail/child care (staff)	Number of spaces to be determined in future development application to be located in the back of house area.
Total	89

Table 7: Breakdown of bicycle parking

Vehicular Access

Vehicle access to the car parking will be provided from William Lane.

Loading/Servicing

A loading bay is provided on William Lane adjacent to the vehicle access to service the retail and child care uses.

3.8.1 Building Code of Australia

As detailed in the BCA Assessment Report prepared by BCA Logic included at Attachment 6, the proposal is capable of complying with the provision of the Building Code of Australia through strict compliance or satisfaction of the relevant performance criteria.

3.8.2 Accessibility

The Accessibility Report prepared by Cheung Access Services as included at Attachment 7 provides an assessment of the accessibility of the proposal in accordance with the relevant provisions of:

- The Building Code of Australia 2012 the BCA (2011);
- The Disability (Access to Premises- Buildings) Standards 2010;
- Australian Standard AS1428.1 2009; and
- Sydney Development Control Plan 2012.

3.8.3 Stormwater Management

Bekker has prepared a stormwater management plan package for the site which is included at Attachment 8.

3.8.4 Waste Management

A Waste Management Plan has been prepared by Elephants Foot Recycling Solutions and is included at Attachment 9. The Plan details the waste and recycling facilities to be provided for the operational stages of the development. Waste and recycling facilities are detailed on the architectural drawings prepared by SJB Architects included at Attachment 3.

Details of the demolition and construction waste are included in the Preliminary Construction Management Plan included at Attachment 10.

3.8.5 Demolition and Construction

The proposal requires the demolition of the existing building structures on the site. The demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601-1991.

A preliminary Construction Management Plan has been prepared by the Milligan Group and is included at Attachment 10.

A Geotechnical Desktop Study Report prepared by Aargus is included at Attachment 11.

3.8.6 Capital Investment Value and Cost of Works

As detailed in the Capital Investment Value (CIV) Estimate prepared by Mitchell Brandtman Quantity Surveyors and Construction Cost Managers included at Attachment 12, the proposal has a CIV of \$34,308,128.

A Cost of Works Estimate for Calculation of s94A Contributions prepared by Mitchell Brandtman Quantity Surveyors and Construction Cost Managers has also been provided and is included at Attachment 13, which indicates the costs of the works is \$37,738,941 (incl. GST), which will yield a contribution of \$754,778.92.

4.0 Consultation

As required by the SEARs, a community engagement programme was undertaken with relevant public authorities, Council and the community.

This programme involved consultation with key stakeholders and referral agencies relevant to the project to clearly communicate the development proposal, establish if there are any issues and actions required prior to the application lodgement. The consultation programme is outlined in the Stakeholder and Community Engagement Plan prepared by SJB Planning included at Attachment 14) and summarised below, and consisted of meetings and correspondence with public authorities and the City of Sydney Council, and a community information session.

The outcomes of the Community Engagement Programme have been analysed and informed the design of the proposed development.

It is noted following lodgement with DP&E, the application will be placed on public exhibition for 30 days in accordance with clause 83 of the *Environmental Planning and Assessment Regulation 2000*. During the public exhibition period Council, State agencies and the public will have an opportunity to make submissions to the application.

4.1 Stakeholders Engagement

In accordance with the SEARs, consultation was undertaken with the following stakeholders:

- UrbanGrowth NSW;
- NSW Police - Redfern Local Area Command (RLAC);
- Transport for NSW (TfNSW);
- City of Sydney Council (Council); and
- The Redfern Community (landowners and the wider community).

Meetings were held with all stakeholders, with the exception of RLAC who we provided with an electronic copy of the proposal. No feedback has been received from RLAC regarding the proposal to date. Details of the meeting dates and consultation are provided in the Community Engagement Plan (Attachment 14). Table 8 below provides a brief summary of the key items discussed with each of the stakeholders and identifies in how these items have been responded to in the EIS.

Stakeholder Issues	Response
Urban Growth NSW	
• Details of s94 and Affordable Housing Contributions	Section 5.3.9 and Attachment 13
• Compliance with building height and FSR applying under SEPP MD	Section 5.2.3 and Attachment 15
• SEPP 65 and Apartment Design Guide	Section 5.3.6 and Attachment 16

Stakeholder Issues	Response
• Car parking provision, specifically compliance with parking rates in SLEP 2012	Section 5.2.9, 5.7.1 and Attachment 5
• Child care use	Sections 3.4, 5.3.10 and Attachment 3
• Impacts on adjoining apartments	Section 5
City of Sydney	
• Building height – compliance with height standard in SEPP MD and relationship to the height of adjoining development	Section 5.3.2 and Attachment 15
• Compliance with FSR applying under SEPP MD	Section 5.3.2 and Attachment 15
• Compliance with SEPP 65 and ADG – building separation, solar access, ventilation, apartment size, communal open space, etc.	Section 5.3.6 and Attachment 16
• Car parking provision, and compliance with parking rates in SLEP 2012	Sections 5.2.9, 5.7.1 and Attachment 5
• Compliance with SDCP in relation to dwelling mix, bicycle parking and other provisions	Section 5.7.1 and Attachment 5
• Waste management and collection	Section 5.11 and Attachment 9
TfNSW	
• Vehicle access, servicing and car parking	Section 3.8, Attachment 5
• Location of protected rail corridor under the site and potential implications for structural design and construction of the building.	Section 5.2.4 and Attachment 11
• Compliance with SEPP 65 and ADG – building separation, solar access, ventilation, apartment size, communal open space, etc.	Section 5.3.6 and Attachment 16
RLAC	
• No response received	Noted

Table 8: Summary of Stakeholder Issues and Response Reference

4.2 Community Consultation

To inform nearby residents and the local community of the proposal, and seek their feedback to inform the final design, a community information session was held on 17 December 2015. Around 400 local residents and businesses that were located adjacent to and nearby the site were invited to attend the information via a letterbox drop.

The information session was held over two hours at the Redfern Town Hall from 6pm to 8pm. Display boards and architectural drawings were made available for attendees to view. Representatives from SJB Architecture, SJB Planning and the applicant were in attendance to answer queries, provide assistance and record issues and items that were discussed during the session. A total of four (4) people attended. The key issues raised at the session are below, along with the relevant EIS reference in which they are addressed:

- Likely timing for the construction of the development;
- The height of the building in relation to the adjoining building;
- The design of the building, including the materials and dwelling layouts. Comments regarding the design and appearance of the proposal were positive;
- Potential impacts on the adjoining apartments, namely view loss; and
- The recently approved student accommodation development to the north and 60-78 Regent Street.

As only four (4) people attended the information session, it is important to note that other members of the community will have the opportunity to review and comment on the proposal during the formal public exhibition period of the application.

A meeting was also held with a representative of the adjoin property owner Iglu. SJB Architects provided an overview of the scheme. Matters discussed included:

- The demolition of the existing shop fronts;
- Scale and height of the proposal; and
- The key issues and objections that were raised by the community in relation to the Iglu proposal.

5.0 Key Assessment Issues

5.1 Overview

The EIS has been prepared in accordance with the requirements of Schedule 2 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulation 2000). Schedule 2 clause 3 subclause 8 of the EP&A Regulation 2000 requires an EIS to comply with the Environmental Assessment Requirements that have been provided by the Secretary. On 23 June 2015, the Secretary issued Secretary's Environmental Assessment Requirements (SEARs) which contain 11 'Key Issues' that are required to be addressed. This section addresses the key issues, including:

- The relevant environmental planning instruments that apply to the proposal, including a comprehensive assessment of the development standards, objectives and provisions;
- The strategic policy documents that apply to site and proposal;
- The provisions of relevant development control plans and other policies;
- An assessment of the potential environmental impacts of the proposal and identification of appropriate measures to mitigate such impacts; and
- Heads of consideration listed under section 79C of the EP&A Act 1979, that are additional to the items listed above.

5.2 Environmental Planning Instruments (EPI's)

The following section provides an assessment against the statutory provisions applying to the proposed development under the relevant environmental planning provisions as required by the SEARs.

5.2.1 State Environmental Planning Policy (State & Regional Development) 2011

Under Schedule 2 clause 2 of the State and Regional Development SEPP, development within the 'Redfern-Waterloo Sites' with a capital investment (CIV) value of more than \$10 million is identified as State Significant Development (SSD). As detailed in Attachment 12, the development has an estimated CIV of \$34,308,128 and is therefore State Significant Development.

5.2.2 State Environmental Planning Policy No. 1 – Development Standards

The site is subject to a building height development standard comprising a maximum overall height limit of 18 storeys, two (2) storeys along the Regent Street frontage and three (3) storeys along the Marian Street frontage. The proposal complies with the maximum 18 height storey control, but encroaches into the two (2) and three (3) storey height limits. Accordingly, an objection under SEPP 1 has been prepared in support of the non-compliance to the height control. The SEPP 1 objection is provided at Attachment 15.

5.2.3 State Environmental Planning Policy (Major Development) 2005

Land zoning and development standards for Redfern-Waterloo are found in the State Environmental Planning Policy (Major Development) 2005 (SEPP MD). This SEPP states that no other environmental planning instruments (except other SEPPs) apply to Redfern-Waterloo. Therefore, there are no applicable Local Environmental Plans relevant to this proposal. As such the provisions of the Sydney Local Environmental Plan 2012 (SLEP) do not apply to the site. However, it is noted that the car parking provisions contained in Part 7, Division 1 of the SLEP 2012 have been adopted for the proposal.

The site is located within the area identified as ‘Redfern-Waterloo Authority Sites’ under the SEPP MD. The specific controls applying to this area (including the site) are set out in Schedule 3 – Part 5 of the Major Development SEPP.

Permissibility

The subject site falls within the ‘Business Zone E – Commercial Core’ under the SEPP MD (refer to Figure 7). The SEPP states that any use not prohibited in the zone is permitted with consent. Commercial premises, retail premises, shop top housing and residential flat building are not listed as prohibited uses within ‘Business Zone E – Commercial Core’ and are therefore permitted with consent.

The proposal is considered to be consistent with objectives of the Business Zone—Commercial Core as it will facilitate the development of a town centre, encourage employment generating activities by providing commercial/retail premises and a child care centre; and will provide residential development that is compatible with non-residential development.

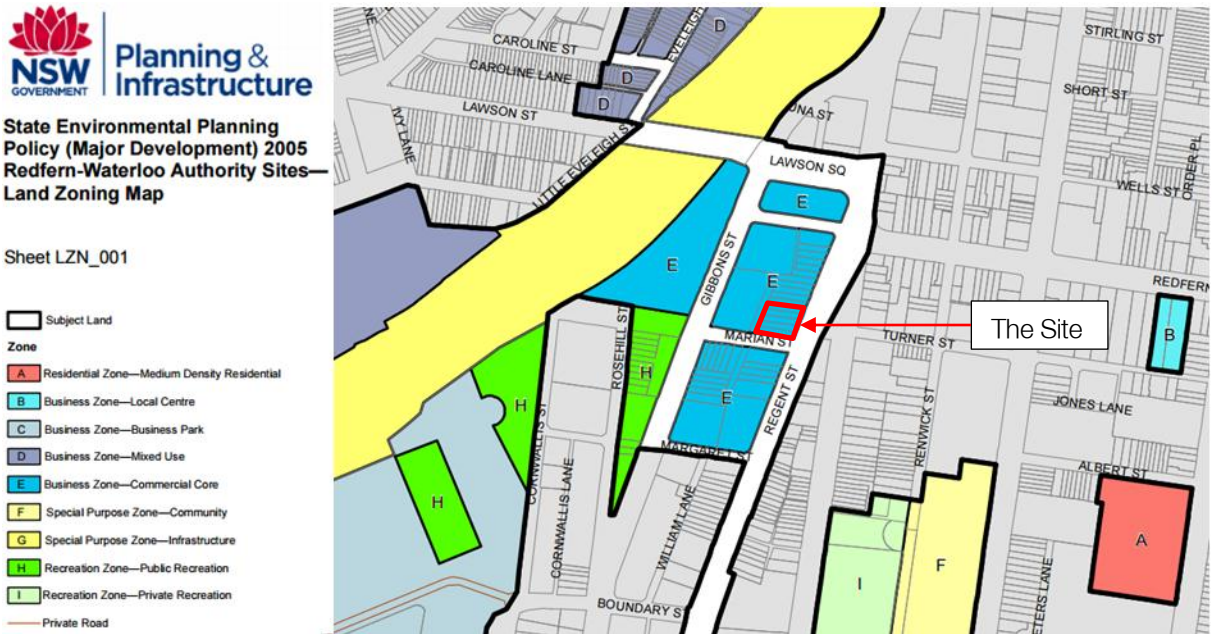


Figure 7: SEPP (Major Projects) 2005 Zoning Map Extract

Objective	Comment
(a) to facilitate the development of a town centre,	The proposal will contribute to the development of the Redfern town centre with new retail and commercial premises, a child care use, along with quality residential apartments, within close proximity to Redfern Railway station, buses and the shopping and business strips along Regent and Redfern Streets.
(b) to encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,	The proposal will provide new commercial/retail and premises at the ground level as well as a child care centre on ground and first floor, thereby maintaining and enhancing the offering of retail, business and community facilities.

Objective	Comment
<i>(c) to permit residential development that is compatible with non-residential development,</i>	The proposal provides residential apartments above the commercial/retail and child care uses. This constitutes shop-top housing and is consistent with the proposed and nearby non-residential uses.
<i>(d) to maximise public transport patronage and encourage walking and cycling,</i>	The proposal reduces the dependency upon privately owned cars given the site is provided with excellent access to public transport and cycling infrastructure. The site is also within walking distance to a vast range of services and facilities, including major employment nodes such as Australian Technology Park, as well as the University of Sydney. In addition car parking provision has been constrained in accordance with the car parking rates of the SLEP 2012. Further details of how the proposal will maximise trips made by modes other than private vehicle, are contained in the Transport Assessment Prepared by GTA Consultants.
<i>(e) to ensure the vitality and safety of the community and public domain,</i>	The proposal maintains retail /commercial uses at ground level and incorporates a child care centre at level 1 to maximise activation and passive surveillance of the public domain around the site.
<i>(f) to ensure buildings achieve design excellence,</i>	The design of the building has been under the instruction of highly skilled architects. It is a considered design that responds to the site conditions, the surrounding development and the planning framework, in particular the SEPP MD and SEPP 65 ADG. The building exhibits design excellence in form, materiality and its layout, to ensure it makes a positive contribution to what is the remaining development site within this block of the RWA lands.
<i>(g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.</i>	The proposal will incorporate a high quality landscape as detailed in the Landscape Plans prepared by Black Beetle included at Attachment 4. The landscape enhances the overall design quality of the proposal and will contribute to enhancing the amenity of the area.

Table 9: Commercial Core Objectives Assessment

Development Standards

The applicable development standards are contained within Schedule 3 of the SEPP MD and include height of building and Floor Space Ratio (FSR) controls.

Height of Buildings

The following height controls apply to the site under SEPP MD (refer to Figure 8):

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

The proposed tower complies with the maximum overall 18 storey height limit. However, the 18 storey component of the building encroaches into the two (2) and three (3) storey height limits applying to the Regent and Marian Streets frontages.

The two (2) storey height limit along Regent Street has a depth of 8m depth, which translates to an 8m setback to the 18 storey tower. The three (3) storey height limit on Marian Street has a depth of 4m and translates to a 4m setback to the 18 storey tower. As detailed in Table 10, a variable setback of 0m to 4m is proposed to the 18 storey tower from Regent Street and Marian Street, which results in encroachments into the two (2) and three (3) storey height control areas.

Building Level	Regent St: setback to 18 storey tower	Compliance	Marian St: setback to 18 storey tower	Compliance
Ground – Level 1	0m	Yes	0m	Yes
Level 2 - 4	0m to 3m	No	0m to 4m	No
Level 5 -14	3m	No	0m to 4m	No
Level 15 - Roof	1.5m to 3m	No	0m to 4m	No

Table 10: Description of height variation

Given the proposed variation to the height standard a SEPP 1 objection to the height control has been prepared and is included at Attachment 15.

Sheet HOB_001

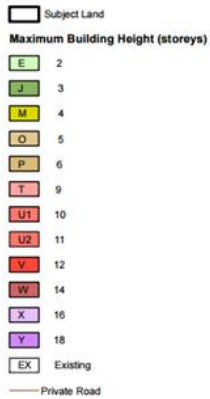


Figure 8: SEPP (Major Projects) 2005 Height of Buildings Map Extract

Floor Space Ratio

The site is subject to a maximum FSR of 7:1 under the Major Development SEPP (Figure 9). The proposal complies with this standard having an FSR of 7:1. Gross floor area drawings which have informed the calculation of the FSR, are included in the architectural drawings package at Attachment 3.

Sheet FSR_001

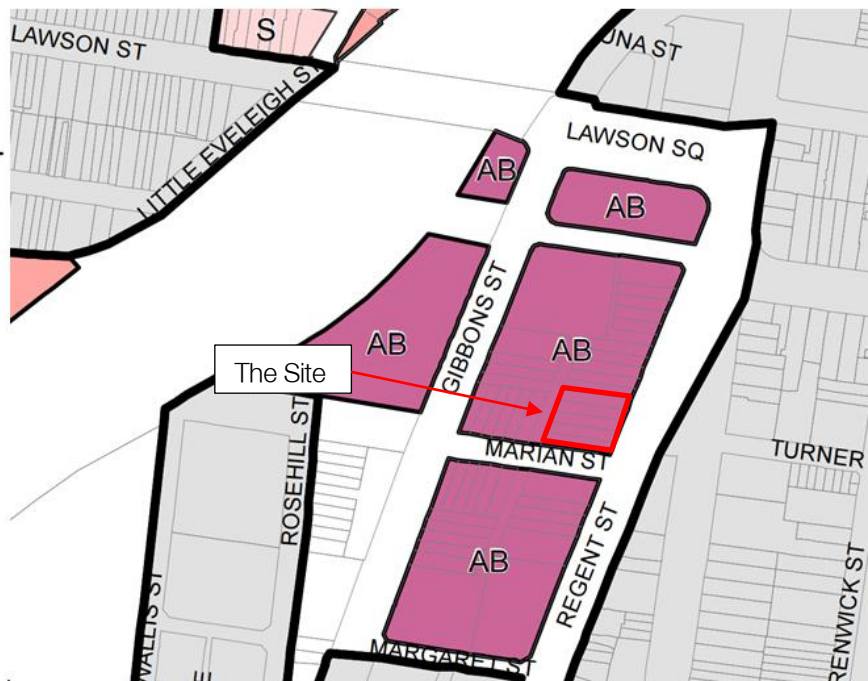
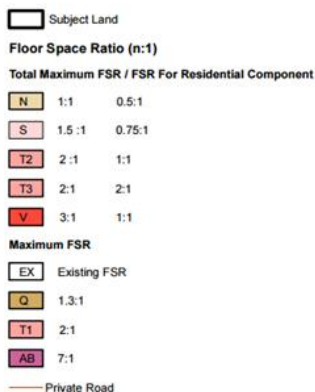


Figure 9: SEPP (Major Projects) 2005 FSR Map Extract

Heritage

The site does not contain any heritage items and is not located within the vicinity of any heritage items or within a conservation area.

It is noted that on the opposite side of Regent Street is the Redfern Estate Heritage Conservation Area under the Sydney Local Environmental Plan 2012. As detailed in the Heritage Impact Statement prepared by Urbis included at Attachment 21, the proposal will not detract from the identified significance of the conservation area.

As outlined in the proposal background included at Section 3.1, the concept design submitted with the SEARs provided for the retention of the existing Victorian shopfronts. This approach was consistent with the SSD development proposed on the adjoining site at 60-78 Regent Street, which also provided for the retention of the existing shopfronts. However, following the outcomes of Urbis' heritage assessment, which found that the shopfront terraces have been so altered that they no longer constitute good examples of the style and do not warrant retention, it was decided that a better urban design outcome could be achieved by removing the existing shopfronts. Accordingly, the shopfronts are no longer proposed to be retained and will be demolished. Further discussion of this matter is provided in Section 5.9.1 of the EIS in response to the SEARs.

Design Excellence

Schedule 3, Part 5 of the SEPP at clause 22 addresses design excellence.

Clause 22 requires that development must exhibit design excellence including:

- High standard architectural design;
- The form and appearance is to improve the amenity and quality of the public domain; and
- Sustainable design principles are to be met.

The proposed development exhibits design excellence and is considered to be consistent with Clause 22 for the following reasons, which are reinforced in the SEPP 65 Design Verification Statement and ADG Compliance Assessment prepared by SJB Architects included at Attachment 16:

- The high standard architectural design is evident in:
 - The scale and form of the building is sympathetic to adjacent high-rise buildings;
 - The building form above street level is expressed with vertical and horizontal articulation through deep recesses and horizontal banding. The tower is broken into two (2) evenly spaced horizontal façade breaks on Regent Street. A vertical break created by a full height façade recess reduces the perceived bulk of the tower form from Marian Street, creating two (2) distinct slender tower elements;
 - Quality detailing and materials. The aesthetics and composition of the building are in keeping with the surrounding and historical pattern of development. The material selection complements the existing building fabric but also comprises robust materials, namely brick, which are long lasting and weather naturally;
 - The layout, size and design of apartments will ensure a high level of residential amenity;
 - The design of communal circulation areas, including breezeways and conveniently located bicycle parking on each level; and
 - The well designed and landscaped communal open space which provides significant amenity for residents.
- The proposal maintains active uses at ground and first floor to ensure the ongoing activation of the public domain along Regent Street and Marian Street. Vehicle entry is located off William Lane to minimise disruption to the active frontage along Marian and Regent Streets. The articulation of the

building form provides a street definition and positive pedestrian interface, which also enhances the public domain.

Overall the proposal provides a well-articulated, sensitively detailed building that will provide a positive contribution to the quality and amenity of the area.

In regard to Clause 22(3) Part 5 of Schedule 3 a design competition may be required for development over 12 storeys. It is considered a design competition is not required in this instance given the high architectural quality of the proposal. In addition, a number of recent applications have been determined in the Redfern-Waterloo area without the need for a design competition, including SSD application No. 6724 for an 18 storey student accommodation development at 60-78 Regent Street, approved on 25 August 2015 and the mixed use development at 1 Lawson Square, Redfern (SSD 5249-2012). In addition, the recently constructed 18 storey mixed use developments 157 Redfern Street and 7-9 Gibbons Street were not the subject of design competitions.

5.2.4 State Environmental Planning Policy (Infrastructure) 2007

The subject site is located adjacent to a Classified Road (Regent Street) and is within 150m of Redfern Rail Station and the future CBD Rail Link (Zone B - Tunnel). As a result, the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) will apply to the proposal.

Rail Corridors

The proposal seeks to construct a mixed-use development adjacent to an existing rail way, noting the site lies within 150m of the Redfern Railway Station and the Illawarra-Eastern Suburbs Line. The future CBD Rail Link (Zone B - Tunnel) also lies below the site. Accordingly the following provisions of the ISEPP require consideration, which is consistent with the SEARs requirements:

- Clause 86 Excavation in, above or adjacent to rail corridors;
- Clause 87 Impact of rail noise or vibration on non-rail development; and
- Clause 88 Development within or adjacent to interim rail corridor

The application is supported by a Geotechnical Study (Attachment 11), Acoustic and Vibration Report (Attachment 17) and Preliminary Construction Management Plan (Attachment 10) to assess the impacts of the development upon the rail corridor and the impacts of the rail corridor on the development. As advised by TfNSW's representatives in the consultations undertaken in preparing this EIS, structural requirements will be provided during the assessment of the application and EIS.

The proposed development has been designed to ensure the existing and future rail corridor will not be impacted during construction and for the design life of the development. It is noted that the lowest level of the basement sits above the basement level of the recently constructed development on the adjoining site to the west at 7-9 Gibbons Street. The proposal has also been designed to minimise the impact of rail noise and vibration from the rail corridor.

The findings of the various technical reports referred to above indicate that the proposal is acceptable and will not impact upon the existing operational rail corridor or the future rail corridor. Similarly, the rail corridor will not detrimentally impact upon the proposed development.

Road Corridors

As the site has frontage to Regent Street, which forms part of a State road network, the following provisions of the ISEPP apply:

- Clause 101 Development with a frontage to a classified road;
- Clause 102 Impact of road noise or vibration on non-road development;
- Clause 104 Traffic Generating Development

Clause 101 - Clause Development with a frontage to a classified road

Clause 101 requires that consideration be given to the impact of any proposed access to a classified road. It requires that a consent authority not grant consent to a development on land that has frontage to a classified road unless it is satisfied that vehicular access, where practicable, is provided by a road other than a classified road. In accordance with clause 101, access to the proposed development will be provided from William Lane which is not a classified road.

Clause 101 also requires that the consent authority to be satisfied as to the following:

- The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - the design of the vehicular access to the land, or
 - the emission of smoke or dust from the development, or
 - the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposal is supported by a Transport Assessment prepared by GTA (refer to Attachment 5). The report also supports the proposed access arrangements and concludes that the traffic generation arising from the future residential development of the site will have minimal impacts upon the performance of the road network. It is noted the development has adopted the constrained car parking rates contained in the SLEP 2012 to promote active forms of travel (walking and bicycle), public transport use and to minimise potential conflict with vehicle entries to the site and adjacent road network. The assessment undertaken by GTA Consultants concludes the development will have a minimal impact.

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

Clause 102 requires consideration of road and noise vibration for development that is adjacent to a road that has an annual average daily traffic (AADT) volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and requires that the following noise levels (LAeq levels) are not exceeded for residential development:

- In any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am, anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The Acoustic and Vibration report prepared by Acoustic Logic (Attachment 17) assesses the noise criteria of the ISEPP, with reference to the Development Near Rail Corridors and Busy Roads – Interim Guidelines. The proposal will be designed to comply with the criteria relating to noise impacts from traffic on Regent Street.

Clause 104 - Traffic-generating development

Clause 104 and Schedule 3 of the ISEPP prescribes traffic generating development that is required to be referred to the Roads and Maritime Service (RMS) for consideration.

Under Schedule 3 and clause 104, residential development proposing 75 or more dwellings on a road that connects to a classified road and is within 90m of the connection is required to be referred to the RMS.

As Regent Street forms part of a classified road network and the proposal provides vehicle access within 90m of a classified road and provides in excess 75 dwellings it is traffic generating development under clause 104 of the ISEPP. As a result the EIS will require referral to the NSW Roads and Maritime Service of TfNSW.

5.2.5 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 7 of SEPP 55 provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

A Preliminary Site Investigation has been undertaken by Argus and is provided in Attachment 18.

The report indicates that the potential contaminants on site are considered to be of low significance in terms of risk to human and environmental receptors and that the site will be suitable for the proposed development subject to completion of a Detailed Site Investigation and any required remedial works.

5.2.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development & Apartment Design Guide

The proposal seeks to construct a mixed-use development, including a residential component, and accordingly the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG) apply to the proposal. SEPP 65 establishes nine (9) design quality principles to be applied in the design and assessment of residential apartment development.

As set out below, under Clause 6A if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

6A Development control plans cannot be inconsistent with Apartment Design Guide

- (1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:*
- (a) visual privacy,*

- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

(2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

(3) This clause applies regardless of when the development control plan was made.

Clause 30 identifies standards that cannot be used to refuse an application.

Clause 50(1AB) of the *Environmental Planning & Assessment Regulation 2000* requires:

(1AB) The statement by the qualified designer must:

- (a) verify that he or she designed, or directed the design, of the development, and
- (b) provide an explanation that verifies how the development:
 - (i) addresses how the design quality principles are achieved, and
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

A SEPP 65 Design Verification Statement has been prepared by SJB Architects addressing the nine (9) design quality principles contained in the SEPP (Refer to Attachment 16). The Verification Statement is supported by an ADG Compliance Assessment also prepared by SJB Architects (Attachment 16).

As demonstrated in the ADG Compliance Assessment, and the summary included in Table 11 below, the proposal substantially complies with the design criteria and design guidance.

Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
Part 3 Siting the Development	
3D Communal & Public Open Space	
1. Communal open space has a minimum area equal to 25% of the site.	Complies. Roof-top communal open space 401m ² (49%)
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	Complies
3E Deep Soil Zones	
Deep soil zones for sites under 1500m ² are to meet the following minimum requirements: <ul style="list-style-type: none"> • Minimum Dimension : 3m • Percentage of site area: 7% 	Non-compliance with design criteria, but complies with design guidance as the proposal has a 100% site coverage with non-residential uses at ground level.

Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
<p>3F Visual Privacy</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> Buildings over 25m (9+storeys): <ul style="list-style-type: none"> Habitable rooms and balconies: 12m Non-habitable rooms: 6m 	Non-compliance – refer to discussion below.
<p>3J Bicycle & Car parking</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for development must be provided off street</p>	Complies. Car parking complies with the maximum contained in SLEP 2012.
Part 4 Designing	
<p>4A Solar & Daylight Access*</p> <ol style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter in Sydney Metro Area and Newcastle and Wollongong LGAs A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3pm at mid winter 	<p>Complies. 70% of apartments achieve 2 hours of sunlight access.</p> <p>Complies.</p>
<p>4B Natural Ventilation</p> <ol style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. 	Complies. 90% of apartments are cross ventilated.
<p>4C Ceiling Heights</p> <ul style="list-style-type: none"> Retail: 3.3m Residential <ul style="list-style-type: none"> Habitable rooms 2.7m Non-habitable 2.4m 	Complies.
<p>4D Apartment Size & Layout</p> <p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> Studio: 35m² 1 bedroom: 50m² 	<p>Complies:</p> <ul style="list-style-type: none"> Studio 35m² - 40m² 1 Bed 50m² - 52m² 2 Bed 75m²

Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
<ul style="list-style-type: none"> 2 bedroom: 70m² 3 bedroom: 90m² <p>Additional 5m² for second bathroom</p>	<ul style="list-style-type: none"> 3 Bed 90m² - 95m²
<p>4E Private Open Space & Balconies</p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> Studio apartments. 4m² area, 1 bedroom apartments. 8m² area, minimum depth 2m 2 bedroom apartments: 10m² area, minimum depth 2m 3+ bedroom apartments: 12m² area, minimum depth 2.4m <p>Apartments at ground level or on a podium or similar structure, private open space is to be a minimum depth of 3m and area of 15m².</p>	<ul style="list-style-type: none"> Complies: Studio balconies: 4m² (min) 11m² (max) Complies: 1 bed. balconies: 8.3m² (min) 16.0m² (max) minimum depth 2m Complies: 2 bed. balconies: 9.7m² (min) 39.0m² (max) minimum depth 2m Partial non-compliance: 3 bed. balconies: 9.7m² (min) 32.0m² (max) minimum depth 2.4m <p>One of the balconies to a 3 bedroom apartment is under 12m² with an area of just under 10m². As the variation is minor and only affects 1 of the 9 3 bedroom apartments it is considered reasonable. Furthermore, the depth of this balcony will ensure it remains useable.</p> <p>It is noted that the 2 bedroom apartments with balconies of 9.7m² are deemed to comply with the 10m².</p>
<p>4F Common Circulation & Spaces</p> <p>The maximum apartments off a circulation core on a single level is eight</p>	<p>Complies</p> <ul style="list-style-type: none"> 5 – 6 apartments off a core
<p>4G Storage</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> Studio apartments: 4m³ 1 bedroom apartments: 6m³ 2 bedroom apartments: 8m³ 3+ bedroom apartments: 10m³ <p>At least 50% of the required storage is to be located within the apartment</p>	<p>Complies</p> <p>Large item storage i.e. For bikes is provided on each level. Some additional storage is provided in the basement.</p>

Table 11: Summary of Response to Design Criteria of Apartment Design Guide Objectives

Building Setbacks/Separation

The proposal does not fully comply with the 12m setback (24m separation distance) that applies to habitable rooms for buildings over eight (8) storeys in height.

The proposed setbacks result in the following separation distances to the adjacent buildings:

- North: 6m separation to the building approved building at 60-78 Regent Street;
- North-west: 157 Redfern Street: 30m separation;

- West: 11-12m separation distance to 7-9 Gibbons Street, located on the other side of William Lane. The tower is setback 3.5m from this boundary;
- East: 23m separation provided by Regent Street to the properties to the east Regent Street; and
- South: Marian Street provides a 12m separation to the property boundaries to the south.

Further discussion of the separations distances to 7-9 Gibbons Street and 60-78 Regent Street is provided below.

7-9 Gibbons Street

The key area of non-compliance relates to the separation/setback to 7-9 Gibbons Street, which is located on the opposite side of William Lane to the west. There are two (2) apartments within the eastern elevation of 7-9 Gibbons Street with bedroom windows and living room windows and secondary living room balcony (refer to Figure 10). c.

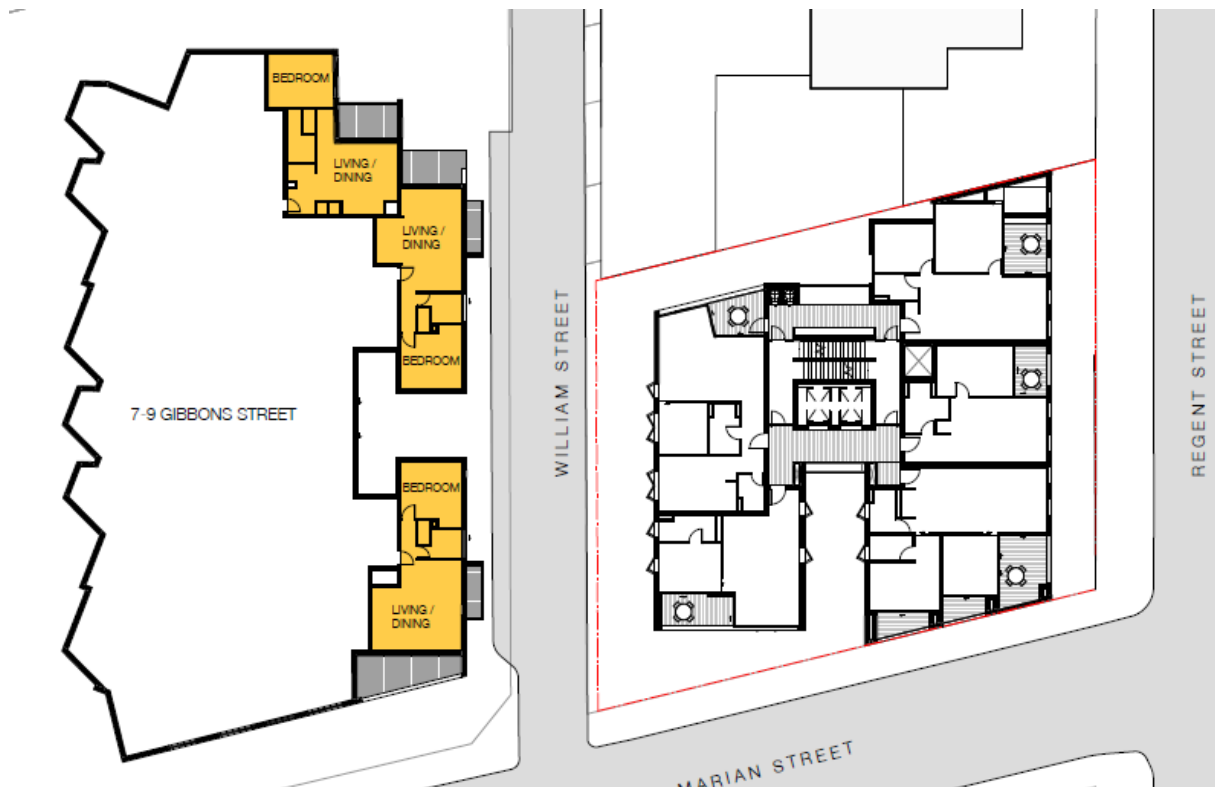


Figure 10: Adjacent windows and balconies at 7-9 Gibbons Street

The proposed tower is setback 3.5m from the William Street boundary which results in a separation distance of 11m to the secondary balconies and 12m to the bedroom windows. The separation distance is considered reasonable in the circumstances as:

- The ability to provide greater setback or separation distances is significantly constrained by:
 - the size of the site and the controls which require a two storey building height along Regent Street, to reflect the character and scale of the historic shopfronts.; and
 - the location and design of development at 7-9 Gibbons Street, which provides habitable room windows and balconies within 3m of the boundary.
- Compliance with the separation/setback distance would require a substantial reduction in the size of the tower footprint, which would not be economically viable. This would prevent the site from being

developed in accordance with the land use and design concepts articulated in the BEP and reinforced through the development standards of the SEPP MD.

- The proposal will not adversely impact on the privacy of the apartments at 7-9 Gibbons Street, as:
 - there are no balconies located on the western elevations;
 - living rooms are oriented to the north-west and south; and
 - screened (hooded) windows have been provided to the habitable rooms which ensure sightlines are directed away from 7-9 Gibbons Street.

Having regard to the above, the proposed variation to the setback design criteria is considered reasonable, as the objective of the criteria is achieved in that adequate levels of external and internal privacy will be provided for the proposal and 7-9 Gibbons Street.

60-78 Regent Street

A zero setback is proposed to the northern boundary with 60-78 Regent Street from levels 2 to 13. This part of the elevation does not contain any windows or openings and as such will not have any implications for privacy for the recently approved student accommodation on this site. Windows and balconies have been introduced from levels 14 to 17, which are located above the uppermost level of the approved development at 68-70 Regent Street and as such do not face any windows or balconies

5.2.7 State Environmental Planning Policy (Urban Renewal) 2010

The site is identified as being on land affected by the Redfern-Waterloo Potential Precinct Map and the development has a capital investment value exceeding \$5 million (refer to Attachment 12).

In accordance with clause 10 of the SEPP, the proposed development is to be consistent with the objective of developing the potential precinct and the consent authority is to take into account whether or not the proposed development is likely to restrict or prevent the following:

- (a) *development of the potential precinct for higher density housing or commercial or mixed development,*
- (b) *the future amalgamation of sites for the purpose of any such development within the potential precinct,*
- (c) *access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.*

The proposal provides higher density mixed use development, maintains the site as an existing large consolidated parcel of land within the precinct and will not restrict or prevent access to surrounding infrastructure, other facilities and future public transport within the precinct.

Considerations against the aims of this SEPP are provided in Table 12 below:

Aims	Comment
<i>(a) to establish the process for assessing and identifying sites as urban renewal precincts;</i>	The site is identified as being within the Redfern-Waterloo Precinct.
<i>(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts;</i>	The proposal is considered orderly and economic redevelopment of the site within the precinct.
<i>(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal</i>	As detailed under section 5.3, the proposal is considered to be consistent with the objectives of the NSW 2021 and A Plan for Growing Sydney

of urban areas that are accessible by public transport;

Table 12: Consideration of the aims of the SEPP (Urban Renewal) 2010

The proposed development is consistent with the objectives of developing for the precinct.

5.2.8 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been issued for the proposed development by Efficient Living and is provided at Attachment 19.

The certificate ensures the proposal meets the required water and energy targets and accordingly satisfies the aims of the SEPP.

5.2.9 Sydney Local Environmental Plan 2012

As noted previously, the Sydney Local Environmental Plan (SLEP 2012) does not apply to the sites within the Redfern-Waterloo area. The following car parking rates contained within the SLEP 2012 and does not exceed the maximum parking provision that would apply to the proposal were it within lands to which the SLEP applies:

- Clause 7.5 Residential flat buildings, dual occupancies and multi dwelling housing (Category B - Land Use and Transport Integration Map) ;
- Clause 7.7 Retail premises. (Category E - Public Transport and Accessibility Level Map); and
- Clause 7.9 Other Uses – Child care centres.

Clause 7.5(1)(b) specifies the following maximum number of car parking spaces for residential flat buildings, dual occupancies and multi-dwelling housing on Category B land:

- 0.2 spaces per studio dwelling;
- 0.4 spaces per 1 bedroom dwelling;
- 0.8 spaces per 2 bedroom dwelling;
- 1.1 spaces per 3 bedroom dwelling;
- 0.167 spaces for each dwelling up to 30 dwellings;
- 0.1 spaces for each dwelling 30 to 70 dwellings; and
- 0.05 spaces for each dwelling more than 70 dwellings.

Clause 7.7(2)(a) specifies a maximum car parking rate of 1 space per 60m² for retail premises on Category E land.

Clause 7.9(2) specifies a maximum car parking rate of 1 space, plus 1 space per every 100m² of the GFA that is used for a child care centre.

As detailed in the architectural drawings and Transport Assessment prepared by GTA included at Attachment 5 and outlined in Table 13, the proposal provides a total of 65 spaces, which does not exceed the maximum parking provision permitted under the SLEP 2012.

Use	LEP Rate (Max)	Max. allowable spaces	Proposed spaces
Studio dwelling	6 dwellings @ 0.2 spaces per dwelling	1.2	
1 bed dwelling	27 dwellings @ 0.4 spaces per dwelling	10.8	
2 bed dwelling	38 dwellings @ 0.8 spaces per dwelling	30.4	
3 bed dwelling	9 dwellings @ 1.1 spaces per dwelling	9.9	
Maximum Residential Spaces		52.3	52 resident spaces
Visitor Parking (Residential)	30 dwellings @ 0.167spaces	5.01	
	40 dwellings @ 0.1 spaces	4	
	10 dwellings @ 0.05 spaces	0.5	
Permitted Visitors Spaces		9.51	7 visitor spaces
Retail (ground level)	90m ² @ 1 space per 60m ²	1.5	2
Permitted Retail Spaces		1.5	2 retail spaces
Child care centre	275m ² - 1 space, plus 1 space per 100m ²	3.75	4 (including 2 drop off bays)
Permitted Child Care Spaces		3.75	4 retail spaces
Total Maximum Permitted		67.06	65

Table 13: Assessment of proposed car parking against SLEP 2012

5.3 Policies, Guidelines and Planning Agreements

The following section provides an assessment against the relevant planning provisions, goals and strategic planning objectives as required by the SEARs.

5.3.1 NSW State Plan

The NSW State Plan provides a series of priorities and targets for the development and growth of NSW. An assessment of the development against these priorities and targets is provided in Table 14 below:

State Plan Goal	State Plan Target	Comment
Goal 1 Improve the performance of the NSW economy Increase business investment and support jobs	<p>Grow business investment by an average of 4% per year by 2020</p> <p>Grow employment by an average of 1.25% per year by 2020.</p>	The proposed commercial/retail floor space and child care use will continue to provide business investment floor area and employment opportunities
Goal 5- Place downward pressure on the cost of living	<p>Improve housing affordability and availability:</p> <ul style="list-style-type: none"> Facilitate the delivery of 25,000 new dwellings in 	The proposal will provide a range of additional housing within Sydney within an existing urban area and will contribute to achieving Sydney's dwelling

State Plan Goal	State Plan Target	Comment
	Sydney per year	provision target.
		The development is subject to the Affordable Housing Contributions Plan and requires the payment of contributions that will be used to provide additional affordable housing within the locality.
Goal 8- Grow patronage on public transport by making it a more attractive choice	<p>Increase the share of commute trips made by public transport:</p> <ul style="list-style-type: none"> · To and from Sydney CBD during peak hours to 80% by 2016 · To and from Parramatta CBD during peak hours to 50% by 2016 · To and from Liverpool CBD during peak hours to 20% by 2016 · To and from Penrith CBD during peak hours to 25% by 2016 · To and from Newcastle CBD during peak hours to 20% by 2016 · To and from Wollongong CBD during peak hours by 15% by 2016 	The site is adjacent to Redfern Station and numerous bus services providing access to many parts of the inner city and surrounding areas. (Refer to Transport Report at Attachment 5).
	<p>Increase the proportion of total journeys to work by public transport in the Sydney Metropolitan Region to 28% by 2016.</p> <p>Increase use of walking and cycling:</p> <ul style="list-style-type: none"> · More than double mode share of bicycle trips made in the Greater Sydney region, at a local and district level, by 2016 · Increase the mode share of walking trips in the Greater Sydney region at a local level. 	<p>The proposal accommodates bicycle facilities to support the use of active transport opportunities. The locality is well connected with existing and proposed cycle networks.</p> <p>(Refer to Transport Report at Attachment 5). The site is also within walking distance to public transport, employment opportunities, services and shopping facilities.</p>
Goal 20- Build liveable cities	<p>Encourage job growth in centres close to where people live:</p> <ul style="list-style-type: none"> · Increase the percentage of the population living within 30 minutes by public transport of 	The proposal contains Sydney's urban footprint, and is a mixed use development that provides dwellings within close proximity to public transport and Sydney CBD.

State Plan Goal	State Plan Target	Comment
	a city or major centre in Metropolitan Sydney.	

Table 14: NSW State Plan Priorities and Targets assessment

5.3.2 A Plan for Growing Sydney

A Plan for Growing Sydney is a State Government strategic document that outlines a vision for Sydney to 2031. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2031, 689,000 new jobs by 2031 and a requirement for 664,000 new homes.

In responding to these and other challenges, the Plan for Sydney sets out four goals:

- *Goal 1: A competitive economy with world-class services and transport;*
- *Goal 2: A city of housing choice with homes that meet our needs and lifestyles;*
- *Goal 3: A great place to live with communities that are strong, healthy and well connected; and*
- *Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

To achieve these goals, the plan proposes 22 directions and associated actions. The following Directions are relevant to the proposal:

- *Direction 1.1: Grow a more internationally competitive Sydney CBD;*
- *Direction 1.7: Grow strategic centres – providing more jobs closer to home;*
- *Direction 1.11: Deliver Infrastructure;*
- *Direction 2.1: Accelerate housing supply across Sydney;*
- *Direction 2.2: Accelerate Urban Renewal Across Sydney – providing homes closer to jobs;*
- *Direction 2.3: Improve housing choice to suit different needs and lifestyles; and*
- *Direction 3.1: Revitalise existing suburbs;*

The Planning Proposal is consistent with relevant goals, directions and actions of the plan in that it will:

- Provide new residential, retail and child care floor space to meet the needs of a global city;
- Address Sydney's social infrastructure needs by providing a community facility in the form of a child care centre;
- Facilitate development of a site which is highly accessible by public transport;
- Accelerates housing supply, with provision of 80 new apartments;
- Provide housing within proximity to jobs via active and public transport modes;
- Will improve housing choice and facilitate the provision of affordable housing through affordable housing contributions; and
- Contribute to the ongoing renewal and revitalisation of the Redfern - Waterloo area.

5.3.3 Sustainable Sydney 2030

Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure

progress. The proposed development is aligned with the following SS2030 strategic directions and objectives:

- *Direction 1 - A Globally Competitive and Innovative City* - The proposal provides a mixed use development incorporating housing, as well as and business and employment opportunities.
- *Direction 2 - Provides a road map for the City to become A Leading Environmental Performer* - The proposed sustainable environmental features include stormwater detention tank for reuse and selection of drought tolerant landscape species. In addition, the proposal satisfies the mandatory BASIX requirements (refer to Attachment 19).
- *Direction 3 - Integrated Transport for a Connected City* - The proposal will take advantage of the close proximity of Redfern train station and a significant number of high frequency bus routes. As a result the proposal is also likely to have a reduced trip generation due to its central location and access to public transport.
- *Direction 4 - A City for Walking and Cycling* - The development provides cycle storage/ parking for residents and visitors, in accordance with the requirements of the SDCP 2012. The development, being in such close proximity to employment, services, shops and recreation facilities, is also likely to encourage a greater level of pedestrian activity as opposed to a normal residential development which would have a greater reliance on a private motor vehicle. This is supporting by the analysis presented in the Transport Assessment included at Attachment 5.
- *Direction 5 - A Lively and Engaging City Centre* - The mix of uses on the site will continue to activate this section of Regent Street and Marian Street.
- *Direction 6 - Vibrant Local Communities and Economies* - The proposal will expand the range of community facilities available in the area through the provision of a child care centre.
- *Direction 8 - Housing for a Diverse Population* - The proposal will increase living opportunities in the Redfern area with the provision of a range of apartment sizes and types, including adaptable apartments.
- *Direction 9 - Sustainable Development, Renewal and Design* - The proposal will include a range of sustainable building features. It is also consistent with the principle of Transit Oriented Development in that the new housing and retail and child care uses will be within a highly accessible location that is situated adjacent to Redfern station and numerous bus services, thereby reducing reliance on the private motor vehicle. It is also benefits from access to a cycle network and is within walking distance to major employment nodes, educational facilities, retail and business services and community uses.

5.3.4 Development near Rail Corridors and Busy Roads – Interim Guideline

The impact of road noise and potential vibration impacts has required the provision of a detailed assessment in an Acoustic and Vibration Report prepared by Acoustic Logic (Attachment 17). The assessment demonstrates that the acoustic impact of rail noise and vibration on non-rail development is acceptable as required by the interim guideline.

5.3.5 Transport Policies

The following transport policies are addressed in the Transport Assessment prepared by GTA:

- NSW Long-term Transport Master Plan;
- NSW Planning Guidelines for Walking and Cycling;
- Guide to Traffic Generating Developments (RMS);
- Sydney's Cycling Future;
- Sydney's Walking Future and

The aim of these guidelines is to assist land-use planners to improve consideration of walking and cycling to create more opportunities for people to live in places with easy walking and cycling access to urban services and public transport. An assessment against the relevant Development assessment requirements (Chapters 5.8 and 7) of the Guide is provided in Table 15.

Principle	Comment
5.8 Building and Site Design:	
<ul style="list-style-type: none"> • Ensure building and site designs identify and respond to walking and cycling routes identified; • Encourage active uses on ground floors of building in centres along key walking routes; • Ensure shopfronts and windows of building overlook the street; • Design pedestrian entrances to buildings to be directly off the street and visually dominant; • Build office, commercial and mixed use buildings close to the lot line to provide a continuous edge to the street and provide weather protection of footpaths; • Design driveways crossing footpaths so that vehicles cross at low speed and motorists have a clear view of pedestrians; • Design driveways out of basement car parks to include a level motor vehicle stopping platform and splayed building corners to improve visibility; • Design driveways out of basement car parks with a low grade to facilitate entry and exit by cyclists; • Delineate and mark key walking routes through car parks and give pedestrians priority along those routes. 	<p>The proposal has been designed to be consistent with these building and site design considerations and incorporates:</p> <ul style="list-style-type: none"> • Active uses on the ground floors; • Does not adversely impact upon the surrounding traffic and transport network and its efficiency; • Pedestrian and vehicular entrances to the building are clearly defined and provided at grade with clear sight lines to avoid conflict with passing pedestrians and cyclists; • The proposal incorporates a built form to clearly define the street; • Provide an active frontage to the key pedestrian frontage of Redfern Street Laneway.
7.4 Transport Management and Accessibility Plans	<p>The application is supported by a Traffic Assessment report prepared by GTA (Attachment 5). The report assesses the impacts of the development upon the surrounding transport network and identifies that the site's proximity to public transport and active transport routes maximises the use of public transport, walking and cycling and therefore reduces car reliance.</p>
7.5 Transport Access Guide	<p>The proposal is adjoined by the Redfern Railway Station and bus stops that service the Station and Redfern retail precinct.</p>
7.6 Bicycle Parking and End-of-Trip Facilities	<p>The proposal implements the provision of bicycle rails and lockers for residents and visitors to the site and is detailed in the application.</p>

Table 15: Assessment against the relevant development assessment requirements of the 'NSW DPINR Planning Guidelines for Walking and Cycling'

5.3.6 Redfern-Waterloo Built Environment Plan (Stage 1)

The 'Built Environment Plan (Stage One) (Plan)' has been prepared to provide a planning framework for the redevelopment of strategic sites within the Redfern-Waterloo precinct. The site is identified as being within 'Strategic Site E – Redfern Railway Station, Gibbons and Regent Streets'.

An assessment against the relevant provisions of Section 4.5 of the Plan '*Land Use and Design Concepts for RWA's Strategic Sites*' is provided below within Table 16.

Land Uses and Design Concepts	Comment
Establish a vibrant, attractive local hub for business, retail and residential activity around the Railway Station, with attractive, functional civic spaces and pedestrian scaled urban spaces linked by streets and laneways.	As detailed previously, the proposal will provide a development that is consistent with this land use concept and consistent with the zone provisions which permit a mixed use development. The proposal will ensure the improved connection and amenity of the site to the public domain.
Achieve a critical mass of density to activate and generate development	The proposal incorporates a both residential and commercial/retail and child care uses that will continue to support the activation and generation of development within the Redfern-Waterloo precinct and wider locality.
Encourage the development of a vibrant, culturally diverse, multi-use town centre with quality medium and high density development	The proposal is a high quality architecturally designed high density mixed use development.
Retaining the two storey height of existing shopfronts along the length of Regent Street	The proposal retains a two-storey height along Regent Street that is consistent with the height of the shopfronts to be retained on the adjoining development to the north at 60-78 Regent Street. The height increases at the corner with Marian Street to provide a strong corner element and increase the opportunity for separation to the development to the west.
Ensuring all new development is built to the street boundary and in alignment with the street	The building is located on the property boundary on Regent and Marian Street.
Ensuring that all new car parking is below ground level	The car parking is located at basement level.
Provide quality private open space, with good solar access and appropriate landscaping	All dwellings incorporate private open space consistent with SEPP 65 ADG. Private communal open space is also provided.

Table 16: Assessment against the RWBEP 'Land Use and Design Concepts for RWA's Strategic Sites'

5.3.7 Draft Urban Design Principles – Redfern Centre

The Draft Urban Design Principles - Redfern Centre (Draft UDPRC) were developed by the former Redfern Waterloo Authority (RWA) to assist in achieving high quality design outcomes for development and to complement clause 22 Design Excellence contained in Part 5, Schedule 3 of the MD SEPP.

The proposal is consistent with the relevant objectives applying to the broad Redfern centre as set out in Table 17.

Objective	Comment
Reinforce as a major employment node	The site will maintain commercial/retail uses at ground level and will provide a child care centre at first floor providing employment opportunities therefore reinforcing the area's employment provision.
Retain Laneway links and improve their amenity and ambience	The proposal does impact on existing laneway links.
Achieve a consistent block edge to reinforce the main street character of the centre	The proposal incorporates a block edge to Regent and Marian Streets to maintain the main street character.
Respond to the two (2) storey height and grain of existing shopfronts	The proposal retains a two-storey height along Regent Street that is consistent with the height of the shopfronts to be retained on the adjoining development to the north at 60-78 Regent Street. The height increases at the corner with Marian Street to provide a strong corner element and increase the opportunity for separation to the development to the west.
Activate the public domain	The proposal provides retail shopfronts, child care centre entrance and a separate residential lobby to ensure activation of Regent Street and Marian Street.
Minimise car parking impacts	The proposal provides car parking at basement level, which is accessed from William Lane to maximise active frontage and the building presentation along Marian and Regent Streets.
Achieve a transition in urban scale to residential areas	The proposal results in a maximum building height consistent with that anticipated for the area under the applicable development standards.
Protect and enhance heritage items and settings	The proposal does not result in adverse impacts upon the surrounding heritage items and their settings.

Table 17: Assessment against the draft objectives for the Redfern Centre

An assessment against the draft Urban Design Principles for 'High Rise Building' is provided within Table 18 below. Principles that are contained in the Apartment Design Guide are noted and have not been addressed to avoid duplication.

Design Principles			Assessment
Building heights	<ul style="list-style-type: none"> • Max. 18 storeys setback 8m from street • 2 storeys to Regent Street • 3 storeys to Marian Street 		Partial compliance. Addressed in assessment of MD SEPP (Section 5.2.3 and the SEPP 1 Objection included at Attachment 15)
FSR	<ul style="list-style-type: none"> • 7:1 		<ul style="list-style-type: none"> • Complies
Minimum site area	<ul style="list-style-type: none"> • 1,400m² for buildings 13-18 storeys 		<ul style="list-style-type: none"> • Non-compliance – see discussion below
Podium Design			
Floor to floor heights	<ul style="list-style-type: none"> • Retail/Commercial: <ul style="list-style-type: none"> – 3.6 to 4.2m ground level – 3.2 to 3.8m above • Residential: 2.9 to 3.2m 		<ul style="list-style-type: none"> • Retail - Complies. 7.2m floor to floor heights provided to the ground level to maximise the flexibility of this space for future uses. The ceiling height is also driven by the need to provide a two storey street wall height that is consistent with the approved development to the north. • Residential - Complies, refer to Section 5.2.6 SEPP 65 and ADG
Setbacks	<ul style="list-style-type: none"> • Regent Street: 0m • Marian Street: 1.5m • William Lane: 0.8m 		<ul style="list-style-type: none"> • Complies • Non-compliance: Marian Street setback is 0m. This is considered appropriate as provides a street edge treatment to maximise activation as well as enable a strong built form that reinforces the corner of Marian and Regent Streets. • Non-compliance: A 0m setback is provided William Lane. The physical characteristics of the site do not lend itself to the provision of a setback to William Lane.
Character	<ul style="list-style-type: none"> • Respond to the fine-grain lot pattern and shopfronts, • Provide a consistent street edge • Architectural character to respond to use 		<ul style="list-style-type: none"> • Complies • Complies • Complies
Continuity	<ul style="list-style-type: none"> • Provide continuous street walls • Response to parapets and RLs of existing buildings 		<ul style="list-style-type: none"> • Complies • Complies
Ground level activation	<ul style="list-style-type: none"> • Provide active uses to ground floors with frontage to public streets; 		<ul style="list-style-type: none"> • Complies

Design Principles		Assessment
	<ul style="list-style-type: none"> Car parking to be underground Minimise blank walls to public streets; Building to provide surveillance above street level; 	<ul style="list-style-type: none"> Complies Complies Complies. The child care centre and apartment balconies.
Awnings	<ul style="list-style-type: none"> Awnings to be a feature of the main façade; Provide continuous awnings, glazed awnings discouraged 	<ul style="list-style-type: none"> Complies Complies. Awnings will be solid is continuous but made up of separate elements that step to follow the slope of Regent Street.
Heritage	<ul style="list-style-type: none"> New building is to complement heritage fabric; provide contemporary design sympathetic to scale, materials and proportions of adjacent building. 	<ul style="list-style-type: none"> Complies. Brick laid traditionally is the primary material for the tower, which responds to the traditional mix of brick warehouses and terraces that characterised the area. The five glazed arches fronting Regent Street mimic the pattern and scale of the original five shopfronts.
Vehicle access	<ul style="list-style-type: none"> Locate vehicle entries away from high pedestrian areas Combine vehicle entries with service vehicle entries Loading access is to be primarily from William Lane 	<ul style="list-style-type: none"> Complies Complies Complies
Tower Design		
Setbacks	<ul style="list-style-type: none"> 4m Marian Street 8m Regent Street 	Non-Compliance. Addressed in assessment of MD SEPP (Section 5.2.3 and the SEPP 1 Objection included at Attachment 15.
Building separation	<ul style="list-style-type: none"> As per SEPP 65 	Partial non-compliance. Refer to Section 5.2.6.
Character and architectural expression	<ul style="list-style-type: none"> New development to provide articulation and interest to all facades – windows, balconies Towers to have a maximum footprint of 2000m² 	<ul style="list-style-type: none"> Complies. The building is well articulated with balconies, windows, recesses and architectural detailing. Complies. Tower footprint is 597m²
Proportions	<ul style="list-style-type: none"> Define the building form with a strong 2-3 storey base; To achieve high quality architectural outcome use: vertical and horizontal off sets in walls (e.g. columns, recesses, projections) articulation of different parts of 	<ul style="list-style-type: none"> Complies. The building use is reflected in its form with a strong 2 storey in-site concrete base responding in breakup and scale to the terrace typology, and a residential brick tower that curves gently back to a 3m setback above. The tower itself is takes on two material forms with brick to the

Design Principles		Assessment
	the building façade with different façade elements or materials	<p>east and precast concrete to the west giving a slender appearance when viewed from the north or south.</p> <ul style="list-style-type: none"> Complies: The building form above street level is expressed with vertical and horizontal articulation through deep recesses and horizontal banding. The tower is broken into two (2) evenly spaced horizontal façade breaks on Regent Street. A vertical break created by a full height façade recess reduces the perceived bulk of the tower form from Marian Street, creating two (2) distinct slender tower elements;
Skyline/Roof top design	<ul style="list-style-type: none"> Screen and integrate rooftop plant. 	<ul style="list-style-type: none"> Complies. The rooftop plant is integrated with the lift overrun and limited to the zone above the fire stairs and around the lift so that it reads as a central built element and not plant. It is set back from the building parapet so will not be visible when viewing the building from street level, when viewed from a distance planting around the perimeter of the roof will provide a visual screen.
Materials/treatments	<ul style="list-style-type: none"> Materials to accommodate solid elements, avoid highly reflective glass. 	<ul style="list-style-type: none"> Complies. Solid elements are used throughout the facades, including brick and precast concrete. As detailed in the Reflectivity Statement (Attachment 3 architectural package) reflectivity of materials will be minimised.
Environmental Impact		
Solar/access Overshadowing	<ul style="list-style-type: none"> Apartments - As per SEPP 65 Residential development to satisfy BASIX 	<ul style="list-style-type: none"> Complies. Refer to Section 5.2.6 Complies. Refer to Section 5.2.8 and Attachment 19
Wind Mitigation	<ul style="list-style-type: none"> Minimise wind impacts on pedestrians; Wind tunnel testing is required. 	<ul style="list-style-type: none"> Complies. Refer to Section 5.4.6 and Attachment 20
Acoustics	<ul style="list-style-type: none"> All residential buildings are to comply with noise criteria contained in SDCP 2012; Acoustic assessment required 	<ul style="list-style-type: none"> Complies. Refer to Section 5.6 and Attachment 17

Table 18: Assessment against the draft Urban Design Principles for 'High Rise development

Minimum Site Area

A site area of 1,400m² is specified for high rise development of 13-18 storeys in height. The site has an area of 822m², which is less than the minimum specified area. Despite this variation, it is considered that the site is of an adequate size to accommodate the proposed development as evidenced by the following:

- The proposal substantially complies with the provisions of SEPP 65 ADG. The apartments will benefit from high level of amenity in terms of minimum size, solar access, and private and communal open space provision. While the proposal does not comply with boundary/building separation distances specified in the ADG, this is primarily attributed to the existing setbacks of the adjoining building to the west at 7-9 Gibbons Street, which is also non-compliant with the separation distances;
- The compliance with FSR and 18 storey maximum height limit applying under SEPP MD. While the proposal encroaches into the two (2) and three (3) storey height limits applying on Regent and Marian Streets, the tower setback is consistent with the approved adjoining development to the north (Refer to Section 5.2.3 and SEPP 1 Objection included at Attachment 15);
- The proposal achieves compliance with the relevant provisions of the SDCP 2012, including but not limited to dwelling mix, adaptable housing and bicycle parking;
- The architectural resolution of the building is well considered and exhibits design excellence as required by the SEPP MD (refer to Section 5.2.3);
- The proposal does not result in unreasonable impacts to the adjoining development in terms of overshadowing (5. loss of privacy or view loss;
- The proposal does not have unreasonable impacts on the public domain. It does not result in additional overshadowing to Jack Floyd Reserve, located to the on the opposite side of Regent Street; and
- Adequate car parking, bicycle parking, loading and waste facilities can be accommodated on the site to service the needs of the development.

Adherence to the 1400m² site requirement would be unreasonable in the circumstances as this EIS demonstrates that the site can readily accommodate the proposed development. Furthermore, this would effectively sterilise the redevelopment of the site, which is the remaining land parcel within the block bound by Redfern Street, Regent Street, Marian Street and Gibbon Street. This is contrary to the objectives and provisions of the various statutory and strategic policies addressed in the preceding sections, which seek to facilitate the ongoing renewal of the Redfern town centre.

5.3.8 Redfern-Waterloo Authority Contributions Plan 2006

The Redfern-Waterloo Authority Contributions Plan 2006 authorises a levy of 2% of the proposed cost of carrying out the development. Should approval be granted, this requirement can be included as a condition of Development Consent. Based on the estimate prepared by Mitchell Brandtman Quantity Surveyors and Construction Cost Managers, for calculation of s94 contributions, the proposed cost of works is \$37,738,941 (Incl GST), which will yield a contribution of \$754,778.92.

5.3.9 Affordable Housing Contributions Plan 2006

The Affordable Housing Contributions Plan 2006 requires the payment of a contribution towards the provision of affordable housing within the Redfern-Waterloo area.

The contribution is a monetary contribution: per square metre of gross floor area.

The contribution rate up until June 2015 was \$76.83/m². The gross floor area (GFA) of the proposal is 5,752m² less the existing GFA of some 970m² resulting in the additional GFA proposed being 4,782m². The additional GFA should form the basis of the calculation of any required contribution.

5.3.10 City of Sydney Development Control Plan

The former Redfern-Waterloo Authority area is excluded from the City of Sydney Development Control Plan 2012 (SDCP 2012) area of application. It is noted that consideration of Development Control Plans is not necessary for State Significant Development as specified by clause 11 of State Environmental Planning Policy (State and Regional Development) 2011. However, the SEARs have required consideration of the SDCP 2012. Accordingly, an assessment of the key provisions contained within the following sections of the SDCP 2012 has been provided:

- Section 3 General Provisions;
- Section 4 Development Types 4.2 Residential Flat, Commercial and Mixed Use Developments; and
- Section 4 Development Types 4.4.4 Child care centres

As the site is subject to the provisions of the SDCP 2012, consideration of some of the items have only been provided to demonstrate the proposal has responded to the planning framework applying to the wider site context.

General Provisions (Section 3)

Public Domain Elements (Section 3.1)

Footpaths (3.1.1.4) and Pedestrian and Bike Network (3.1.2)

Section 3.1.2 relates to the provision of new pedestrian and bike networks within the LGA. The proposal does not provide new footpaths. Where required, footpaths will be reinstated in accordance with the Sydney Streets Design Code.

Defining the Public Domain (Section 3.2)

Addressing the Street and Public Domain (3.2.2)

The proposal does achieve the intent of the provisions as outlined below:

- The building has been designed to address both Regent Street and Marian Street;
- The proposal maximises ground level entries. Separate entries are provided to the retail and child care uses from Regent Street. Entry to the residential lobby is provided from Marian Street; and
- Opportunities for direct surveillance of the street at intervals of less than 6.0m are provided.

Other provisions contained within 3.2.2 of the SDCP 2012 are addressed in the assessment of provisions applying to Residential Flat developments below.

Active frontages (3.2.3)

The Active Frontages Map identifies the section of Regent Street to the east and south of the site as active frontages. The proposal reinforces this by retaining retail uses at ground level and the proposed child care centre at ground and first floor. The active uses extend around the corner of the building onto Marian Street.

Footpath Awnings (3.2.4)

The Footpath Awning and Colonnades Map require the provision of a continuous awning along the section of Regent Street to the east and south of the site as active frontages. The proposal reinforces this with the provision of an awning along the Regent Street frontage. The proposed awnings are consistent with the awning provisions outlined in 3.2.4 as demonstrated below:

- The proposed awning is compatible with the scale and contemporary design of the proposed building;
- The awning is compatible with the scale of the building and is of an appropriate width;
- It is located at an appropriate height. The awning is located between ground and first floor levels and will not cut across architectural elements;
- The awning extends along the Regent Street frontage and continues around the corner to Marian Street;
- The awning will have adequate drainage;
- The awning is cantilevered and non-trafficable; and
- The width of the awning on Regent Street is between 2m and 3.6m.

Wind Effects (3.2.6)

Consistent with the provisions of Section 3.2.6 a Pedestrian Wind Environment Study has been prepared by Windtech and is included at Attachment 20. As detailed in Section 5.4.7 of this EIS, the proposal satisfies the wind requirements of Section 3.2.6 of the SDCP 2012.

Reflectivity (3.2.7)

Section 3.2.7 contains objectives and provisions which seek to minimise the reflection of sunlight from buildings. As detailed in the Reflectivity Statement prepared by SJB Architects and included in the architectural drawings package at Attachment 3, glazing and other cladding materials will have a maximum visible light reflectivity of 20%.

Urban Ecology (Section 3.5)

Section 3.5 of the SDCP 2012 outlines requirements in relation to urban ecology including:

- Biodiversity (3.5.1)
- Urban Vegetation (3.5.2)

The Landscape Plan prepared by Black Beetle included at Attachment 4 is considered to satisfy the requirements of Section 3.5 of the SDCP 2012 and identifies significant landscape improvements for the site within the landscaped communal open space on the roof-top and landscaped outdoor areas for the child care centre located on level 1.

Ecologically Sustainable Development (Section 3.6)

A BASIX Certificate and NSW Subsection J (A) BCA Assessment prepared by Efficient Living is considered to address the provisions of Section 3.6.

Water and Flood Management (Section 3.7)

Section 3.7 of the SDCP 2012 outlines requirements in relation to water management including:

- Drainage and stormwater management (3.7.2)
- Stormwater quality (3.7.3)
- Water re-use, recycling and harvesting (3.7.5)

The Stormwater Concept Plan prepared by Bekker included at Attachment 8 is considered to address the relevant provisions of Section 3.7.

Transport and Parking (Section 3.11)

Section 3.11 of the SDCP 2012 outlines requirements in relation to transport and parking. Relevant considerations in Section 3.11 are addressed in Section 5.7.1 of this EIS and the Transport Report prepared by GTA included at Attachment 5.

Accessible Design (Section 3.12)

Section 3.12 sets out the accessible design requirements for development. An Accessibility Report has been prepared by Cheung Access and is included at Attachment 7. It is noted that the proposal provides 12 adaptable dwellings which is consistent with the requirement for 15% of dwellings to be adaptable.

Waste (Section 3.14)

Section 3.14 of the SDCP 2012 outlines requirements in relation to waste management including:

- Waste Management Plans (3.14.1)
- Construction and demolition waste (3.14.2)
- Collection and minimisation of waste during occupation (3.14.3)

The following documents submitted with this application are considered to address the requirements of Section 3.14:

- The Waste Management Plan prepared by Elephants Foot which details the waste management measures to be provided for the ongoing operational phase of the development. The Waste Management Plan is included at Attachment 9;
- The architectural plans prepared by SJB Architects, which details the location of waste and recycling facilities (refer to Attachment 3); and
- The Preliminary Construction Management Plan provided at Attachment 10 details the waste management measures during the demolition and construction stages of the proposed development.

Development Types - Residential Flat, Commercial and Mixed Use Developments (Section 4.2)

Section 4.2 of the SDCP 2012 outlines the specific requirements in relation to residential flat, commercial and mixed use developments including:

- Building height (storeys) and street frontage heights (4.2.1)
- Building setbacks (4.2.2)
- Amenity (4.2.3)
- Fine grain, architectural diversity and articulation (4.2.4)
- Types of development (4.2.5)

The provisions relating to building height and setbacks are not considered as the relevant height and setbacks provisions are contained in SEPP MD and Draft Urban Design Principles – Redfern Centre.

Amenity (4.2.3)

Section 4.2.3 of the SDCP contains objectives and provisions relating to the amenity of residential flat and mixed use development. The majority of these provisions are addressed in the assessment of the SEPP 65 ADG in Section 5.2.6 and Attachment 16. Table 19 below addresses provisions relating to amenity, which are not mandated by the ADG.

The other provisions relating to amenity are addressed in Table 7 below which are addressed in Table 19 below.

Part/Section	Controls	Compliance
4.2.3.1 <i>Solar Access</i>	Addressed in ADG	Complies. Refer to Section 5.2.6 and Attachment 16
4.2.3.3 <i>Internal Common Areas</i>	Internal common areas, corridors and lift lobbies are to have access to daylight and an outlook.	Complies.
	Common corridors are to be at least 1.8m-2m wide in front of lifts.	Complies.
4.2.3.5 <i>Landscaping</i>	Requires a landscape plan prepared by a suitably qualified landscape architect to be submitted with the development application. This section specifies the information required to be included on the landscape plan (i.e. planting schedule, etc.)	Complies. Landscape Plan has been prepared by Black Beetle and is included at Attachment 4.
	Landscaping is to give precedence to species with low water needs, including native plant species, and trees and shrubs are to be selected and located to manage sun and wind impacts	Complies. Refer to Landscape Plan at Attachment 4.
4.2.3.6 <i>Deep soil</i>	Addressed in ADG	Refer to Section 5.2.6 and Attachment 16
4.2.3.7 <i>Private open space and balconies</i>	Addressed in ADG	Complies. Refer to Section 5.2.6 and Attachment
4.2.3.8 <i>Common open space</i>	Addressed in ADG	Complies. Refer to Section 5.2.6 and Attachment 16
	Addressed in ADG	Complies. Refer to Section 5.2.6 and Attachment 16
	Common open space may be located on elevated gardens or roof tops provided that the area and overall design can be used for the recreation and amenity needs of residents.	Complies. Roof-top communal open space will accommodate a range of recreation and amenity needs of residents.
	Unpaved soft landscaped area to comprise a minimum of 50% of the total area of common open space.	Complies. Refer to Landscape Plan included at Attachment 4
4.2.3.9 <i>Ventilation</i>	Addressed in ADG	Complies. Refer to Section 5.2.6 and Attachment 16
4.2.3.11 <i>Acoustic privacy</i>	<p>This section sets out noise criteria for residential apartments relating to:</p> <ul style="list-style-type: none"> • Repeatable maximum noise levels from external noise sources and noise from ventilation systems. • Noise transmission between apartments. • Layout of apartments. 	Refer to Section 5.6 and the Acoustic and Vibration Assessment included at Attachment 17.

Part/Section	Controls	Compliance
4.2.3.10 Outlook	Provide a pleasant outlook, as distinct from views, from all apartments. Views and outlooks from existing residential development should be considered in the design of the form of new development.	Complies. The design of the proposal has maximised the number of apartments that are oriented to Regent and Marian Street, to minimise the outlook towards the adjacent apartments to the west and north.
4.2.3.12 Flexible housing and dwelling mix	Developments more than 10 dwellings are to provide the following dwelling mix: <ul style="list-style-type: none"> • Studio 5 - 10%; • 1 bedroom: 10 – 30% • 2 bedroom: 40 – 75%; and • 3+ bedroom 10 - 100% <p>Note: the maximum percentage of 1 bedroom dwellings may be increased above 30% provided that the numbers of studio dwellings and 1 bedroom dwellings combined does not exceed 40% of the total dwellings proposed. Adaptive re-use of existing structures may propose an alternative mix where it can be demonstrated that the existing structure restricts compliance the provisions.</p>	Complies: <ul style="list-style-type: none"> • 6 x studios (7%) • 27 x 1 bedroom (34%) • 38 x 2 bedroom (48%) • 9 x 3 bedroom (11%) <p>The combined studio and one bedroom apartments represent 41% of the total number of dwellings, which marginally exceeds maximum of 40%.</p>

Table 19: SDCP 4.2.3 Amenity - Residential Flats and Mixed Use Developments

Fine grain, architectural diversity and articulation (4.2.4)

Section 4.2.4 of the SDCP contains provisions which aim to introduce fine grain built form into development and to ensure the scale, modulation and façade articulation responds to its context. The proposal is consistent with the relevant provisions as outlined below:

- A maximum street frontage length of an individual building is:
 - 65m on a street with a width greater than or equal to 18m wide.
 - 40m on streets with a width less than 18m wide

Regent Street has a width in excess of 18m and Marian Street is less than 18m wide. The proposed building complies with the requirement with street frontage length of 26m (approx) to Regent Street and 31m (approx) to Marian Street.
- Elements of the scale, modulation and articulation of the proposal are detailed in the SEPP 65 Design Statement included at Attachment 16 and summarised below:
 - The building form above street level is expressed with vertical and horizontal articulation through deep recesses and horizontal banding. The tower is broken into two (2) evenly spaced horizontal façade breaks on Regent Street.
 - A vertical break created by a full height façade recess reduces the perceived bulk of the tower form from Marian Street, creating two (2) distinct slender tower elements.

Types of development – Tall Building (4.2.5.1)

Section 4.2.5.1 specifies a maximum floor plate of 750m² for towers and tall buildings greater than 35m in height. The proposal complies with this requirement with a tower floor plate of 597m².

Waste minimisation (4.2.6)

Section 4.2.6 specifies requirements relating to the management of waste for residential flat buildings and mixed use developments. The following documents are considered to address these requirements:

- The Waste Management Plan prepared by Elephants Foot which details the waste management measures to be provided for ongoing operational phase of the development. The Waste Management Plan is included at Attachment 9; and
- The architectural plans prepared by SJB Architects, which details the location of waste and recycling facilities (refer to Attachment 3).

Development Types – Child care centres (Section 4.4.4)

Section 4.4.4 specifies requirements relating child care centres which are addressed in Table 20. An indicative layout of the child care centre is shown in the floor plans prepared by SJB Architects (refer to Attachment 3). As the fitout of the child care centre will be subject of a separate development application, many of the requirements contained in 4.4.4 will be addressed at that stage.

Part/Section	Controls	Compliance
4.4.4.2 Allocation of child care places	Proposals for child care centres are not to exceed 90 child places.	Complies. The proposal is for a 65 place child care centre.
	A minimum of 33% of child care placed for children under two (2 years)	Subject to future development application
4.4.4.3 Location	Child care centre may be located above the ground floor when: <ul style="list-style-type: none"> • there are no viable alternatives for a location at ground level in the building or the surrounding site; • access to outdoor space is available; and • emergency access and egress points are suitable. 	Complies.
	Child care centres are not to be located: <ul style="list-style-type: none"> • within sight of injecting rooms, drug treatment clinics, sex industry premises and other such uses; or • within no through roads unless, in the opinion of the consent authority, there would be adequate parking and turning space either within the roadway or the centre grounds; or • in close proximity to cooling towers; or • where there are undue health risks on the site or in the vicinity. 	Complies.
	Child care centres are not to have direct street frontage access to a classified road, or any other road which in the opinion of the consent authority is unsuitable for a child care centre, having regard to: <ul style="list-style-type: none"> • the prevailing traffic conditions; • pedestrian and vehicle safety; and • the likely impact of the development on traffic. 	Complies. Vehicle access to the car parking is from William Lane. It is anticipated that many people utilising the child care centre will access the centre via walking or public transport. The pedestrian entrance to the child care centre is from Regent Street, to maximise visibility and provide separation to the residential lobby entrance on Marian Street.

Part/Section	Controls	Compliance
		The location of the entry is considered appropriate as consistent with the character or Regent Street.
4.4.4.4 <i>Design of play areas</i>	<p>The detailed layout and design requirements for indoor and outdoor play areas will be detailed in the future Development application.</p> <p>Outdoor areas must:</p> <ul style="list-style-type: none"> • be a minimum size of 7sqm of usable outdoor space per child; • provide space for active play; • be directly accessible from indoor areas; <p>Outdoor areas are to be adequately fenced on all sides, with a minimum fence of 1.8m be provided with at least 3 hours of solar access to 50% of the required outdoor area between 9am and 3pm on 22 June.</p>	<p>Subject to future development application</p> <ul style="list-style-type: none"> • Complies, including 20m² of indoor play area. • Complies • Complies • Complies • Non-compliance. Due to the shadows cast by the existing adjacent buildings, only a proportion outdoor area facing Regent Street will receive solar access during the morning, which will be less than 3 hours. Despite this variation a high level of amenity can be achieved in the design of the outdoor space.
4.4.4.5 <i>Control of noise impacts to child care centre</i>	Requirement for compliance with internal noise criteria, preparation of an Operational Management Plan and preparation of acoustic assessment.	Subject to future development application
4.4.4.6 <i>Parking and pedestrian safety</i>	<ul style="list-style-type: none"> • Vehicle and pedestrian access points are to be appropriately marked and sign posted. • Vehicles must be able to enter and leave the site in a forward direction. • Areas used by vehicles must be separated from areas used by children with appropriate fencing and gates. • Where parking spaces are within a mixed use development, the spaces for the child care centre are to be located and grouped together and conveniently located near the access point to the centre. 	<p>Will comply. Subject to future development application</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
4.4.4.7 <i>Safety and security</i>	<ul style="list-style-type: none"> • Public entry to a child care centre is to be limited to one secure point. • Other requirements for design and management of secure entry • Incorporate windows on the front façade to enable natural surveillance 	<p>Complies.</p> <p>Will comply. Subject to future development application</p> <p>Complies</p>
4.4.4.8 <i>Additional considerations for child care centres located above ground</i>	Requirements safe havens, unobstructed internal areas, enclosure of play rooms and design and fencing to outdoor areas.	Will comply. Subject to future development application.

Table 20: SDCP 2012 - 4.4.4 Child Care Centre

5.3.11 City of Sydney Public Domain Manual

The Public Domain Manual sets out the requirements for the submission of Public Domain Plans, and Footpath Alignment Levels and Gradients that arise from conditions of consent for development applications.

The proposal is yet to be approved, and as such no conditions of consent have been imposed. Notwithstanding its application, the proposal has been designed to appropriately connect to the surrounding public domain and its footpaths and gradients.

5.4 Built form and Urban Design

The following section addresses the matters identified in the SEARs relating to built form and urban.

5.4.1 Design Excellence

The urban design principles contained in the Redfern Waterloo Built Environment Plan (Stage One) 2006 (BEP) indicates that 'new buildings must achieve design excellence in architectural, landscape and urban design' and that 'design competitions for significant sites will be encouraged'.

The requirement to achieve design excellence is reinforced by Clause 22 of Schedule 3 of SEPP (Major Development) 2005 (SEPP MD) requires that the consent authority must have regard to whether a proposal exhibits Design Excellence. The requirements of Clause 22 have been addressed in Section 5.2.3 of this EIS which demonstrates that the proposal exhibits design excellence.

5.4.2 Analysis of design alternatives

As detailed in the Urban Design and Built Form Analysis Report prepared by SJB Architects (Attachment 2) a range of design options were explored and analysed for the site. Key considerations in exploring the built form including:

- The building height and FSR standards contained in the SEPP MD;
- The siting design criteria and guidelines contained in Part 3 of the ADG (SEPP 65) in particular the visual privacy/setback provisions; and
- The setbacks and form of the existing development to the west and north-west at 7-9 Gibbons and 157 Redfern Street, as well as the setbacks and form of the approved student accommodation development on the adjoining site to the north. It is noted that the setbacks of the building at 7-9 Gibbons Street and 157 Redfern Street are non-compliant with the ADG and former Residential Flat Design Code (RFDC), which applied at the time these applications were approved.

These options are represented in Figures 11 below and broadly included:

- (1) Option 1 fully compliant - height/setback controls in SEPP MD and
- (2) Option 2 compliant with the height/setback controls in SEPP MD, non-compliant with the setbacks in the ADG
- (3) Option 3 (current option): non-compliant with the height/setback controls in SEPP MD and non-compliant ADG setbacks/separation. In developing this option, achievement of the intent of the height/setback and separation controls was identified as critical, along with ensuring a built form that was consistent with setbacks of approved adjoining development to the north at 60-78 Regent Street.

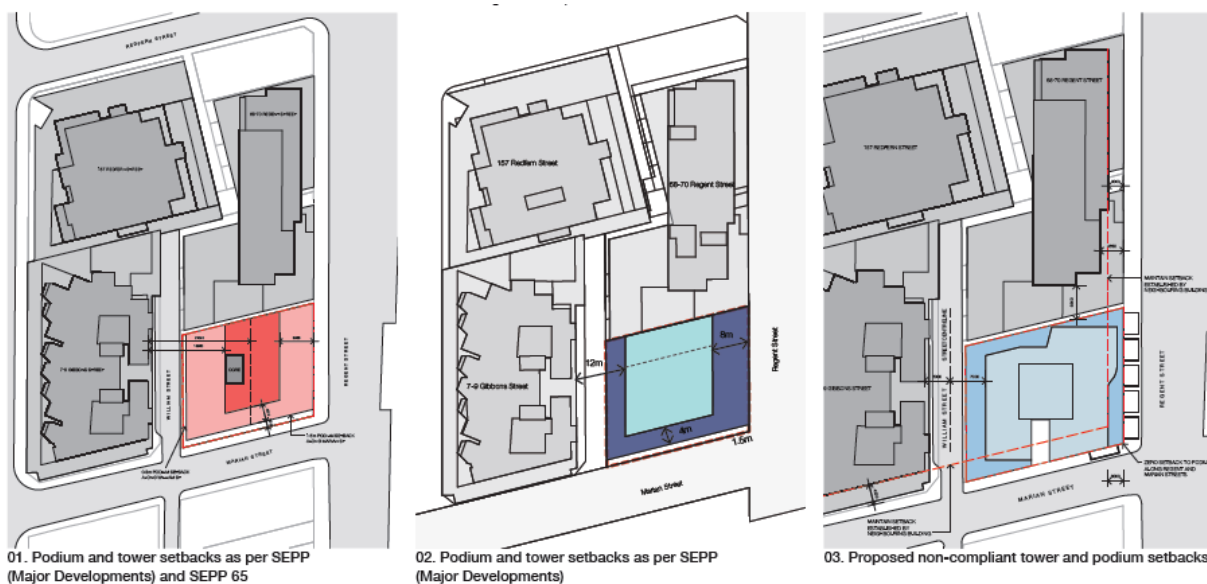


Figure 11: Built Form Options

Option 1 and 2 resulted in tower footprints of between 300m² and 440m² which were not viable and prevented the realisation of the redevelopment of the site as envisaged under the BEP and SEPP MD. Furthermore, the setbacks and siting of the tower in Option 1 and 2, were inconsistent with the approved development to the north.

Option 3, the current proposal, was the preferred option as:

- It allowed for the realisation of the development potential of the site within a viable tower footprint;
- It provides a tower setback that was in keeping with the approved development to the north, to create a consistent urban form along; and
- Adequate privacy could be achieved for the proposal and not adjoining apartments to the west, despite the reduced setbacks/separation distances.

5.4.3 Height, Bulk and Scale

Street Frontage Height and Tower Setbacks

The height controls contained within SEPP (Major Development) 2005 and the Draft Urban Design Principle for Redfern Centre contemplate the creation of a two (2) storey street frontage height along Regent Street and a three (3) storey street frontage height along Marian Street, with an 18 storey tower above the podium.

The required setbacks to the tower element are:

- 8m from Regent Street; and
- 4m from Marian Street.

As noted in Section 5.2.3 and the SEPP 1 Objection (Attachment 15) the development does not satisfy the above setbacks. As detailed in Table 20 a variable setback of 0m to 4m is proposed to the 18 storey tower from Regent Street and Marian Street, which results in encroachments into the two (2) and three (3) storey height controls.

Building Level	Regent St: setback to 18 storey tower	Compliance	Marian St: setback to 18 storey tower	Compliance
Ground – Level 1	0m	Yes	0m	Yes
Level 2 - 4	0m to 3m	No	0m to 4m	No
Level 5 -14	3m	No	0m to 4m	No
Level 15 - Roof	1.5m to 3m	No	0m to 4m	No

Table 21: Proposed tower setbacks

While the configuration of building height is not wholly consistent with the heights and setbacks in the SEPP MD and design guidelines, it is considered acceptable for the following reasons:

- The setbacks and heights are the outcome of a considered urban design and site analysis which is articulated in the Urban Design and Built Form Analysis Report prepared by SJB Architects. As outlined in Section 5.4.2 above, this included formulation and analysis of alternative options for the siting of the tower;
- The proposal achieves the intent of the controls as it provides a continuous two storey street front along Regent Street, and therefore responds to the scale of the traditional shopfronts that have characterised the street. This is reinforced by the glazed arches on Regent Street, which mimic the scale and proportions of the existing shopfronts;
- The setbacks of the tower from Regent Street are consistent with the siting of the tower in the development approved on the adjoining site to the north at 60-78 Regent Street. In this regard, it will ensure a consistent built form as viewed from Regent Street;
- Compliance with the 8m and 4m setbacks significantly constrains the opportunity to accommodate a viable tower floor plate on the site. This is further compounded by the need to maximise separation distances to the adjoining apartments at 7-9 Gibbons Street, which contain windows and balconies within 3m of their boundary;
- It does not result in unacceptable overshadowing impacts of the adjoining development or public domain as outlined in Section 5.4.6 and shadow diagrams at Attachment 3;
- It does not result in unacceptable winds impacts as outlined in Section 5.4.7 and the Pedestrian Wind Environment Study (Attachment 20);
- Compliance with the controls would not reduce the potential view impacts from adjacent properties, as outlined in Section 5.4.4;
- It does not result in unacceptable privacy impacts on the existing or approved adjoining developments as demonstrated in the consideration of the setback and separation requirements of the ADG (Section 5.2.6);
- Compliance with the street setback controls will effectively prevent the redevelopment of the site as envisaged under the BEP and SEPP MD; and
- The proposal complies with the 18 storey height limit and provides a building mass and configuration that is consistent with the adjoining buildings, both existing and approved.

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

5.4.4 View Loss

An assessment of the potential view loss from 7-9 Gibbons Street and 157 Redfern Street has been included in the Built Form and Urban Design Analysis (Attachment 2).

The views that will be impacted are southerly views from 157 Redfern Street as well as easterly and some southerly views from 7-9 Gibbons Street. While an inspection of the available views from apartments within these buildings has not been undertaken, based on the analysis of the site context it is anticipated that they are principally district views to the eastern suburbs and to the south. Further, the tower form is generally consistent with that which is envisaged by the planning controls and consequently any view impact could be reasonably anticipated.

Extracts of the analysis included in Attachment 2 are provided in Figure 10 and 11 below. Figure 10 depicts views from apartments at 7-9 Gibbons Street that will be potentially impacted and maintained. Figure 11 depicts views apartments at 157 Redfern Street that will be potentially impacted and maintained.



Figure 12: Views 7-9 Gibbons Street



Figure 13: Views 157 Redfern Street

The analysis suggests that while the easterly and some southerly views from certain apartments at 7-9 Gibbons Street will be impacted, some views to the east will be maintained between the gaps of the proposed building and approved Iglu development. Some southerly views will also be maintained along the direction of William Lane.

In relation to 157 Redfern Street, views towards the south east will be affected, however, they will also maintain views towards the south along William Lane.

It is noted that there will be some impact on views from the approved Iglu building, but as this building is principally orientated to the east and west, the impacts will not be unreasonable.

Overall it is considered that the view impacts are reasonable given:

- The proposal is consistent with the building height controls and the height of surrounding buildings. In this regard the view impacts are consistent with impacts that would be expected from the building height applying to the site.
- Based on the floor layouts of the adjoining buildings, while there are substantial impacts on southerly and easterly views, some of the apartments benefit from outlooks and views in other directions;
- Some views will be maintained between the gap of the proposed building and the approved Iglu development as well as along the direction of William Lane.

It is not reasonable to expect the existing views to be fully maintained, given the statutory and strategic planning framework envisage high rise development for the site, and the existing views are the result of the underdevelopment of the site. On balance, the impact upon views is within the level that should be expected from the development controls applying to the site.

5.4.5 Visual impacts

An analysis of the visual impacts of the proposal on the street and surrounding context is provided in the Built Form and Urban Design Analysis (Attachment 2), using photomontages of the proposal from key vantage points. Extracts of the photomontages which are included in Figure 12 and 13 below demonstrates that the proposal is consistent height, bulk and scale of the existing and approved (Iglu) development. The development provides a good fit within its context and will detract from the streetscape or vantage points, but will make positive contribution to the urban landscape.



Figure 14: Photomontage showing proposal looking North along Regent Street



Figure 15: Photomontage showing proposal looking west from Cope Street. The envelope of the approved Iglu Development is shown on the left.

5.4.6 Overshadowing

Shadow diagrams for the proposed development have been prepared by SJB Architects at hourly intervals on 21 June (winter solstice) and are included in the Urban Design and Built Form Analysis at Attachment 2 and architectural drawings at Attachment 3. The shadow diagrams indicate that the proposal will not have unacceptable overshadowing impacts as outlined below:

- It will not result any additional overshadowing to the adjoining residential development at 7-9 Gibbons Street;
- A significant proportion of the shadows created by the proposal will fall within the shadows cast by the approved Iglu development to the north at 60-78 Regent Street;
- The majority of the additional shadows are cast on the existing commercial/retail premises located along Regent Street;
- It does not result in additional overshadowing to Jack Floyd Reserve, located to the east on the opposite side of Regent Street;
- The shadow diagrams show distant additional shadows are cast to the east and west. It is anticipated that parts of these areas are already in shadow as a result of the adjoining buildings.

5.4.7 Wind Impacts

A Pedestrian Wind Environment Study has been prepared by Windtech (Attachment 20) for the proposed development. The study provides a detailed assessment of the wind environment impact of the proposed development and included testing a scale model of the proposal in wind tunnel.

The results of the study indicated that although wind conditions at ground level along the southern aspect of the proposal exceed the SDCP requirements, they are comparable to, and in most cases better than the existing wind conditions. In particular, strong westerly winds are experienced along Marian Street, which is an existing wind effect, which will be slightly improved with the proposed development. The Study notes any future a development on the other side of Marian Street, towards the Gibbons Street corner, is expected to alleviate the impact of these westerly winds.

The Study found that the proposed south-eastern corner balconies and Level 1 terrace area are exposed to the prevailing southerly winds due to the exposure of the site in this direction. The rooftop area is also exposed to the wind up-washing over the built form. The interaction of the proposed tower with the adjacent approved Iglu development to the north at 60-78 Regent Street was identified as exacerbating this effect.

Windtech identified that treatments are required for certain locations to achieve the desired wind speed criteria for pedestrian comfort and safety. These treatments are identified below and have been incorporated into the current design (refer to Attachments 3 and 4) to mitigate wind impacts on occupants of the proposal as well as, the adjoining development and surrounding public domain:

- Level 1:
 - Inclusion of a 1.8m tall porous screen along the southern and eastern aspects of the outdoor terrace area.
 - Inclusion of trees along the southern aspect of the terrace. Trees should be densely foliating, evergreen and capable of growing to a height of 4m to meet with the tower overhang above. Trees should have interlocking canopies where possible.
- Levels 5-13:
 - Include either a full height impermeable screen or louvres along the southern aspect of the south-eastern corner balcony. The louvres must be oriented so that they baffle the southerly winds.

- Levels 14-17:
 - Inclusion of either a 2m tall impermeable screen or louvres along the southern aspect of the south-eastern corner balcony. The louvres must be oriented so that they baffle the southerly winds.
- Rooftop Terrace:
 - Include dense landscaping along the perimeter of the rooftop terrace area. Landscaping should be evergreen and at least 1.8m tall.
 - Include either dense landscaping or a 1.8m tall impermeable screen at the centre of the eastern section of the terrace area.

The Study concludes that with the inclusion of these recommended treatments to the final design, the results of this study indicate that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.

5.4.8 Activation of Regent Street and Marian Street

The proposal incorporates the following elements to maximise activation of Regent Street and Marian Street:

- An active retail frontage is maintained at ground level along Regent Street, which wraps around Marian Street.
- A child care centre is provided at level 1. The entry to the child centre is located at the corner of Regent and Marian Street. The child centre incorporates outdoor areas and will enhance passive surveillance of the public domain around the site.
- The retail frontages are articulated with full height glazing along Regent and Marian Street to maximise visibility from within the spaces onto the street.
- A large, separate residential entrance lobby is located on Marian Street to generate additional pedestrian activity along this street.
- Vehicle entry is located off William Lane to minimise disruption to the active frontage along Marian and Regent Streets. The articulation of the building form provides a street definition and positive pedestrian interface, which also enhances the public domain.
- The balconies of the residential apartments overlook Regent and Marian Street to further increase opportunities for passive surveillance.

5.5 Environmental and Residential Amenity

Environmental and Residential Amenity – The Proposal

The assessment of the SEPP 65 ADG (Section 5.2.6) and the SDCP 2012 (5.3.10) provided in this EIS, as along with the SEPP Design Verification Statement (Attachment 16), the Noise and Vibration Assessment (Attachment 17), the Pedestrian Wind Environment Study (Attachment 20) and various other consultant inputs demonstrate that the proposed apartments will benefit from a high level of amenity, in relation to:

- Access to sunlight and daylight;
- Natural and cross ventilation;
- Dwelling size and layouts;
- Private and communal open space provision;
- Privacy and outlook;
- Storage and bicycle parking
- Wind impacts; and
- Satisfaction of internal noise criteria and minimise impacts from road and rail noise and vibration.

Environmental and Residential Amenity – Surrounding development

The preceding sections of the EIS (as referenced below) demonstrates that amenity of the existing surrounding residential properties, the approved development at 60-78 Regent Street and the public domain will not be unreasonably impacted in relation to:

- Overshadowing;
- View loss;
- Visual impacts;
- Wind impacts; and
- Privacy (Section 5.2.6 in the assessment of the ADG).

In addition, the Noise and Vibration Assessment included at Attachment 17 and discussed in Section 5.6 will not give rise to unreasonable noise emissions.

As detailed in the Transport Assessment at Attachment 5, the additional traffic generated from the proposal will have a negligible impact on the surrounding road network, and will not compromise the safety of pedestrians. Vehicle parking access and the loading/service bay will be accommodated off William Lane so as to minimise conflicts with pedestrian movements on Regent and Marian Street.

5.6 Noise and Vibration

The Acoustic and Vibration Assessment prepared by Acoustic Logic (Attachment 17) provides an assessment of the proposal against the relevant criteria contained in:

- Australian Standards AS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors”;
- NSW Department of Planning’s policy, Development Near Rail Corridors And Busy Roads –Interim Guideline, sets out internal noise level criteria, which applies under the Infrastructure SEPP, and
- The Sydney DCP 2012;

The assessment concludes that noise intrusion from traffic associated with surrounding roadways will comply with the noise criteria provided that the recommended acoustic treatment is adopted.

The assessment of rail induced vibration in accordance with NSW Department of Planning’s policy, Development Near Rail Corridors And Busy Roads –Interim Guideline, indicates that the proposal will comply with criteria without the need for treatment.

5.6.1 Noise emissions

The assessment determined external noise emission criteria based on the requirements of NSW EPA and Sydney City Council. The assessment concludes potential ongoing noise impacts associated with mechanical plant and equipment can be managed as all plant can be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and standard acoustic treatments if required.

The following mitigation measures are recommended:

- Require an acoustic assessment for future development applications for the ground and first floor retail and child care uses.
- Provide standard acoustic treatments for plant, where appropriate such as screens, enclosures, in-duct treatments (silencers/lined ducting) or similar devices.

5.6.2 Construction Noise and Vibration

Acoustic Logic have provided an indicative analysis of construction noise and vibration, including consideration of the relevant criteria. While they have recommended that a detailed construction noise assessment be undertaken at Construction Certificate Stage, they have identified processes and measures that should be followed to mitigate noise and vibration impacts during construction. While the determination of appropriate noise and vibration control measures will depend on the particular construction activities and site conditions, examples include:

- Selection of alternative construction appliances or process;
- Installing acoustic barriers ;
- Noise monitoring; and
- Establishment of work site practices that reduce noise emissions.

The appropriate measures will be determined once the detailed construction programme is known.

5.7 Transport and Accessibility (Construction and Operation)

5.7.1 Transport and Accessibility - Operation

The proposal is supported by a detailed Transport Assessment prepared by GTA (refer to Attachment 5) which addresses traffic, transportation, access and parking consideration and impacts associated with the proposed development as identified in the SEARs, and outlined below.

Existing and future vehicle, public transport, pedestrian and bicycle movements

The Transport Assessment provides a comprehensive assessment of the existing public transport patronage and services, cycling and pedestrian movements.

The proposed development is expected to generate additional patronage on surrounding public transport services, including use of the bus and train networks. However, given the relative size of the proposal, the impact on these services in terms of additional patronage is expected to be negligible and unlikely to compromise their operation post development (or require any additional services). On this basis, additional public patronage numbers have not been quantified.

Well established pedestrian paths are generally provided along both sides of all roads in the vicinity, with the exception of the rear laneway to the site (William Lane). The paths along Regent Street are generally approximately 3.5-4.5m wide, with the majority of other paths in the vicinity generally 2-3m wide. These combine to provide a good level of connectivity in the area and links with key transport nodes and other local area uses.

There is good connectivity offered to the bicycle network from the subject site, with Turner Street a 'bicycle friendly road' directly across Regent Street from the site. Turner Street offers a direct connection to George Street, which has a separated two-way cycleway running adjacent to the road carriageway, offering a key north-south link in the bicycle network. With consideration for the size of the development and number of bicycle parking spaces to be provided, the anticipated increase in bicycle movements as a result of the proposed development could not be expected to have a significant impact on the surrounding bicycle network. On this basis, the peak cyclist activity has not been quantified.

Traffic Generation

The proposed development is expected to generate up to 35 and 136 movements in a peak hour and daily period respectively. This is not expected to compromise the safety or function of Regent Street or Gibbons

Street, given the amount of traffic these roads currently carry and noting that the nearby traffic signals provide appropriate gaps for local traffic access.

Car parking

As detailed in Section 5.2.9 the proposal provides a total of 65 car parking spaces which complies with the maximum parking rates specified in the SLEP 2012. The assessment concludes that the car parking provision is adequate.

The Transport Assessment also provides the following compliance assessment of the car parking layout against key provisions in SDCP 2012 and Australian Standards:

- The minimum width of the two-way ramp from William Lane is 5.5m between walls.
- Pedestrian splays at the ramp exit are provided.
- The parking spaces are generally proposed to be 5.4m long by 2.6m wide accessed from a 5.8m wide aisle.
- Spaces adjacent to walls have been widened by 0.3m.
- The columns within the car park are located in accordance with the requirements of Figure 5.2 of AS2890.1:2004.
- A shared area of 2.4m wide has been provided adjacent to the adaptable spaces. In some instances the 2.4m width has not been provided for the full length of the car space, however sufficient space has been provided for a wheelchair to unload then have a 1.2m wide path to the lift.
- The ramp grade is a maximum of 1:4 with 1:8 transitions provided for 2.5m at either end of the ramp.
- A flat grade is provided for 6m from the frontage of the site prior to the ramp.
- A 1m extension at the end of the blind aisle is not provided, however swept path assessment shows vehicles can manoeuvre into and out of the space satisfactorily if the space is widened to 2.8m.

Achievement of State Plan Targets

A full green travel plan would be prepared for the development, prior to occupation of the building. The plan would outline site-specific measures that should be implemented to promote and maximise the use of more sustainable modes of travel to and from the site. A summary green travel plan is included in the Transport Assessment, which identifies:

- Existing public transport provision servicing the site and surrounding area;
- Existing cycling and pedestrian infrastructure servicing the site and surrounding area;
- The location of existing car share schemes that are proximate to the site;
- The constrained car parking provision proposed on site which will encourage a reduction in car ownership and car trips;
- Methods to encourage a modal shifts and facilitate the achievement of State modal targets; and
- The requirement for a Travel Access Guide to be prepared provided to occupants of the building.

Bicycle parking and end of trip facilities

The proposed development generates a total minimum requirement for 95 bicycle parking spaces to be provided on-site, including 83 spaces for residents/ staff and 12 spaces for visitors/customers. The residential bicycle parking is provided within the hallway of each floor, with upright bicycle parking provided for each apartment on that level. The retail staff and childcare centre staff bicycle parking spaces (6 spaces) are provided in the back of house area on the ground floor. These spaces will be detailed in a future

application (s) for the fitout of the retail and child care tenancies. Visitor bike parking (9 spaces) is located along the Marian Street frontage in the south west corner of the site.

In addition to the above, the Sydney DCP 2012 requires the provision of two (2) change room/ shower facilities for a development with 11–20 bicycle parking spaces associated with a non-residential land use. As only four (4) of the proposed bicycle parking spaces are for staff of the retail and childcare components of the development, this requirement is not triggered.

Driveway Access William Lane

The concept proposal submitted with the SEARs request proposed vehicle access from Marian Street. This has been amended with the current proposal, which now proposed vehicle access from William Lane.

5.7.2 Transport and Accessibility – Construction

The Preliminary Construction Management Plans (CMP) Milligan Group included at Attachment 10 outlines access and parking arrangements, traffic control measures during the demolition, excavation and construction, and associated measures that will be implemented to mitigate impacts on pedestrians, cyclists, public transport and vehicle traffic adjoining and surrounding the site.

It is noted that the approval of the NSW Roads and Maritime Services (RMS) and the City of Sydney Council will be required for the establishment of a construction zone along Regent Street and Marian Street frontages of the site. The frontage is currently occupied by on-street parking. This will result in a temporary reduction in on-street parking. This is considered reasonable given they service the business along this strip of Regent Street, which will be demolished.

5.8 Crime and Safety

An assessment of the proposal against the Crime Prevention Through Environmental Design (CPTED) framework has been undertaken in accordance with SEARs. CPTED identifies the principles to incorporate into the design of developments to minimise the opportunity for crime:

The consistency of the proposed development with the key these principles is of CPTED is below.

Surveillance

The retention of the ground floor retail uses, introduction of a child care use at ground/ first floor and residential apartment from levels 2 to 17 will increase opportunities for passive surveillance along Regent and Marian Streets and increase pedestrian movements and activity within the centre. The introduction of the visitor bicycling parking, child care drop spaces and retail loading along William Lane will also improve the surveillance and activity along the laneway.

Access Control

Access control entries will be provided to the residential lobby and entry to the child care centre, with security cards or similar devices. Access control will also be implemented for the residential letter boxes

Territorial Reinforcement

The proposal provides a strong street edge, with a zero setback, which clearly delineates the private spaces from the public domain along Regent and Marian Street and William Lane.

Entries into the building are located on the street edge and will be easily identifiable.

Space Management

The design of the proposal seeks to minimise the need for extensive maintenance or intervention. The selection of plant species within the roof-top communal open space are hardy, low maintenance species. Notwithstanding, an ongoing maintenance program will be implemented for this space to ensure it remains functional and attractive to users.

Robust materials have been selected, including brick which weathers naturally.

Lighting and Technical Supervision

Lighting will be provided in building entry points, lobbies, corridors, the basement areas and other common areas as necessary, to maximise visibility and provide a sense of safety. CCTV cameras will also be installed where appropriate.

Mitigation Measures

The following outlines potential mitigation measures that could be implemented to minimise opportunities for crime and anti- social behaviour, and maximise safety:

- CCTV cameras should be installed in the parking area, basement entry point, terrace rooftop and pedestrian entry points.
- Ceilings and walls in the basement parking area should be painted a light colour.
- Lighting should be provided at entry points (vehicular and pedestrian) and to all communal open space and public areas. This lighting should be automatically controlled by time clocks and/or sensors where appropriate, and to provide an energy efficient and controlled lighting environment.
- The entry/exit doors and fire exit doors should be fitted with appropriate locksets, intercoms and central access measures to restrict unauthorised access to the building.
- Secure basement access should be controlled using a swipe card and/or intercom to restrict unauthorised access to both pedestrians and motorists.
- Signage should be provided at entry/exit points to public spaces including:
- Graffiti and vandalism should be removed/repared as soon as practicable.
- Any burnt out lighting should be replaced as soon as practicable.
- Landscaping on the site is to be maintained.
- Regular maintenance and cleaning of communal areas, collection of rubbish.

5.9 European and Aboriginal Heritage

5.9.1 European Heritage

A Heritage Impact Statement (HIS) has been prepared by Urbis and is included at Attachment 21 to assess the heritage significance of the site and any impact the development may have on this significance. The HIS addresses the statutory heritage framework applying under SEPP MD and SLEP 2012, including listed heritage items and heritage conservation areas. The HIS has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance' (2001). The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

Heritage Significance of the Site

An assessment of the heritage significant of the site was undertaken in accordance with the Heritage Council of NSW's Assessment Heritage Significance (2001) guides. The findings of the assessment indicate that while

the site comprises buildings which are generally representative of Victorian commercial terraces, they are not considered to meet the requisite threshold for heritage listing. The assessment also found that the commercial terraces have been so altered on the ground floor that they no longer constitute good examples of the style and there are numerous examples of the typology and style in Sydney generally which are in significantly more intact settings and better represent the phase of commercial development.

As previously identified the concept proposal submitted with the request for the SEARs provided for the retention of the existing shopfronts, which was consistent with the approach for the adjoining development that was proposed (and since approved) at 60-78 Regent Street, Redfern. However, following the outcome of the heritage assessment which found that the shopfronts did not warrant retention, it was decided to proceed with a design that did not keep the shopfronts and which would provide a better urban design outcome with a sympathetic podium which is appropriate to the scale of the streetscape.

Impacts on Significance of Heritage Listings

The HIS indicates the site is not a listed heritage item under the SLEP 2012 or the SEPP MD and there are not items within the vicinity of the site. The site is located adjacent to the 'Redfern Estate Conservation Area' (C56) which is listed on the SLEP 2012.

The HIS indicates that the significance of the Redfern Estate Heritage Conservation Area is vested in its presentation as a Victorian structured subdivision with a great diversity of housing types dating from the period 1840-1890. The HIS concludes that the proposal will not detract from the significance of the conservation area for the reasons summarised below:

- The site and adjoining sites have been earmarked for higher density development as evidenced by the relevant controls in the SEPP MD which generous FSR and height. The majority of the street block on which the site is located has been developed in accordance with controls and now accommodate contemporary multi storey developments. The proposed development of the site would complete the pattern of development and the impact on the conservation area in terms of character and scale would be neutral.
- The shopfronts do not warrant retention (for reasons outlined above) and a better urban design outcome will be achieved with their removal and construction of new development with a sympathetic podium which is appropriate to the scale of the streetscape. The podium is consistent with the approved development on the adjoining site at 60-78 Regent Street Redfern (Ref SSD6724) and relates to the height with a number of the double storey items within the conservation area.
- The podium would serve to visually mediate the difference in scale between it and the proposed development. It provides a good urban design outcome along Regent Street, where the higher density developments have ground floor retail uses.
- The proposal has been sympathetically designed with interesting articulation of form and application of material. Specifically:
 - The eastern façade of the tower would be set back from the façade of the podium below towards the north east corner to create a shadow line which would enhance the podium element;
 - The use of masonry on the façade softens the appearance of the bulk and establishes some relationship with the items comprised in the conservation area in terms of materiality;
 - There is a strong element to the south east corner which steps up from the podium level and establishes a relatable scale between the subject building and the building stock to the south and east; and
 - The building has a high void to solid ratio which ensures that the solidity of the masonry is balanced with penetrations in the façade. This would serve to visually break up the bulk of the development.
- The proposed building would have no physical impact on any listed heritage items.

5.9.2 Aboriginal Heritage

An Aboriginal Archaeological Due Diligence Desktop Assessment has been prepared by Urbis in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (OEH, 2010)* and is included at Attachment 22.

The assessment was based on a review of the site's history and environmental context and visual inspection of the site. A summary of the assessment findings is provided below:

- No sensitive landscape features were identified in, or within proximity to the subject site, and vegetation has previously been completely cleared. Soft landscaping to the rear yards was identified as contemporary, with no mature trees suitable for carving or scarring present.
- Although the site is located on the fringe of Aeolian sand deposits associated with a former dune system, geotechnical investigations to the immediate north confirm that intact A-horizon soil has generally been removed and/or severely disturbed by development; disturbed fill was found to overlie archaeologically sterile clay subsoil (SMEC 2014). This is considered highly likely to also be the case for the subject site, which has been similarly developed and also contains various structures, concrete surfaces and subsurface utilities.
- The site was observed to be highly disturbed through the development of Regent Street and the construction of the five terraces, as well as the provision of associated infrastructure and subsurface utilities.
- No Aboriginal sites or objects were identified within the subject site as part of the current assessment, and no previously recorded sites, as registered on AHIMS, are located in or within 50 metres of the subject site.
- Based on the background, known levels of disturbance at the site, and the absence of archaeologically sensitive deposits; it is considered that the subject site has low to nil potential to contain Aboriginal archaeological sites or objects.

Having regard to the above findings, Urbis makes the following conclusions:

- the archaeological potential and sensitivity of the subject site has been assessed as very low to nil;
- there is no identified risk of harm to any Aboriginal sites or objects associated with the proposed works;
- no further Aboriginal archaeological investigation is required for the subject site, and an AHIP is not required for the proposed development.
- Given the assessment has found that the archaeological potential of the subject site is low to nil, it is therefore considered that the subject site does not have any identified significance to Aboriginal cultural heritage and archaeology.

5.10 Drainage and Flooding

The site is not affected by flooding.

A Stormwater Concept Report has been prepared by Bekker and included at Attachment 8. The key of the proposed on site stormwater management of system are outlined below:

- A rainwater reuse tank is to be installed under the level 1 floor slab with a storage volume of 18.1m³;
- New boundary stormwater pits at ground level, including gross pollutant control (GPC) pit;
- New overflow pipe drop down and drain to kerb and Gutter on Regent Street;
- Discharge pipe to drain to existing Pit in Regent Street;
- All stormwater collected from the roof terrace and plant zones drains to a rainwater reuse tanks;
- Water from balconies drains to boundary pit;

- Seepage water in basement to drain into a seepage pit and drain to boundary GPC; and
- All pipes to cater for the 100 year ARI.

5.11 Waste

A Waste Management Plan prepared by Elephants Foot included at Attachment 9 and the architectural plans (Attachment 9) detail the proposed waste storage, handling and collection systems for each of the residential, retail/commercial and child care uses.

The waste storage areas will be designed and constructed in accordance with the City of Sydney's 'Policy for Waste Minimisation in New Developments'.

For the residential component of the development waste chutes will be provided on each level of the building to manage waste and recyclable materials. Waste will discharge into a waste room located on the ground mezzanine level within the centre of the building. From this point waste will be transferred to the waste holding area on the ground level by the building manager for collection off Marian Street by Council.

A separate waste storage room is provided for the retail and child care uses, which is located on the ground level. Waste collection will be by a private waste contractor from the ground level loading dock on William Lane.

5.12 Construction Management

A Preliminary Construction Management Plans (CMP) has been prepared for the proposed development by The Milligan Group and is included at Attachment 10. The CMP details how the site will be managed during the demolition, excavation and construction phases of the development to minimise environmental impacts associated with these works.

5.12.1 Construction Traffic and Parking

As detailed in Section 5.12 of this EIS, the CMP outlines access and parking arrangements, traffic control measures during the demolition, excavation and construction and associated measures that will be implemented to mitigate impacts on pedestrians, cyclists, public transport and vehicle traffic adjoining and surrounding the site.

It is noted that the approval of the NSW Roads and Maritime Services (RMS) and the City of Sydney Council will be required for the establishment of a construction zone along Regent Street and Marian Street frontages of the site. The frontage is currently occupied by on-street parking. This will result in a temporary reduction in on-street parking. This is considered reasonable given they service the business along this strip of Regent Street, which will be demolished.

5.12.2 Sedimentation Erosion and Dust Controls

An erosion and sedimentation plan has been prepared by Cardno and is included in the CMP. The plan details the various measures that will be implemented on site during the demolition, excavation and construction to minimise dust generation and as well as impacts on water quality.

5.12.3 Construction Noise and Vibration

As detailed in Section 5.6 of this EIS, the Vibration and Acoustic Report prepared by Acoustic Logic (Attachment 17) details measures that will be implemented during the demolition, excavation and construction of the development to manage noise and vibration impacts on the surrounding development, including residents, and the public domain.

5.13 EP&A Regulation 2000 - Schedule 2 Considerations

The following addresses the additional items specified in Schedule 2 of the EP&A Regulation 2000.

5.13.1 Mitigation Measures

The measures required to mitigate the impacts associated with the proposed works are detailed in Table 22 below. These measures are informed by the consideration of key issues outlined in Section 5 and the attached consultant reports.

Mitigation Measures Response

Construction Management and Construction Traffic Management

The Preliminary Construction Management Plan (Attachment 10) and the Acoustic and Vibration Report (Attachment 17) outline mitigation measures to manage potential impacts arising during the demolition, excavation and construction phases of the development. It is noted that a comprehensive CMP and acoustic and vibration assessment will be required to be prepared in accordance with standard conditions of consent.

Wind Impacts

As detailed in the Pedestrian Wind Environment Study (Attachment 20) potential wind impacts arising from the proposal will be mitigated with the implementation of design treatment. These treatments have been incorporated into the design of the proposal as detailed in the Architectural Drawing Package (Attachment 3) and Landscape Plan (Attachment 4)

Reflectivity

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

Acoustic

The Acoustic and Vibration Report (Attachment 17) outlined various mitigation measures in relation to the following:

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

Waste Management

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

Traffic and Access

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

Table 22: Mitigation Measures

5.13.2 Approvals under Acts

As required by the Clause 7 of Schedule 2, the following identifies that the proposal will not require approval under the Acts identified in Table 23 below

Act	Approval Required
Legislation that does not apply to State Significant Development	
Coast Protection Act 1979	N/A
Fisheries Management Act 1994	N/A
Heritage Act 1977	N/A
National parks and Wildlife Act 1979	N/A
Native Vegetation Management Act 2003	N/A
Rural Fires Act 1997	N/A
Water Management Act 2000	N/A

Table 23: Approvals Requires Under Other Legislation

5.13.3 Justification of the proposal

Social and Economic Considerations

The proposed development will have social and economic benefits for the Redfern and wider area including:

- Maintaining and fostering new business and long-term employment opportunities within the area, by retaining retail/commercial uses and introducing a child care centre;
- Flow on economic benefits for local business as a result of the additional expenditure that will be generated from the residents residing in the 80 apartments and the staff and patrons of the retail and child care premises;
- Generating additional employment opportunities through construction jobs;
- Increased supply of housing within the area and providing greater housing choice with a mix of dwellings types and sizes, including adaptable housing, to suit a range of households;
- The provision of affordable housing contribution that can go towards increasing the supply of affordable housing within the area; and
- Improved safety and security for the area with the introduction of additional pedestrian activity, active street uses and increased passive surveillance along Regent and Marian Street; and

Biophysical / Considerations

The environmental impact assessment of the proposed development has demonstrated that:

- future occupants of the building will not be subject to adverse noise impacts;

- noise from the operation of the proposed development will not give rise to any unreasonable adverse impacts on nearby sensitive receivers;
- the proposal does not give rise to any adverse impacts on the local road or transport network;
- there is not expected to be any impacts on Aboriginal or European heritage values or heritage significance associated with the site, or the adjacent areas;
- any potential contamination of the site can be addressed and the site made suitable for the proposed use;
- wind impacts associated with the development of the proposed building can be managed with the incorporation of the recommended mitigation measures into the design of the building;
- waste will be managed in an efficient and coordinated manner to avoid potential odour, overflow, dumping or pollution;
- the site will be managed during construction to mitigate potential impacts on the amenity of the surrounding development and pedestrians in terms of noise, vibration, access and traffic, as well as physical environmental impacts,
- the proposed development can be adequately serviced by existing utilities and stormwater management infrastructure, subject to the provision of on-site stormwater management measures.

Ecologically Sustainable Development (Schedule 2 Clause 7(4) of the EP&A Regulation 2000)

The EP&A Regulation requires the following four (4) principles of ecologically sustainable development be considered in assessing a project:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

An analysis of these principles follows.

Precautionary Principle

The precautionary principle is applied where there is uncertainty as to potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. It requires:

- careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment; and
- An assessment of risk-weighted consequences of variation options.

This EIS has not identified any serious threat of irreversible damage to the environment that would arise from the proposal. On this basis the precautionary principle does not require further consideration for the subject proposal.

Inter-generational equity

Inter-generational equity requires that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both the existing and future generations by:

- Maintaining existing business and employment with the retention of retail and commercial uses on the site, while fostering new employment and business with the introduction of a child care centre and creation of flexible retail tenancies at ground level;
- Providing jobs and new housing within walking distance to public transport, employment and a range of services and facilities to minimise private vehicle usage and the associated environmental impacts;
- Improving the public domain and amenity in Redfern town centre; and
- Implementing management measures to protect the environment during the construction and ongoing operation of the development.

Conservation of biological diversity and ecological integrity

This principle requires that conservation of biological diversity and ecological integrity should be a fundamental consideration for development.

The proposal will not have any significant effect on the biological diversity and ecological integrity of the locality or wider area.

Improved valuation, pricing and incentive mechanisms

This principle identifies the need to consider environmental factors, in valuation of assets and services, including the cost of pollution, the costs of environmental resources that are used or impacted in the production of goods and services, and the cost of waste disposal.

The proposal provides for the implementation of mitigation measures for avoiding, reusing, recycling and managing waste during construction and operational phases of the development. Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

6.0 Section 79C Assessment

6.1 Overview

The proposed development is defined as development under the *EP&A Act 1979*, and accordingly an assessment under the matters listed under section 79C of the Act is required. This assessment is provided below.

6.2 The Provision of any Environmental Planning Instrument or Development Control Plan

The relevant EPIs applying to the development have been addressed in detail at section 5.2 as required by the SEARs issued for the proposal.

6.3 Planning Agreements under the *EP&A Act 1979*

No planning agreements apply to the site or the proposed development.

6.4 Any Matters Prescribed by the Regulations

The proposed demolition works will be undertaken in accordance with Australian Standard AS 2601-1991: The Demolition of Structures. Further management, safety and waste plans in accordance with this standard will be provided prior to the commencement of works.

The buildings will comply with the Building Code of Australia as detailed in Attachment 6.

6.5 Likely Impacts of the Development

In responding to the key assessment issues of the SEARs, the proposal has been demonstrated to be appropriate for the site. The resulting development provides housing and employment opportunities in a well-designed building that will be a positive contribution to the locality.

6.6 Any Submissions Made

Any submissions made will be assessed by the DP&E. It is, however, noted that as required by the SEARs, a community engagement programme was undertaken (refer Attachment 14).

This program involved consultation with key stakeholders and referral agencies relevant to the project to clearly communicate the development proposal, establish if there are any issues and action required prior to the application lodgement.

6.7 Suitability of the Site for the Development

The preceding sections of this statement demonstrate that the site is suitable for the proposal. The redevelopment of the site for mixed use purposes is consistent with the objectives of the current zone, the aims and objectives of SEPP SRD and SEPP MD, and is compatible with the existing and permissible land uses within the locality.

The site is acknowledged as being a highly accessible site with excellent access and proximity to services and facilities. In this regard, the site is ideal for a mixed use development.

There are no significant natural or environmental constraints that would hinder the proposal and accordingly the site is considered suitable for the proposal.

6.8 The Public Interest

The development of the site for residential purposes concurrently with commercial/retail uses is considered consistent with the zone objectives and the aims and objectives of SEPP SRD and SEPP MD, and provides additional housing opportunities within close proximity to employment opportunities and public transport nodes. The increase in residential density will also promote the diversification of employment opportunities within the locality to service the residential needs. The proposal will provide appropriate amenity for the intended occupants and provides a variety of affordable housing opportunities in close proximity to employment and public transport facilities.

The proposal is in the public interest.

7.0 Conclusion

The application seeks consent for an 18 storey mixed use development incorporating 80 residential apartments, retail and child care premises at ground and first floor, basement parking and associated facilities.

This EIS has been prepared in accordance with the requirements of Part 4 of the *EP&A Act 1979*, Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), and the SEARs. The development is supported by a broad range of supporting studies that confirm that the proposal is consistent with the assessment framework that has been established by the SEARs.

The proposal is permitted in the zone applying to the site and can be approved. The proposal complies with the principal development standards contained in SEPP MD, including the floor space ratio (FSR) and maximum overall 18 storey height limit. Despite the requested variation to the building height standard, the resulting development is considered to satisfy the zone objectives and result in a building form that is consistent with the intended urban design outcomes for the locality. Due to the constraints imposed by the existing adjoining development to the west, and the need to ensure adequate building separation, the 18 storey component encroaches into the two storey height zone applying along Regent Street and the three (3) storey height control applying along Marian Street. Accordingly a SEPP 1 objection to the two (2) storey height limit has been included with this EIS.

The proposal has been designed with careful consideration of the design quality principles contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the supporting objectives, guidelines and criteria contained within the Apartment Design Guide (ADG). The proposed dwellings are considered to be efficient and well designed. They will provide high amenity in an excellent location.

The proposal will provide for the activation of Regent and Marian Streets with the provision of retail/commercial and child care uses. The contribution to the upgrade and activation of the area both from a physical consideration and ongoing land use perspective is desirable and consistent with the intended development outcomes for the area under the Redfern Waterloo Built Environment Plan and SEPP (Major Development).

Based on the assessment presented in this EIS and the supporting studies, the proposal is appropriate for the locality and can be undertaken without unacceptable adverse impacts, and the approval of the application is sought.



Attachments

Attachment 1: Survey Plan prepared by Mitchell Land Surveyors

Attachment 2: Urban Design and Built Form Analysis Report prepared by SJB Architects

Attachment 3: Architectural Drawing Package prepared by SJB Architects

Attachment 4: Landscape Plans prepared by Black Beetle

Attachment 5: Traffic Assessment prepared by GTA Consultants

Attachment 6: BCA Assessment prepared by BCA Logic

Attachment 7: Access Report prepared by Cheung Access

Attachment 8: Stormwater Concept Plan prepared by Bekker

Attachment 9: Waste Management Plan prepared by Elephants Foot Recycling Solutions

Attachment 10: Preliminary Construction Management Plan and Erosion and Sediment Control Plan prepared by Milligan Group

Attachment 11: Geotechnical Desktop Study Report prepared by Aargus

Attachment 12: CIV Estimate prepared by Mitchell Brandtman Quantity Surveyors and Construction Cost Managers

Attachment 13: Cost of Works Estimate for Calculation of s94
Contributions prepared by Mitchell Brandtman Quantity
Surveyors and Construction Cost Managers

Attachment 14: Community Engagement prepared by SJB Planning

Attachment 15: SEPP 1 Objection prepared by SJB Planning

Attachment 16: SEPP 65 Design Verification Statement and ADG
Compliance Assessment prepared by SJB Architects

Attachment 17: Acoustic and Vibration Report prepared by Acoustic Logic

Attachment 18: Preliminary Site Investigation prepared by Aargus

Attachment 19: BASIX Certification and NSW Subsection J (A) BCA
Assessment prepared by Efficient Living

Attachment 20: Pedestrian Wind Environment Study prepared by Windtech

Attachment 21: Heritage Impact Statement prepared by Urbis

Attachment 22: Aboriginal Archaeological Due Diligence Desktop Assessment prepared by Urbis

Attachment 23: Secretary's Environmental Assessment Requirements (SEARs)